

Attachment J

This page intentionally left blank.



September, 11th 2023

RE: Board of Supervisors Agenda Item No. 25

Dear Monterey County Board of Supervisors,

Please find this letter of support from Big Sur Fire for Blaze Engineering's development of a new headquarters site. They have long been a partner of Big Sur Fire providing logistical and equipment support for fire and emergency response and have been severely limited over the last several years due to not having a dedicated headquarters site.

Additional considerations that enhance the benefit to the public are the two electric vehicle charging stations that will be installed as well as the water storage and fire hydrant that will be accessible by our apparatus during emergencies.

Of special note is finding 7(f) in the report which clearly supports the project moving forward. It states 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 over-story, and continue to harm adjoining resources.

Thank you for your willingness to support Blaze Engineering's proposed development which will benefit the Big Sur region including its resident, guests and natural resources. Please don't hesitate to reach me if you need additional information or have any questions.

Sincerely,

Matt Harris

Fire Chief
Big Sur Fire

From: [Diana Ballantyne](#)
To: [ClerkoftheBoard](#)
Subject: Board of Supervisors Agenda Item No. 25
Date: Monday, September 11, 2023 3:24:43 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To whom it may concern,

I am writing in support of allowing Blaze Construction to complete their move to their new location. Blaze has been a saving grace for us over the past 20 years that I have been managing Fernwood. They provide an very important service to the community of Big Sur. Because of their location, in times of emergency, they can respond quickly and put their invaluable expertise to use. There is no other service like that in Big Sur and a remote community like Big Sur, needs the kinds of services that Blaze provides. Finally Blaze provides jobs and housing for our local population and families. Sincerely,

Diana Ballantyne

Diana Ballantyne
General Manager
Fernwood Resort
47200 Highway 1
Big Sur, CA 93920
831-667-2422

From: [Kirk Gafill](#)
To: [ClerkoftheBoard](#)
Cc: [Marty Morgenrath \(marty@blazeengineering.com\)](mailto:marty@blazeengineering.com)
Subject: Board of Supervisors Agenda Item No. 25
Date: Monday, September 11, 2023 4:42:54 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Members of the Board,

I urge your support of the application submitted by Morgenrath-Blaze Engineering (PLN 160851-AMD1), as this will allow for the continuation of a locally based engineering and heavy equipment firm that provides much needed infrastructure support to residents and guest serving businesses in the Big Sur Community.

Given the history of closures of Highway 1, a locally based company with the capabilities of Blaze Engineering, is of unique value and importance to the Big Sur community.

Respectfully,

Kirk Gafill
President/CFO

Nepenthe/Phoenix Corporation
48510 Highway 1
Big Sur, CA 93920
Ph: 831.667.7326 - Direct
Ph: 831.667.2345 - Main
Fax: 831.667.2394

See live images of the Big Sur coast and the weather via our web cam at www.nepenthe.com.

From: rick@bigsurriverinn.com
To: [ClerkoftheBoard](#)
Subject: Board of Supervisors Agenda Item No. 25
Date: Monday, September 11, 2023 1:47:44 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Supervisors and Clerk of the Board,

I respectfully urge the Board of Supervisors to proceed with the previous approval of the Combined Development Permit on the above agenda item for Blaze Engineering.

As I've stated before, Blaze Engineering has been an important and engaged member of the Big Sur Community for many years. Big Sur is no stranger to any number of natural disasters, and the Blaze family has always looked after the needs of both the business and resident communities of Big Sur during these events. Without Blaze Engineering, we would often be left with few, if any, options for assistance with recovery efforts, as the necessary help would be much farther away, if available at all due to highway conditions and the challenge of transporting the needed equipment to our locations.

They have developed a thoughtful and comprehensive plan to minimize their footprint and impact to nearby neighbors, and should be allowed to continue to provide services to our community.

Please approve the Combined Development Permit.

Sincerely,

Rick Aldinger
General Manager
Big Sur River Inn

--
Rick Aldinger
General Manager

Big Sur River Inn
46800 Hwy One
Highway One at Pheneger Creek
Big Sur, Ca 93920

(831) 667-2700 voice
(831) 667-2743 fax

Visit us on the Web at <http://www.bigsurriverinn.com>

From: rick@bigsurriverinn.com
To: [ClerkoftheBoard](#)
Subject: Board of Supervisors Agenda Item No. 25
Date: Monday, September 11, 2023 1:47:44 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Supervisors and Clerk of the Board,

I respectfully urge the Board of Supervisors to proceed with the previous approval of the Combined Development Permit on the above agenda item for Blaze Engineering.

As I've stated before, Blaze Engineering has been an important and engaged member of the Big Sur Community for many years. Big Sur is no stranger to any number of natural disasters, and the Blaze family has always looked after the needs of both the business and resident communities of Big Sur during these events. Without Blaze Engineering, we would often be left with few, if any, options for assistance with recovery efforts, as the necessary help would be much farther away, if available at all due to highway conditions and the challenge of transporting the needed equipment to our locations.

They have developed a thoughtful and comprehensive plan to minimize their footprint and impact to nearby neighbors, and should be allowed to continue to provide services to our community.

Please approve the Combined Development Permit.

Sincerely,

Rick Aldinger
General Manager
Big Sur River Inn

--
Rick Aldinger
General Manager

Big Sur River Inn
46800 Hwy One
Highway One at Pheneger Creek
Big Sur, Ca 93920

(831) 667-2700 voice
(831) 667-2743 fax

Visit us on the Web at <http://www.bigsurriverinn.com>

DATE: September 12, 2023

TO: Monterey County Board of Supervisors. Via email to district1@co.monterey.ca.us; district2@co.monterey.ca.us; district3@co.monterey.ca.us; district4@co.monterey.ca.us; district5@co.monterey.ca.us; cob@co.monterey.ca.us

FROM: Heather Donaldson, representative of the Matthew and Carol Donaldson Family Trust, owner of adjacent parcel (APN: 419-201-006-000), and the heirs of said Trust

SUBJECT: Appeal of Planning Commission Decision: **PLN160851-AMD1/Morgenrath**
Monterey County Board of Supervisors meeting on Tuesday, September 19, 2023

LOCATION: 46821 Highway 1, Big Sur, CA; Big Sur Coast Land Use Plan area; APN: 419-201-007-000

Dear Supervisors Alejo, Church, Lopez, Askew, and Adams:

On behalf of the Matthew and Carol Donaldson Family Trust (the “Trust”), as both the attorney of the Trust and as a future heir to the Trust who stands to inherit an interest in the parcel in Big Sur (APN: 419-201-006-000, the “Donaldson Property”) situated directly adjacent to the proposed building site at issue (APN: 419-201-007-000, the “Proposed Site”), I submit this opposition and appeal to the above referenced building plan and amendment (PLN160851-AMD1, the “Plan and Amendment”).

I hereby object to the Plan and Amendment on behalf of the Trust and the heirs of the Trust as well as in favor of public interest. The Donaldson Property has been in our family for generations. It is near and dear to our hearts and we would do anything to protect and advocate for the lands in Big Sur. The unique and precious Big Sur habitat should be protected and preserved in-line with the Big Sur Land Use Plan to allow for these coastal lands to continue to be preserved for residents and visitors for generations to come.

The Visitor-Serving-Commercial (“VSC”) zoning at the Proposed Site is not intended to allow establishment of a construction company, including large equipment parking, storage, an office facility, a housing unit, and a construction workshop. Blaze Engineering (the “Applicant”) does not qualify as a VSC business and it threatens the protected coastal habitat by trying to force permission for its commercial business in a zoning area that is intended for VSC.

VSC is intended to allow for a gift shop, restaurant, or something that would attract and serve visitors in Big Sur, one of the few remaining redwood forests. **“A mere 150 years ago California's western edge was dominated by an ancient redwood forest *the size of Connecticut*. Less than 3% of that original [redwood] forest exists [today] (parks.ca.gov).”** We *must* protect what is left of these redwood forests. Furthermore, the California Condor and the Bald Eagle population that Ventana Wildlife Society has fought for the last 3+ decades to restore from the brink of extinction in the Central Coast of California was no small feat, and the effort is surely not aided by granting an exception for the development of a construction company in such an area (ventanaws.org/ourstory).

The Applicant's business does not fit within the VSC use and should not be given special consideration when such a sensitive habitat is at stake. The Applicant would be better situated in a non-protected and non-sensitive habitat that is appropriately zoned for this commercial use.

The Proposed Site and adjacent land would be irreversibly damaged by the removal of 10 trees and grading of slopes in excess of 30%, which would deteriorate the safety of the grounds surrounding the disturbed slopes, which impacts the Donaldson Property and home situated directly above the slope.

The proposed installation of electric-vehicle-charging stations is not appropriately planned. These stations would be directly next to multiple large redwood trees. The safety of these stations is debated, especially when considering issues due to user-error. These stations are typically in a large, paved parking lot, not a dirt parking lot next to protected redwood trees. These stations should be denied for the fire safety of the area and local residents.

The proposed Mitigated Negative Declaration as revised by a Supplemental Mitigated Negative Declaration does not adequately protect the Proposed Site and surrounding areas. There is no clear plan regarding monitoring the extensive compliance requirements, what would happen if the property was sold, nor who is responsible for maintaining the land and the neighborhood road into the indefinite future. The Applicant makes a lot of promises and future commitments, but monitoring and enforcing the compliance will be near impossible, especially considering any non-compliance is likely to cause irreversible damage that will be hard to remedy after the fact (i.e., land that is over-graded). We know from the Applicant's history as a tenant (provided by Matt and Carol Donaldson) that the Applicant doesn't always follow the rules and that the Applicant has previously damaged, eventually killing, at least two redwood trees due to the high impact of their operation on the environment, such as over-grading and continuous flow of heavy vehicles over the redwood roots. The Applicant has in fact already graded slopes in excess of 30% on the Proposed Site, prior to any final approvals. Matt and Carol Donaldson have filed reports of this violation to the County and the County has refused to enforce the current non-compliance on the Proposed Site. As such, there is no way anyone can ensure compliance will be monitored in the future, rendering any Mitigated Negative Declaration for the Proposed Site as inadequate protection.

I urge the Monterey County Board of Supervisors to deny the Plan and Amendment in the public interest of protecting the rare, world-renowned Big Sur habitat. You have the power to protect and preserve the coastal lands as they are intended to be. We rely on you, our representatives, to carry out your duties of protecting our coastal habitats without making exceptions and granting favors where it is unjust.

Sincerely,



Heather Donaldson, Esq.

Matthew and Carol Donaldson
46821 Highway 1
Big Sur California, 93920

Monterey County Board of Supervisors
District 1
168 West Alisal St., 2nd Floor, Salinas, CA 93901

TO: Mr. Luis Alejo, District Supervisor
DATE: September 6th, 2023
SUBJECT: APPEAL OF PLANNING APPLICATION NO. PLN160851-AMD1

Dear Supervisor Alejo,

Our appeal of the Planning Commission's decision on the amended Morganrath/Blaze Engineering coastal development permit is to be heard by the Board of Supervisors next Tuesday, September 12th. The initial Blaze Engineering construction yard project was heard by your Board four (4) years ago, narrowly passing with Supervisors Phillips and Parker voting to grant our appeal and deny the project. The revised project only exacerbates an already bad proposal. Because of your vote to deny our appeal of the original project, 4 years ago, we are writing to voice our continued opposition to this unprecedented development in the heart of the Big Sur Coastal zone. I strongly urge you to reconsider your previous position.

Blaze's proposed construction yard is not a permitted use in a zone designated as Visitor Serving. In the words of former Planning Commissioner Keith Vandevere at the Nov. 14, 2018 Planning Commission hearing, *"providing an essential service to the community does not make you a visitor serving use and providing an essential service to a business that is visitor serving, does not make you a visitor serving use. The only thing that makes you a visitor serving use, is providing services to visitors"*. Blaze Engineering does not provide services to visitors.

For the record, our family are direct decedents of John and Florence Pfeiffer, founders of the Lodge at Pfeiffer Big Sur State Park. Our family, through the generations, has maintained its current home at the foot of Apple Pie Ridge since it was originally built 100 years ago. As a family with deep roots in Big Sur we love and respect the land along this coast and will forever defend its natural beauty as did our forefathers. Our family, Applepie Ridge neighbors and the 8,000 member Ventana chapter of the Sierra Club stand in opposition to the proposed development of a construction yard along Highway One and on historical ApplePie Ridge.

The proposed project adjoins our property on Pheneger Creek and creates a nuisance in direct conflict with its Rural Community Center (RCC) and Visitor Serving Commercial (VSC) zoning designation and the objectives of the Big Sur Land Use Plan. A Final Local Action Notice (FLAN) was issued for the original application but was withdrawn when it became apparent the Coastal Commission would deny the project on appeal. The amendment to the original application is just window dressing designed to make it look more appealing. It is not more appealing; it is just more intrusive, more invasive and more destructive to the sensitive environment of Big Sur.

The original application, in brief, seeks a development permit to allow the establishment of a commercial construction operation in a "visitor-serving" zone. In the amendment the applicant boldly attempts to impose its will on the community by stating in the introduction that its purpose

"is to establish the uses allowed on the property located at 46821 Highway One, Big Sur".

It is not the applicant's role to establish what is and is not allowed where zoning regulations are concerned. It is the role of our duly elected officials to whom that responsibility falls. It is their duty to protect the community from such audacity by upholding and enforcing the regulations as they are written. It is those officials that we now turn to for that protection.

The amended application goes on to propose the addition of universal electric vehicle charging stations. This is just a bad idea for this location. Malfunctions are bound to occur in the transfer of high voltage electricity between charging stations and electric vehicles, that is a fact. Albeit it rarely, these malfunctions can and do result in fires. Simply put, charging stations lead to malfunctions that can lead to fires! A fire in this location, so near the proposed above ground 4000 gallon fuel storage tank and hazardous wastes, tucked into the margins of a Redwood Forest is a recipe for disaster. Is the liability of a spark induced wildfire worth the perceived benefit? Speaking objectively, we say it is not.

The County's preface to the description of the amended application states it to be "*minor and trivial*". That is a misrepresentation. First, with the County withdrawing the FLAN, the original project never received a final permit, so the revised application is not a minor and trivial amendment to a permit. The entire project is before you. Moreover, there is nothing minor or trivial about the amendment. The proposed addition of a second story onto a proposed office building is not trivial. Especially when it is intended to be a full time occupied space looking directly into the neighbor's bedroom window a mere fifty feet away. Nor is the installation of an EV charging station in a sensitive Redwood Forest. This could hardly be considered a development that "adheres to a "good neighbor" policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors" as required by the Big Sur Land Use Policy. Ref. para 5.4.3.E.5.

As our filings illustrate, there are just too many things wrong with this project and no amount of window dressing will cover them up. Notwithstanding its environmental impact, it's hazardous, it's an eyesore and it's not beneficial to the visiting public in ways intended by the County and the State. We implore your Board, and all concerned to take a good look at this project. You will see a project that will do more harm than good while benefiting a few at the expense of others. Please preserve the wild character of Big Sur and vote against this unbecoming development.

In closing we urge the Supervisors to uphold our appeal. It is the right thing to do under the law. To deny our appeal would be a subversion of the Monterey County code and of our civil rights under the equal protection clause of the constitution. The California Coastal Commission is on record as opposing this development and will hear our appeal if that should become necessary. In this we do not stand alone. The Sierra Club, with its diverse membership and political clout supports our appeal and has standing to appeal the matter themselves which they are. It's time to stop dragging this out and to stand on principal. It's time to uphold the law and upholding our appeal will do that.

Respectfully,

Matt and Carol Donaldson

Matthew and Carol Donaldson
46821 Highway 1
Big Sur California, 93920

Monterey County Board of Supervisors
District 2
11140 Speegle St., Castroville, CA 95012

TO: Mr. Glenn Church, District Supervisor
DATE: September 6th, 2023
SUBJECT: APPEAL OF PLANNING APPLICATION NO. PLN160851-AMD1

Dear Supervisor Church,

Our appeal of the Planning Commission's decision on the amended Morganrath/Blaze Engineering Coastal development permit is to be heard by the Board of Supervisors next Tuesday, September 12th. The initial Blaze Engineering construction yard project was heard by your Board four (4) years ago, narrowly passing with Supervisors Phillips and Parker voting to grant our appeal and deny the project. The revised project only exacerbates an already bad proposal. Your predecessor Supervisor Phillips, who often voted for development, saw the harm with this project and voted to uphold our appeal and deny the project. We are writing to voice our continued opposition to this unprecedented development in the heart of the Big Sur Coastal zone and strongly urge you to uphold our appeal as did Supervisor Phillips.

Blaze's proposed construction yard is not a permitted use in a zone designated as Visitor Serving. In the words of former Planning Commissioner Keith Vandevere at the Nov. 14, 2018 Planning Commission hearing, *"providing an essential service to the community does not make you a visitor serving use and providing an essential service to a business that is visitor serving, does not make you a visitor serving use. The only thing that makes you a visitor serving use, is providing services to visitors"*. Blaze Engineering does not provide services to visitors.

For the record, our family are direct decedents of John and Florence Pfeiffer, founders of the Lodge at Pfeiffer Big Sur State Park. Our family, through the generations, has maintained its current home at the foot of Apple Pie Ridge since it was originally built 100 years ago. As a family with deep roots in Big Sur we love and respect the land along this coast and will forever defend its natural beauty as did our forefathers. Our family, ApplePie Ridge neighbors and the 8,000 member Ventana chapter of the Sierra Club stand in opposition to the proposed development of a construction yard along Highway One and on historical ApplePie Ridge.

The proposed project adjoins our property on Pheneger Creek and creates a nuisance in direct conflict with its Rural Community Center (RCC) and Visitor Serving Commercial (VSC) zoning designation and the objectives of the Big Sur Land Use Plan. A Final Local Action Notice (FLAN) was issued for the original application but was withdrawn when it became apparent the Coastal Commission would deny the project on appeal. The amendment to the original application is just window dressing designed to make it look more appealing. It is not more appealing; it is just more intrusive, more invasive and more destructive to the sensitive environment of Big Sur.

The original application, in brief, seeks a development permit to allow the establishment of a commercial construction operation in a "visitor-serving" zone. In the amendment the applicant boldly attempts to impose its will on the community by stating in the introduction that its purpose

“is to establish the uses allowed on the property located at 46821 Highway One, Big Sur”.

It is not the applicant’s role to establish what is and is not allowed where zoning regulations are concerned. It is the role of our duly elected officials to whom that responsibility falls. It is their duty to protect the community from such audacity by upholding and enforcing the regulations as they are written. It is those officials that we now turn to for that protection.

The amended application goes on to propose the addition of universal electric vehicle charging stations. This is just a bad idea for this location. Malfunctions are bound to occur in the transfer of high voltage electricity between charging stations and electric vehicles, that is a fact. Albeit it rarely, these malfunctions can and do result in fires. Simply put, charging stations lead to malfunctions that can lead to fires! A fire in this location, so near the proposed above ground 4000 gallon fuel storage tank and hazardous wastes, tucked into the margins of a Redwood Forest is a recipe for disaster. Is the liability of a spark induced wildfire worth the perceived benefit? Speaking objectively, we say it is not.

The County’s preface to the description of the amended application states it to be *“minor and trivial”*. That is a misrepresentation. First, with the County withdrawing the FLAN, the original project never received a final permit, so the revised application is not a minor and trivial amendment to a permit. The entire project is before you. Moreover, there is nothing minor or trivial about the amendment. The proposed addition of a second story onto a proposed office building is not trivial. Especially when it is intended to be a full time occupied space looking directly into the neighbor’s bedroom window a mere fifty feet away. Nor is the installation of an EV charging station in a sensitive Redwood Forest. This could hardly be considered a development that “adheres to a “good neighbor” policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors” as required by the Big Sur Land Use Policy. Ref. para 5.4.3.E.5.

As our filings illustrate, there are just too many things wrong with this project and no amount of window dressing will cover them up. Notwithstanding its environmental impact, it’s hazardous, it’s an eyesore and it’s not beneficial to the visiting public in ways intended by the County and the State. We implore your Board, and all concerned to take a good look at this project. You will see a project that will do more harm than good while benefiting a few at the expense of others. Please preserve the wild character of Big Sur and vote against this unbecoming development.

In closing we urge the Supervisors to uphold our appeal. It is the right thing to do under the law. To deny our appeal would be a subversion of the Monterey County code and of our civil rights under the equal protection clause of the constitution. The California Coastal Commission is on record as opposing this development and will hear our appeal if that should become necessary. In this we do not stand alone. The Sierra Club, with its diverse membership and political clout supports our appeal and has standing to appeal the matter themselves which they are. It’s time to stop dragging this out and to stand on principal. It’s time to uphold the law and upholding our appeal will do that.

Respectfully,

Matt and Carol Donaldson

Matthew and Carol Donaldson
46821 Highway 1
Big Sur California, 93920

Monterey County Board of Supervisors
District 3
599 El Camino Real Greenfield, CA 93927

TO: Supervisor Chris Lopez
DATE: September 6th, 2023
SUBJECT: APPEAL OF PLANNING APPLICATION NO. PLN160851-AMD1

Dear Supervisor Lopez,

Our appeal of the Planning Commission's decision on the amended Morganrath/Blaze Engineering Coastal development permit is to be heard by the Board of Supervisors next Tuesday, September 12th. The initial Blaze Engineering construction yard project was heard by your Board four (4) years ago, narrowly passing with Supervisors Phillips and Parker voting to grant our appeal and deny the project. The revised project only exacerbates an already bad proposal. Because of your vote to deny our appeal of the original permit, we are writing to voice our continued opposition to this unprecedented development in the heart of the Big Sur Coastal zone. You personally came down to Big Sur and saw firsthand how inappropriate the whole project was. We truly thought you were going to support our appeal back then, so we were a bit surprised by the split vote against it. Four years have passed and Blaze Engineering has stayed alive in Big Sur without that site. We hope will reconsider your previous position and vote to uphold our appeal.

Blaze's proposed construction yard is not a permitted use in a zone designated as Visitor Serving. In the words of former Planning Commissioner Keith Vandevere at the Nov. 14, 2018 Planning Commission hearing, *"providing an essential service to the community does not make you a visitor serving use and providing an essential service to a business that is visitor serving, does not make you a visitor serving use. The only thing that makes you a visitor serving use, is providing services to visitors"*. Blaze Engineering does not provide services to visitors.

For the record, our family are direct decedents of John and Florence Pfeiffer, founders of the Lodge at Pfeiffer Big Sur State Park. Our family, through the generations, has maintained its current home at the foot of Apple Pie Ridge since it was originally built 100 years ago. As a family with deep roots in Big Sur we love and respect the land along this coast and will forever defend its natural beauty as did our forefathers. Our family, ApplePie Ridge neighbors and the 8,000 member Ventana chapter of the Sierra Club stand in opposition to the proposed development of a construction yard along Highway One and on historical ApplePie Ridge.

The proposed project adjoins our property on Pheneger Creek and creates a nuisance in direct conflict with its Rural Community Center (RCC) and Visitor Serving Commercial (VSC) zoning designation and the objectives of the Big Sur Land Use Plan. A Final Local Action Notice (FLAN) was issued for the original application but was withdrawn when it became apparent the Coastal Commission would deny the project on appeal. The amendment to the original application is just window dressing designed to make it look more appealing. It is not more appealing; it is just more intrusive, more invasive and more destructive to the sensitive environment of Big Sur.

The original application, in brief, seeks a development permit to allow the establishment of a commercial construction operation in a "visitor-serving" zone. In the amendment the applicant boldly attempts to impose its will on the community by stating in the introduction that its purpose

“is to establish the uses allowed on the property located at 46821 Highway One, Big Sur”.

It is not the applicant’s role to establish what is and is not allowed where zoning regulations are concerned. It is the role of our duly elected officials to whom that responsibility falls. It is their duty to protect the community from such audacity by upholding and enforcing the regulations as they are written. It is those officials that we now turn to for that protection.

The amended application goes on to propose the addition of universal electric vehicle charging stations. This is just a bad idea for this location. Malfunctions are bound to occur in the transfer of high voltage electricity between charging stations and electric vehicles, that is a fact. Albeit it rarely, these malfunctions can and do result in fires. Simply put, charging stations lead to malfunctions that can lead to fires! A fire in this location, so near the proposed above ground 4000 gallon fuel storage tank and hazardous wastes, tucked into the margins of a Redwood Forest is a recipe for disaster. Is the liability of a spark induced wildfire worth the perceived benefit? Speaking objectively, we say it is not.

The County’s preface to the description of the amended application states it to be *“minor and trivial”*. That is a misrepresentation. First, with the County withdrawing the FLAN, the original project never received a final permit, so the revised application is not a minor and trivial amendment to a permit. The entire project is before you. Moreover, there is nothing minor or trivial about the amendment. The proposed addition of a second story onto a proposed office building is not trivial. Especially when it is intended to be a full time occupied space looking directly into the neighbor’s bedroom window a mere fifty feet away. Nor is the installation of an EV charging station in a sensitive Redwood Forest. This could hardly be considered a development that *“adheres to a “good neighbor” policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors”* as required by the Big Sur Land Use Policy. Ref. para 5.4.3.E.5.

As our filings illustrate, there are just too many things wrong with this project and no amount of window dressing will cover them up. Notwithstanding its environmental impact, it’s hazardous, it’s an eyesore and it’s not beneficial to the visiting public in ways intended by the County and the State. We implore your Board, and all concerned to take a good look at this project. You will see a project that will do more harm than good while benefiting a few at the expense of others. Please preserve the wild character of Big Sur and vote against this unbecoming development.

In closing we urge the Supervisors to uphold our appeal. It is the right thing to do under the law. To deny our appeal would be a subversion of the Monterey County code and of our civil rights under the equal protection clause of the constitution. The California Coastal Commission is on record as opposing this development and will hear our appeal if that should become necessary. In this we do not stand alone. The Sierra Club, with its diverse membership and political clout supports our appeal and has standing to appeal the matter themselves which they are. It’s time to stop dragging this out and to stand on principal. It’s time to uphold the law and upholding our appeal will do that.

Respectfully,

Matt and Carol Donaldson

Matthew and Carol Donaldson
46821 Highway 1
Big Sur California, 93920

Monterey County Board of Supervisors
District 4
2616 1st Ave. Marina, CA 93933

TO: Supervisor Wendy Root Askew
DATE: September 6th, 2023
SUBJECT: APPEAL OF PLANNING APPLICATION NO. PLN160851-AMD1

Dear Supervisor Askew,

Our appeal of the Planning Commission's decision on the amended Morganrath/Blaze Engineering Coastal development permit is to be heard by the Board of Supervisors next Tuesday, September 12th. The initial Blaze Engineering construction yard project was heard by your Board four (4) years ago, narrowly passing with Supervisors Phillips and Parker voting to grant our appeal and deny the project. The revised project only exacerbates an already bad proposal. Your predecessor Supervisor Parker, saw the harm with this project and voted to uphold our appeal and deny the project. We are writing to voice our continued opposition to this unprecedented development in the heart of the Big Sur Coastal zone and strongly urge you to uphold our appeal as did Supervisor Parker.

Blaze's proposed construction yard is not a permitted use in a zone designated as Visitor Serving. In the words of former Planning Commissioner Keith Vandevere at the Nov. 14, 2018 Planning Commission hearing, *"providing an essential service to the community does not make you a visitor serving use and providing an essential service to a business that is visitor serving, does not make you a visitor serving use. The only thing that makes you a visitor serving use, is providing services to visitors"*. Blaze Engineering does not provide services to visitors.

For the record, our family are direct decedents of John and Florence Pfeiffer, founders of the Lodge at Pfeiffer Big Sur State Park. Our family, through the generations, has maintained its current home at the foot of Apple Pie Ridge since it was originally built 100 years ago. As a family with deep roots in Big Sur we love and respect the land along this coast and will forever defend its natural beauty as did our forefathers. Our family, Applepie Ridge neighbors and the 8,000 member Ventana chapter of the Sierra Club stand in opposition to the proposed development of a construction yard along Highway One and on historical ApplePie Ridge.

The proposed project adjoins our property on Pheneger Creek and creates a nuisance in direct conflict with its Rural Community Center (RCC) and Visitor Serving Commercial (VSC) zoning designation and the objectives of the Big Sur Land Use Plan. A Final Local Action Notice (FLAN) was issued for the original application but was withdrawn when it became apparent the Coastal Commission would deny the project on appeal. The amendment to the original application is just window dressing designed to make it look more appealing. It is not more appealing; it is just more intrusive, more invasive and more destructive to the sensitive environment of Big Sur.

The original application, in brief, seeks a development permit to allow the establishment of a commercial construction operation in a "visitor-serving" zone. In the amendment the applicant boldly attempts to impose its will on the community by stating in the introduction that its purpose

"is to establish the uses allowed on the property located at 46821 Highway One, Big Sur".

It is not the applicant's role to establish what is and is not allowed where zoning regulations are concerned. It is the role of our duly elected officials to whom that responsibility falls. It is their duty to protect the community from such audacity by upholding and enforcing the regulations as they are written. It is those officials that we now turn to for that protection.

The amended application goes on to propose the addition of universal electric vehicle charging stations. This is just a bad idea for this location. Malfunctions are bound to occur in the transfer of high voltage electricity between charging stations and electric vehicles, that is a fact. Albeit it rarely, these malfunctions can and do result in fires. Simply put, charging stations lead to malfunctions that can lead to fires! A fire in this location, so near the proposed above ground 4000 gallon fuel storage tank and hazardous wastes, tucked into the margins of a Redwood Forest is a recipe for disaster. Is the liability of a spark induced wildfire worth the perceived benefit? Speaking objectively, we say it is not.

The County's preface to the description of the amended application states it to be "*minor and trivial*". That is a misrepresentation. First, with the County withdrawing the FLAN, the original project never received a final permit, so the revised application is not a minor and trivial amendment to a permit. The entire project is before you. Moreover, there is nothing minor or trivial about the amendment. The proposed addition of a second story onto a proposed office building is not trivial. Especially when it is intended to be a full time occupied space looking directly into the neighbor's bedroom window a mere fifty feet away. Nor is the installation of an EV charging station in a sensitive Redwood Forest. This could hardly be considered a development that "adheres to a "good neighbor" policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors" as required by the Big Sur Land Use Policy. Ref. para 5.4.3.E.5.

As our filings illustrate, there are just too many things wrong with this project and no amount of window dressing will cover them up. Notwithstanding its environmental impact, it's hazardous, it's an eyesore and it's not beneficial to the visiting public in ways intended by the County and the State. We implore your Board, and all concerned to take a good look at this project. You will see a project that will do more harm than good while benefiting a few at the expense of others. Please preserve the wild character of Big Sur and vote against this unbecoming development.

In closing we urge the Supervisors to uphold our appeal. It is the right thing to do under the law. To deny our appeal would be a subversion of the Monterey County code and of our civil rights under the equal protection clause of the constitution. The California Coastal Commission is on record as opposing this development and will hear our appeal if that should become necessary. In this we do not stand alone. The Sierra Club, with its diverse membership and political clout supports our appeal and has standing to appeal the matter themselves which they are. It's time to stop dragging this out and to stand on principal. It's time to uphold the law and upholding our appeal will do that.

Respectfully,

Matt and Carol Donaldson

Matthew and Carol Donaldson
46821 Highway 1
Big Sur California, 93920

Monterey County Board of Supervisors
District 5
1200 Aguajito Rd., Ste. 1 Monterey, CA 93940

TO: Supervisor Mary Adams
DATE: September 6th, 2023
SUBJECT: APPEAL OF PLANNING APPLICATION NO. PLN160851-AMD1

Dear Supervisor Adams,

Our appeal of the Planning Commission's decision on the amended Morganrath/Blaze Engineering coastal development permit is to be heard by the Board of Supervisors next Tuesday, September 12th. The initial Blaze Engineering construction yard project was heard by your Board four (4) years ago, narrowly passing with Supervisors Phillips and Parker voting to grant our appeal and deny the project. The revised project only exacerbates an already bad proposal. Because of your vote to deny our appeal of the original project, 4 years ago, we are writing to voice our continued opposition to this unprecedented development in the heart of the Big Sur Coastal zone. I strongly urge you to reconsider your previous position.

Blaze's proposed construction yard is not a permitted use in a zone designated as Visitor Serving. In the words of former Planning Commissioner Keith Vandevere at the Nov. 14, 2018 Planning Commission hearing, *"providing an essential service to the community does not make you a visitor serving use and providing an essential service to a business that is visitor serving, does not make you a visitor serving use. The only thing that makes you a visitor serving use, is providing services to visitors"*. Blaze Engineering does not provide services to visitors.

For the record, our family are direct decedents of John and Florence Pfeiffer, founders of the Lodge at Pfeiffer Big Sur State Park. Our family, through the generations, has maintained its current home at the foot of Apple Pie Ridge since it was originally built 100 years ago. As a family with deep roots in Big Sur we love and respect the land along this coast and will forever defend its natural beauty as did our forefathers. Our family, Applepie Ridge neighbors and the 8,000 member Ventana chapter of the Sierra Club stand in opposition to the proposed development of a construction yard along Highway One and on historical ApplePie Ridge.

The proposed project adjoins our property on Pheneger Creek and creates a nuisance in direct conflict with its Rural Community Center (RCC) and Visitor Serving Commercial (VSC) zoning designation and the objectives of the Big Sur Land Use Plan. A Final Local Action Notice (FLAN) was issued for the original application but was withdrawn when it became apparent the Coastal Commission would deny the project on appeal. The amendment to the original application is just window dressing designed to make it look more appealing. It is not more appealing; it is just more intrusive, more invasive and more destructive to the sensitive environment of Big Sur.

The original application, in brief, seeks a development permit to allow the establishment of a commercial construction operation in a "visitor-serving" zone. In the amendment the applicant boldly attempts to impose its will on the community by stating in the introduction that its purpose

"is to establish the uses allowed on the property located at 46821 Highway One, Big Sur".

It is not the applicant's role to establish what is and is not allowed where zoning regulations are concerned. It is the role of our duly elected officials to whom that responsibility falls. It is their duty to protect the community from such audacity by upholding and enforcing the regulations as they are written. It is those officials that we now turn to for that protection.

The amended application goes on to propose the addition of universal electric vehicle charging stations. This is just a bad idea for this location. Malfunctions are bound to occur in the transfer of high voltage electricity between charging stations and electric vehicles, that is a fact. Albeit it rarely, these malfunctions can and do result in fires. Simply put, charging stations lead to malfunctions that can lead to fires! A fire in this location, so near the proposed above ground 4000 gallon fuel storage tank and hazardous wastes, tucked into the margins of a Redwood Forest is a recipe for disaster. Is the liability of a spark induced wildfire worth the perceived benefit? Speaking objectively, we say it is not.

The County's preface to the description of the amended application states it to be "*minor and trivial*". That is a misrepresentation. First, with the County withdrawing the FLAN, the original project never received a final permit, so the revised application is not a minor and trivial amendment to a permit. The entire project is before you. Moreover, there is nothing minor or trivial about the amendment. The proposed addition of a second story onto a proposed office building is not trivial. Especially when it is intended to be a full time occupied space looking directly into the neighbor's bedroom window a mere fifty feet away. Nor is the installation of an EV charging station in a sensitive Redwood Forest. This could hardly be considered a development that "adheres to a "good neighbor" policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors" as required by the Big Sur Land Use Policy. Ref. para 5.4.3.E.5.

As our filings illustrate, there are just too many things wrong with this project and no amount of window dressing will cover them up. Notwithstanding its environmental impact, it's hazardous, it's an eyesore and it's not beneficial to the visiting public in ways intended by the County and the State. We implore your Board, and all concerned to take a good look at this project. You will see a project that will do more harm than good while benefiting a few at the expense of others. Please preserve the wild character of Big Sur and vote against this unbecoming development.

We know Planning Commissioner Diehl, who represents your District, is well respected, but we have to say, in this case, her comments at the Planning Commission hearing were essentially an overpowering vocal cheerleading session for Blaze which swayed the junior members of the Commission to vote for approval. Similar sentiments over the local "popularity" of Blaze were aired in the comments made by one of the members of the Big Sur LUAC who went so far as to say, "if this were anyone else but Blaze Engineering we wouldn't even be talking about this". This is the kind of cronyism that breeds mistrust among the constituency, particularly when the land use laws are bent to favor an applicant.

In closing we urge the Supervisors to uphold our appeal. It is the right thing to do under the law. To deny our appeal would be a subversion of the Monterey County code and of our civil rights under the equal protection clause of the constitution. The California Coastal Commission is on record as opposing this development and will hear our appeal if that should become necessary. In this we do not stand alone. The Sierra Club, with its diverse membership and political clout supports our appeal and has standing to appeal the matter themselves which they are. It's time to stop dragging this out and to stand on principal. It's time to uphold the law and upholding our appeal will do that.

Respectfully,

Matt and Carol Donaldson

June 6, 2023

Stephen W. Pearson

Anne K. Secker

Randy Meyenberg

Christine G. Kemp

Timothy J. Baldwin

* *Charles Des Roches*

* *Robert D. Simpson*

Ana C. Toledo

* *Leslie E. Finnegan*

Lindsey Berg-James

Heidi A. Quinn

Daniel J. Little

Anne Frassetto Olsen

* *Yvonne A. Ascher*

Sharilyn Payne

William H. Shearer

Geraldine A. Villa

Michael Masuda
(Of Counsel)

Harry L. Noland
(1904-1991)

Paul M. Hamerly
(1920-2000)

Myron E. Etienne, Jr.
(1924-2016)

Peter T. Hoss
(1934-2018)

* CERTIFIED SPECIALIST IN
PROBATE, ESTATE PLANNING,
AND TRUST LAW BY
THE CALIFORNIA BOARD OF
LEGAL SPECIALIZATION
STATE BAR OF CALIFORNIA

VIA E-MAIL - jensenfl@co.monterey.ca.us

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

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

Dear Chair Monsalve and Members of the Commission:

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

Enclosed with your Staff Report package you will find:

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

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

Project History

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

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

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

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

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

Serious Issues Remain with the Proposed Project

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Public safety and conflicts with existing rural neighborhood

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine Kemp

Christine G. Kemp

cc: Mr. and Mrs. Donaldson

HORAN | LLOYD

STEPHEN W. DYER
MARK A. BLUM
ELIZABETH C. GIANOLA
VIRGINIA E. HOWARD
MARK E. MYERS
KRISTIN M. DEMARIA
NICHOLAS W. SMITH
MICHAEL J. HARRINGTON

Of Counsel
ANTHONY T. KARACHALE
JAMES J. COOK
ROBERT ARNOLD INC.

LAURENCE P. HORAN
(1929-2012)
FRANCIS P. LLOYD
(1935-2023)

HORAN LLOYD
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
26385 Carmel Rancho Blvd., #200
Carmel, CA 93923

Tel: 831.373.4131
Fax: 831.373.8302
horanlegal.com

Mark A. Blum
mblum@horanlegal.com

File No. 17.02

September 11, 2023

VIA ELECTRONIC MAIL

Monterey County Board of Supervisors
1441 Schilling Place, 2nd Floor
Salinas, CA 93901
cob@co.monterey.ca.us

Re: PLN160851-AMD1 – MORGENRATH (BLAZE ENGINEERING)

Honorable Supervisors,

I am writing on behalf of James J. Hill, III, owner of the El Sur Ranch, in support of all the Planning Commission's approvals in planning file PLN160851-AMD1 and to urge denial of the appeals of Matt & Carol Donaldson and The Ventana Chapter, Sierra Club.

Blaze Engineering provides essential engineering, construction and repair services to the Big Sur Community which other engineering firms cannot duplicate. The scope of these services is extremely broad, from local to full scale disaster relief, and include vital public infrastructure support. In this sense, the Blaze Construction "use" at issue has quasi-public elements.

Blaze has decade's long familiarity with the Big Sur Coastline and the environmental and regulatory demands that make them uniquely qualified and essential to the community, as well as being immediately proximate allowing them to effectively respond to emergencies. This Big Sur proximity helps to limit the scale and magnitude of damages arising from natural and man made disasters. In so doing, they limit harm which might otherwise occur to the populace and the environment, while at the same time providing these services at reduced costs to both residents, governmental entities and businesses.

September 11, 2023
Page 2

Vendors and contractors who do travel to Big Sur charge for their travel time and mileage. These charges divert dollars from being spent towards project completion making Blaze Engineering a huge value added member of the Big Sur community. They live and work in Big Sur and are a valuable stakeholder as well as a service provider to residents, agencies, business holders and the Big Sur visitors they enable. This significant Visitor Serving component of Blaze Engineering's services is vitally important to providing coastal access to visitors with access in Big Sur, as well as travelling through Big Sur.

The visitor serving uses provided by Blaze Engineering are both quasi-public in nature and similar in character, density and intensity to other VSC uses allowed in Chapter 20.22. Please ensure that Blaze Engineering remains in Big Sur to serve current and future generations.

Sincerely,

Mark Blum

MAB/ab

cc: Fionna Jensen
James J. Hill, III

Mark A. Blum

Aengus Jeffers

From: Frank Pinney <frank@pinneyconstruction.com>
Sent: Monday, September 11, 2023 2:14 PM
To: cob@co.monterey.ca.us
Cc: Aengus Jeffers
Subject: Board of Supervisors Agenda Item No. 25frankl

Monterey County Board of Supervisors:

I am writing this message to make clear my unmitigated support for Blaze Engineering in its quest to maintain its critical physical presence in Big Sur. Their location on their own property-as designed and submitted for approval is crucial to the survivability of the Big Sur Community as it continually undergoes the ravages of fire, rain, landslides and the effects of massive public visitation.

As president and CEO of a local Big Sur construction company, and as a resident of Big Sur from 1972 to 2013, fire chief for 17 years and 40-year veteran Board Member, Chief Emeritus and Charter Member of Big Sur Fire, I have worked with Blaze Engineering from their first year of operation. I am uniquely qualified to speak to the value provided by Blaze to the community and to the millions of annual visitors. When Highway One is blocked or washes out and the community becomes isolated and physically inaccessible, having Blaze's equipment, skilled operators and local knowledge available to address the serious challenges of survival are an invaluable resource due to their location inside the affected area.

I believe the planned use of their own property to be of significant value to the entire community, and I urge the Board of Supervisors to approve the CDP application as submitted.

Frank Pinney
Chief Emeritus, Big Sur Fire
President and CEO,
Pinney Construction Inc

September 8, 2023

Stephen W. Pearson

Anne K. Secker

Randy Meyenberg

Christine G. Kemp

Timothy J. Baldwin

* *Charles Des Roches*

* *Robert D. Simpson*

Ana C. Toledo

* *Leslie E. Finnegan*

Lindsey Berg-James

Heidi A. Quinn

Daniel J. Little

Anne Frassetto Olsen

* *Yvonne A. Ascher*

Sharilyn R. Payne

William H. Falor

William H. Shearer

Geraldine A. Villa

Michael Masuda
(Of Counsel)

Harry L. Noland
(1904-1991)

Paul M. Hamerly
(1920-2000)

Myron E. Etienne, Jr.
(1924-2016)

Peter T. Hoss
(1934-2018)

* CERTIFIED SPECIALIST IN
PROBATE, ESTATE PLANNING,
AND TRUST LAW BY
THE CALIFORNIA BOARD OF
LEGAL SPECIALIZATION
STATE BAR OF CALIFORNIA

VIA E-MAIL

Monterey County Board of Supervisors
Individually and c/o Clerk to the Board
168 W. Alisal, 1st Floor
Salinas CA 93901

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

Dear Chair Alejo and Members of the Board:

I am writing on behalf of Appellants Matt and Carol Donaldson ("Donaldson") urging you to grant the Donaldson's appeal and deny the Morgenrath/Blaze Engineering ("Blaze") Application - PLN160851-AMD1 ("project") for the following reasons.

Project History

For the members of the Board who were not present in 2019, and as a refresher for those members who were on the Board in 2019, this project is a construction yard in the middle of a redwood forest in Big Sur across from the River Inn. The project applicant, Blaze, has a history of operating nearby and it was a disaster for that property (see Donaldson December 29, 2022 letter with photos attached). The new site is in the middle of a redwood forest (see photos attached), on a narrow dirt road serving residents on Apple Pie ridge. This project does not belong at this site for a host of reasons.

The Coastal Commission concurred with this assessment, issuing its October 1, 2018 letter (see Coastal Commission letter attached) stating the project was inconsistent with the Coastal Zoning and Coastal Act.

Despite the significant issues with the project, based on huge pressure from the Big Sur community (including former Congressman Sam Farr, large landowners and business operators in Big Sur) in 2019, your Board narrowly voted to approve the project on a 3/2 split vote with Supervisors Parker and Phillips voting to grant the Donaldson's appeal and deny the project. The project was then appealed to the Coastal Commission by both the Donaldsons and the Sierra Club.

On appeal to the Coastal Commission, consistent with its October 1, 2018 letter to the County stating the project was inconsistent with the Coastal Act (see letter attached), the Coastal Commission staff informed Blaze that the project raised a substantial issue under the Coastal Act and would be set for hearing before the Coastal Commission. Rather than proceed with a hearing before the Coastal Commission, the Applicant chose to withdraw their application and make revisions to it. The County then withdrew the Final Local Action Notice (FLAN) placing the entire revised amended project application before the County for review.

Procedural Errors

It is a mischaracterization of the amended project application for staff to notice and describe the action before you, (as well as, the LUAC and Planning Commission) as:

“Consider an Amendment to an approved Combined Development Permit (PLN160851) to allow establishment of a commercial operation for a contractor's equipment storage and office facility...”

No Combined Development Permit has been approved or issued for this project.

The Coastal Commission was required to take action on the Donaldson and Sierra Club Appeals to approve a Combined Development Permit/Coastal Development Permit for the project. No such action was taken. Instead the Applicant withdrew the entire project, thereby mooting the Donaldson and Sierra Club Appeals, and leaving the project in an unapproved stage with no permit issued.

The Applicant then filed an Amended Project application for the County's review (“Amended Project”). Rather than notice the project as an Amended Project application, the County staff continues to notice the decision before you as an amendment to an “approved” Combined Development Permit.

It is misleading and prejudicial to the public and a clear lack of due process for the County to claim, and notice, that the action to be taken by the County is only a minor and trivial amendment to an approved Combined Development Permit, when there has been no final project approval and no Combined Development/Coastal Development Permit issued for the project.

This is a glaring procedural error in the processing, noticing, and review of the revised Amended Project application which has not been corrected, despite the Donaldsons raising this due process issue since January 2023 (see Kemp January 25, 2023 letter attached w/o attachments) as soon as the first noticing was sent for the LUAC meeting.

As the final decision making body at the County level, we implore your Board to have staff correct this glaring procedural due process error and have the full Amended Project application, in total, reviewed by the LUAC, Planning Commission, and your Board.

Neither the LUAC, Planning Commission, nor your Board should be limited to only a review of the proposed amendments. The entire Amended Project should be under review.

Serious Issues Remain with the Amended Project

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

The amendments to the project include a new second story unit above the office, adding height, visual impact, and light to the area; and two electric vehicle (EV) charging stations on the lower parking area which create a fire hazard, remove general parking area, and create an urban element to rural Big Sur.

The rest of the problematic project remains.

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

“Popularity” of the Applicant should not be the basis for granting a land use permit. Your Board should strictly apply the local land use rules to the Amended Project.

Blaze has continued to operate in Big Sur for the last 4 years without disturbing the redwood forest on this site.

The Amended Project continues to conflict with the Monterey County Zoning Code, the Big Sur Land Use Plan, and the Coastal Act.

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

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

Even if the Amended Project were allowed under the VSC zoning district, Big Sur Coast LUP policy 5.4.3.E.8 requires permits for commercial uses to adhere to a

“good neighbor” policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors. The Project will cause a substantial disruption to the peace and tranquility of the neighbors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Coastal Act, section 30240, provides, "(a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas."

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

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

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

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

4. Public safety and conflicts with existing rural neighborhood

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

The Amended Project places a 4,000 gallon above ground diesel tank in the same lower parking area adjacent to Highway 1 where the public will be parking, creating a new risk to the public should a fire arise.

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

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

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

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

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

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

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

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

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

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

This small parking area along Scenic Highway 1, where Blaze intends to place a host of uses including the new EV charging stations, already provides overflow parking for the public, as well as, a loop road to the Big Sur River Inn units on the east side of Highway.

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

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

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

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

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

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

Conclusion

The Amended Project continues to be a "contractor's yard", with major construction equipment, semi-trucks and trailers, office, workshop, employee housing unit and storage facilities on a highly constrained environmentally sensitive Redwood Forest site.

The Amended Project only exacerbate the impacts to the land and Redwood Forest ESHA by adding night glare and height, bulk and mass with a new housing unit on top of the office and two high-voltage electric vehicle (EV) charging stations; which reduce the general public parking spaces at the base of the hill and create a potential fire

hazard as the high-voltage charging stations are to be located in the same area as the above-ground 4,000 gallon diesel tank.

The Amended Project also continues to violate County zoning laws and the Coastal Act; it intensifies rather than lessens the on-site land uses and environmental impacts. The only access to the Amended Project site is the narrow one lane dirt Apple Pie Ridge Road, which serves numerous homes on Apple Pie Ridge who will share the narrow dirt road with the Blaze operations, as well as, view the contractor yard operations from the road, which operations are entirely out of character with the rural Big Sur setting in the Redwood Forest.

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

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine Kemp

Christine G. Kemp

cc: Mr. and Mrs. Donaldson
Clerk to the Board of Supervisors

Attachments:

Donaldson December 29, 2022 letter to the County
Coastal Commission October 1, 2018 letter to the County
Kemp January 25, 2023 letter to the County

Note: Enclosed with your Staff Report package you will find:

- Kemp January 3, 2023 letter to the County describing why the Amended Project should be denied;
- Sierra Club January 3, 2023 letter to the County describing why the Amended Project should be denied;
- Kemp May 17, 2023 letter to the County commenting on the Mitigated Negative Declaration (MND) and the significant environmental impacts

associated with the Project and the need for an Environmental Impact Report (EIR) to be prepared for the Amended Project;

- Sierra Club May 17, 2023 letter to the County providing comments on MND and why an Environmental Impact Report is needed for the Amended Project; and
- Kemp June 6, 2023 letter to the Planning describing why the Amended Project should be denied.

Matthew G. Donaldson
46821 Highway 1
Big Sur California, 93920

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

Sent via E-Mail to JensenF1@co.monterey.ca.us

Re: Blaze Construction PLN 160851- AMD1

TO: The Big Sur LUAC members and attendees

DATE: 29 December 2022

SUBJECT: PLANNING APPLICATION NO. PLN160851-AMD1 (Morgenrath)

Dear Members:

For the record, my family and I are decedents of John and Florence Pfeiffer. Our family, through the generations, has maintained its home at the foot Apple Pie Ridge since it was originally built 100 years ago. As a family with deep roots in Big Sur we love and respect the land of this valley and will forever defend its natural beauty as did our forefathers. As a family we stand united in strong opposition to the proposed development of a construction yard along Highway One and up historical ApplePie Ridge.

I have written this in response to Blaze Engineering's application to develop a parcel on ApplePie Road. The proposed project adjoins our property on Pheneger Creek and creates a nuisance in direct conflict with its RCC zoning designation and the objectives of the Big Sur Land Use Plan. A Final Local Action Notice (FLAN) was issued for the original application but was withdrawn when it became apparent the Coastal Commission would strike that decision on appeal. The amendment to that application is the equivalent of putting lipstick on a pig to make it more appealing. It is not more appealing; it is just more. More intrusive, more invasive and more destructive to the sensitive environment of Big Sur.

The original application, in brief, seeks a development permit to allow the establishment of a commercial construction operation in a “visitor-serving” zoned district. In the amendment the applicant boldly attempts to impose it’s will on the community by stating in the introduction of its General Development Plan that its purpose **“is to establish the uses allowed on the property located at 46821 Highway One, Big Sur”**. It is not the applicant’s role to establish what is and is not allowed where zoning regulations are concerned. It is the role of duly appointed officials to whom that responsibility falls. It is their duty to protect the community from such audacity by upholding and enforcing the regulations as they are written. It is those officials that we now turn to for that protection.

The County’s preface to the description of the amended application states it to be “minor and trivial”. That is a gross misrepresentation. The addition of a second story onto a proposed office building is not trivial. Especially when it is intended to be an occupied space looking directly into the neighbor’s bedroom window a mere fifty feet away. This could hardly be considered a development that “adheres to a “good neighbor” policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors” as required by the Big Sur Land Use Policy. Ref. para 5.4.3.E.5.

The application goes on to propose the addition of universal electric vehicle charging stations. This isn’t just a bad idea, it’s lunacy. Malfunctions are bound to occur in the transfer of high voltage electricity between charging stations and vehicles, that is a fact. These malfunctions can and do result in fires. Simply put; charging stations = malfunctions = fires! A fire in this location, with above ground fuel storage and hazardous waste, is a recipe for disaster. Why would we risk it? To entice the coastal commission? It’s lunacy!

There are just too many things wrong with this project and no amount of lipstick is going to hide them. Notwithstanding it’s environmental impact, it is hazardous, it’s an eyesore and it’s not beneficial to the visiting public as intended by the County and the State. I implore this committee and all concerned to look hard at this project. Look at the photographs of its former location. See for yourselves the devastation it has brought and will bring again if allowed. This project does more harm than good, benefiting a few at the expense of many. Please, do the right thing for Big Sur and vote against this unbecoming development.

Sincerely,
Matthew G. Donaldson













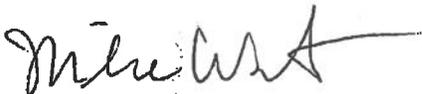
Anna Quenga
Morgenrath (PLN 160581; SCH 2018091005)
October 1, 2018
Page 2

Additionally, we disagree with the MNDs interpretation of LUP Policy 5.3.2 (i.e., “any use allowed in any zone is appropriate for rural community centers”) as allowing general commercial and/or any other uses within RCC designated lands. Clearly, the LUP does not stand for the allowance of a military or agricultural use, or other similarly inappropriate (i.e., not visitor-serving, public, quasi-public, or recreation) uses at this site. Likewise, LUP Policy 5.4.3 E.1 directs new visitor-serving commercial development to RCC-designated lands in Big Sur Valley. Furthermore, Monterey County’s Implementation Plan (i.e. coastal zoning) is explicit with regard to principal and conditional uses allowed under the Visitor Serving Commercial zone district (Title 20, Chapter 20.22, VSC). Contractor yards and storage facilities are *not* authorized as either a principally permitted or conditional use in the VSC zone. These uses are, however, explicitly identified as conditional uses in the County’s General Commercial zone districts.

The project further involves development within the critical viewshed, which also cannot be supported under the LUP. Specifically, the LUP allows exceptions for development on RCC-designated land that would be located in the critical viewshed if such development uses vegetative screening where possible to soften the impact on the viewshed. In this case, the proposal includes the parking and staging of construction vehicles, trucks, and bulldozers, etc., within an existing parking area that is located within the critical viewshed. The additional traffic and vehicles associated with the development likely would result in significant visual impacts. As proposed, the project includes construction of six-foot high solid wood fencing along the Highway 1 frontage to “screen” vehicles and facilities on site. Staff notes that solid wood fences are themselves development with their own visual impacts. Thus, the proposal does not actually screen development from public viewing, but rather trades one visual impact for another. The proliferation of fences along the Big Sur coast is concerning and we would not be supportive of any project that includes solid fencing within the critical viewshed.

Thank you again for the opportunity to comment on the MND for the proposed use and development of the Morgenrath property in Big Sur Valley. We hope that these comments prove useful as the County evaluates the project for consistency with the LCP. If you have any questions or would like to further discuss this matter, please don’t hesitate to contact me at (831) 427-4898.

Regards,



Mike Watson
Coastal Planner
Central Coast District Office

January 25, 2023

Stephen W. Pearson

Anne K. Secker

Randy Meyenberg

Michael Masuda

Christine G. Kemp

Timothy J. Baldwin

* Charles Des Roches

* Robert D. Simpson

Ana C. Toledo

* Leslie E. Finnegan

Lindsey Berg-James

Anne Frassetto Olsen

Heidi A. Quinn

Sharilyn Payne

Daniel J. Little

William H. Shearer

Geraldine A. Villa

Harry L. Noland
(1904-1991)

Paul M. Hamerly
(1920-2000)

Myron E. Etienne, Jr.
(1924-2016)

Peter T. Hoss
(1934-2018)

* CERTIFIED SPECIALIST IN
PROBATE, ESTATE PLANNING,
AND TRUST LAW BY
THE CALIFORNIA BOARD OF
LEGAL SPECIALIZATION
STATE BAR OF CALIFORNIA

VIA U.S. MAIL & E-MAIL

Mr. Leslie Girard, County Counsel
Office of the County Counsel
168 W Alisal Street, 3rd Floor
Salinas, CA 93901
girardlj@co.monterey.ca.us

Mr. Aengus Jeffers, Esq.
Law Office of Aengus Jeffers
215 W Franklin Street
Monterey, CA 93940
aengus@aengusjjeffers.com

Re: Blaze Engineering PLN160851

Dear Mr. Girard and Mr. Jeffers:

I am writing regarding the County of Monterey's mischaracterization of Blaze Engineering's resubmittal of their Application for a contractor's yard in Big Sur, amending their original Project submittal (PLN160851) ("Project").

The County's recent mischaracterization of the amended Project application (PLN 160851-AMD1) ("Amended Project") is as follows:

“Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN160851); Board Resolution 19-285) consisting of: 1) General Development Plan Amendment to allow the establishment of a commercial business operation, 2) Coastal Administrative Permit to convert a test well into a permanent well, 3) Coastal Administrative Permit and Design Approval to allow construction of a 700 square foot office with a two (2) bedroom second story employee housing unit, a 600 square foot workshop, 800 square foot storage building and associated site improvements including seven (7) public parking spots; and 4) Coastal Development Permits to allow development on slopes in excess of 30%, within 100 feet of ESHA and removal of 11 native trees.” (See Big Sur LUAC 1/10/23 Meeting Notice, attached).

This mischaracterization of the Amended Project application must be corrected, as there is no final previously approved Combined Development Permit for this Project.

Although the County Board of Supervisors voted to “approve” the Project on August 27, 2019, it was not a final Project approval. After the County filed the Final Local Action Notice (FLAN) with the California Coastal Commission (“Coastal

Mr. Les Girard
Mr. Aengus Jeffers
January 25, 2023
Page 2

Commission”), both the Donaldsons, and the Sierra Club, filed an appeal to the Coastal Commission. Concurrently, the Donaldsons filed suit in Monterey County Superior Court, Case No. 19CV004224, challenging the County’s August 27, 2019 decision, if the Coastal Commission did not assume jurisdiction of the Project (See attached Petition for Writ of Mandate). This lawsuit was stayed by Stipulation between the County, Real Party in Interest (Morgenrath/Blaze) and the Donaldsons, pending Coastal Commission action.

In October 2022, the County unilaterally notified the Coastal Commission that it was withdrawing its FLAN, thereby removing the Project from the Coastal Commission’s jurisdiction and returning jurisdiction to the County. In doing so, the County mooted the Donaldson and Sierra Club appeals, but also confirmed there is no final approval of the Project or CDP. Consistent with the understanding and acknowledgement that there is no final County Project approval, the Amended Project Application characterizes the resubmittal as:

*“8. Describe the proposed project: **General Development Plan and Combined Development Permit consisting of:** 1.) Coastal Development Permit and Design Approval for the establishment of a commercial business operation, construction of a 760 sqft office, 760 sqft employee housing unit, 600 sqft workshop, and 798 sqft storage building; site improvements including a back-up generator, diesel storage tank, septic system and public parking (including two (2) EV charging stations); 2) Coastal Development Permits for development on slopes >30%, within 100 feet of ESHA, within the Critical Viewshed; and the removal of twelve (12) trees; 3) Coastal Administrative Permit to covert a test well to a permanent well.” (See attached resubmitted Project Application).*

Accordingly, based on the County’s withdrawal of the FLAN, there is no final County approval and the entire Project, as amended and resubmitted, is under full review. It is not a “minor and trivial” amendment to “a previously approved” CDP. The County cannot have it both ways – it cannot unilaterally withdraw the FLAN, signifying the County Project approval was not final, and then proceed as if the Project is final by calling the resubmitted application a “minor and trivial” amendment to an “previously approved” Project.

Based on the above, the County needs to immediately correct the mischaracterization of the Amended Project as “minor and trivial” amendment to a previously approved Project and correctly describe the Amended Project as a permit application for the entire Project (original Project and the Amended Project).

In doing so, the County also needs to confirm that (1) the August 27, 2019 Board of Supervisors’ action on the Project is not a final decision, (2) the Mitigated

Mr. Les Girard
Mr. Aengus Jeffers
January 25, 2023
Page 3

Negative Declaration has not been adopted by the County, (3) that the Notice of Determination filed on September 19, 2019 is void and withdrawn, and (4) the current submittal is a “resubmittal” of the entire Project, as amended, including a new CEQA determination.

If the County’s position is that the original Board of Supervisors August 27, 2019 action, including its CEQA determination, is final, and the applicant’s re-submittal is a “Minor and Trivial Amendment” to an approved CDP, the Donaldsons will inform the Court that the County has resumed jurisdiction of the Project, request the litigation Stay be lifted, and proceed with their litigation challenging the County’s August 27, 2019 actions, including the CEQA determination.

To address this issue and assure the Project is properly described, the public is properly informed, and the public’s rights to challenge the Project are preserved, we request the County confirm, in writing that:

1. the August 27, 2019 Board of Supervisors action is not a final decision;
2. the Mitigated Negative Declaration has not been adopted by the County;
3. the Notice of Determination filed on September 19, 2019 is void and withdrawn;
4. the entire Project, including the original application (PLN160851) and resubmitted application (PLN160851-AMD1) are under review by the County, including the CEQA determination;
5. the County’s characterization of the Amended Project resubmittal on the Big Sur LUAC agenda, or in any other noticing or documents, as a “Minor and Trivial Amendment” to a “previously approved” Project is in error; and
6. to set forth the process for the County’s review of the Amended Project application.

Please respond in writing no later than January 30th, with the County’s confirmation of the above so the matter is addressed before any further County noticing or County actions are taken with respect to the Amended Project.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine Kemp

Christine G. Kemp

cc: Erik Lundquist, Director, County HCD
Enclosures: 3 Attachments







SIERRA CLUB STATEMENT

LAURENS H. SILVER, ESQ.

ON BEHALF OF THE VENTANA CHAPTER, SIERRA CLUB

SEPTEMBER 12, 2023

BOARD OF SUPERVISORS HEARING

Sierra Club Appeal – Blaze Engineering/PLN160851-AMD1

On behalf of the Ventana Chapter of the Sierra Club, with 8,000 members in Santa Cruz and Monterey Counties, I am submitting this statement in support of the Sierra Club's appeal of the Blaze Engineering project, PLN160851-AMD1.

The site on which Blaze wishes to build this commercial operation (which is moving from an adjacent site where its lease has been terminated by the owners of that site because of non-compliance with certain lease terms that are pertinent to environmental protection at its former site), has a Rural Community Center (RCC) land use designation under the Big Sur Land Use Plan (BSLUP), which specifies that uses in that designation are intended to serve the needs of residents and visitors to the Big Sur Coast. The Big Sur Land Use Plan identifies the activities appropriate in RCC parcels. These uses include Outdoor Recreation, Recreational, Visitor Serving Commercial and Public and Quasi Public classifications, which include visitor serving uses such as restaurants, grocery stores, arts and craft galleries, inns, hostels, service stations and campgrounds.

The Sierra Club agrees with Coastal Commission staff (see staff letter dated October 1, 2018, attached) that “given the limited availability of land designated RCC in the Big Sur Area and the increasing number of visitors to Big Sur, we believe that RCC land designated land ideally should be reserved for essential/ priority visitor serving uses.”

While the Sierra Club appreciates that Blaze has provided assistance to the area in some emergencies, the Chapter does not believe it is a visiting serving entity as its prime objective is not a visitor serving use within the meaning of the Big Sur Land Use Plan (BSLUP). It primarily provides commercial services to existing residents and not to visitors— as is indicated on its website. Thus, it is not serving visitors as a priority commercial use within the meaning of BSLUP policy 3.2.5.A.

In considering whether this project constitutes a priority use in this zone, it is pertinent as well to note that the project involves the removal of 11 trees, including a protected redwood, and that the project is within an area designated as an Environmentally Sensitive Habitat Area (ESHA). The Blaze Project would be an anomaly in this special designation under the BSLUP, and would stand out like a “sore thumb” relative to the hostels, restaurants, and small service facilities presently in the area.

The Chapter agrees with CCC staff that this project is more properly considered a General Commercial Use that can be sited elsewhere, and not be built on RCC designated land simply because it is convenient for the applicant to move to a parcel adjacent to where it

previously conducted its operations. LUP Policy 5.4.3.E directs new visiting serving commercial uses to RCC designated lands in Big Sur Valley. If this commercial enterprise, which is predominantly non-visitor serving, is permitted in the RCC designated land, other visitor serving uses will likely be precluded.

The Chapter further agrees with the CCC staff analysis of the County's Implementation Plan, which states that uses such as contractor yards and storage facilities are not authorized as either a principal or conditional use in Visitor Serving Commercial zones. The CCC letter notes: "These uses are, however, explicitly identified as conditional uses in the County's General Commercial Zone districts."

Finally, the Chapter is concerned that this project will have significant impact on views from Highway One. This project involves the parking and staging of construction vehicles, trucks, and bulldozers within an existing parking area that is located within the critical view shed. The Chapter is not convinced that the construction of a perimeter fence along Highway One would constitute sufficient "screening", especially in light of the policies of the BSLUP, which provides for vegetative screening where it is possible to soften the impact on the view shed.

For the above reasons, the Ventana Chapter urges your Board to grant the Sierra Club's appeal and deny the project.

Laurens H. Silver, Esq.
On behalf of the Ventana Chapter,
Sierra Club

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



October 1, 2018

Anna Quenga
Monterey County Resource Management Agency
141 Schilling Place, 2nd Floor
Salinas, CA 93901

**Subject: Mitigated Negative Declaration (PLN 160851); SCH 2018091005 46821
Highway 1, Big Sur (Morgenrath)**

Dear Ms. Quenga:

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed use of the property at 46821 Highway 1 in Big Sur. As we understand it, the proposed development includes the establishment of a commercial business operation including a new office building, workshop, storage unit, and onsite storage of equipment, trucks, fuel, cement, and related development on a 2.55-acre parcel in Big Sur Valley. The site has a Rural Community Center (RCC) land use designation and is zoned for Visitor-Serving Commercial (VSC).

As you are aware, lands designated RCC are very limited and are intended to serve the needs of residents and visitors to the Big Sur coast. More specifically, the Big Sur Land Use Plan (LUP) identifies the appropriate land use activities for RCC-designated parcels as those found in the Outdoor Recreation, Recreational, Visitor-Serving Commercial, and Public and Quasi-Public classifications, which include a host of typical visitor-serving uses (e.g., restaurants, grocery stores, arts and crafts galleries, inns, hostels, service stations, campgrounds, etc.) as principally permitted uses. The LUP further identifies conditional uses that may also be permitted (e.g., administrative, management, and maintenance facilities for public agencies, fire stations, clinics, community halls, churches, post office, libraries, and schools). Residential use may also occur in this land use designation under limited circumstances. However, given the limited availability of land that is designated RCC in the Big Sur area and the increasing numbers of visitors to Big Sur, we believe that RCC-designated land ideally should be reserved for essential/priority visitor-serving uses.

Based on the LUP description of the priority uses, the proposed use for the site and related development does not appear to comport with the requirements of the underlying RCC designation, but rather appears to be more aligned with General Commercial uses, as defined in the Local Coastal Program (LCP). While we can appreciate the need for engineering and construction-related services provided by the prospective tenant, there may be other more suitable locations for such operations that are not located on RCC-designated land.

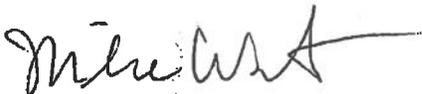
Anna Quenga
Morgenrath (PLN 160581; SCH 2018091005)
October 1, 2018
Page 2

Additionally, we disagree with the MNDs interpretation of LUP Policy 5.3.2 (i.e., “any use allowed in any zone is appropriate for rural community centers”) as allowing general commercial and/or any other uses within RCC designated lands. Clearly, the LUP does not stand for the allowance of a military or agricultural use, or other similarly inappropriate (i.e., not visitor-serving, public, quasi-public, or recreation) uses at this site. Likewise, LUP Policy 5.4.3 E.1 directs new visitor-serving commercial development to RCC-designated lands in Big Sur Valley. Furthermore, Monterey County’s Implementation Plan (i.e. coastal zoning) is explicit with regard to principal and conditional uses allowed under the Visitor Serving Commercial zone district (Title 20, Chapter 20.22, VSC). Contractor yards and storage facilities are *not* authorized as either a principally permitted or conditional use in the VSC zone. These uses are, however, explicitly identified as conditional uses in the County’s General Commercial zone districts.

The project further involves development within the critical viewshed, which also cannot be supported under the LUP. Specifically, the LUP allows exceptions for development on RCC-designated land that would be located in the critical viewshed if such development uses vegetative screening where possible to soften the impact on the viewshed. In this case, the proposal includes the parking and staging of construction vehicles, trucks, and bulldozers, etc., within an existing parking area that is located within the critical viewshed. The additional traffic and vehicles associated with the development likely would result in significant visual impacts. As proposed, the project includes construction of six-foot high solid wood fencing along the Highway 1 frontage to “screen” vehicles and facilities on site. Staff notes that solid wood fences are themselves development with their own visual impacts. Thus, the proposal does not actually screen development from public viewing, but rather trades one visual impact for another. The proliferation of fences along the Big Sur coast is concerning and we would not be supportive of any project that includes solid fencing within the critical viewshed.

Thank you again for the opportunity to comment on the MND for the proposed use and development of the Morgenrath property in Big Sur Valley. We hope that these comments prove useful as the County evaluates the project for consistency with the LCP. If you have any questions or would like to further discuss this matter, please don’t hesitate to contact me at (831) 427-4898.

Regards,



Mike Watson
Coastal Planner
Central Coast District Office

September 11, 2023

Stephen W. Pearson

Anne K. Secker

Randy Meyenberg

Christine G. Kemp

Timothy J. Baldwin

* *Charles Des Roches*

* *Robert D. Simpson*

Ana C. Toledo

* *Leslie E. Finnegan*

Lindsey Berg-James

Heidi A. Quinn

Daniel J. Little

Anne Frassetto Olsen

* *Yvonne A. Ascher*

Sharilyn R. Payne

William H. Falor

William H. Shearer

Geraldine A. Villa

Michael Masuda
(Of Counsel)

Harry L. Noland
(1904-1991)

Paul M. Hamerly
(1920-2000)

Myron E. Etienne, Jr.
(1924-2016)

Peter T. Hoss
(1934-2018)

* CERTIFIED SPECIALIST IN
PROBATE, ESTATE PLANNING,
AND TRUST LAW BY
THE CALIFORNIA BOARD OF
LEGAL SPECIALIZATION
STATE BAR OF CALIFORNIA

VIA E-MAIL

Monterey County Board of Supervisors
Individually and c/o Clerk to the Board
168 W. Alisal, 1st Floor
Salinas CA 93901

Re: Supplemental Letter – Donaldson Appeal
Morgenrath (Blaze Engineering)
Application - PLN160851-AMD1
9/12/23 Board Agenda Item 25

Dear Chair Alejo and Members of the Board:

I am submitting this supplemental letter on behalf of Appellants Matt and Carol Donaldson (“Donaldson”) with regard to the Donaldson’s appeal of the Morgenrath/Blaze Engineering (“Blaze”) Application - PLN160851-AMD1 (“project”)

In addition to the points set forth in my September 8, 2023 letter, the matter before your Board was improperly agenzized, creating a lack of due process and prejudice to the public and the Appellants.

The Board Agenda for this matter (Item 25) states the Board will hold a public hearing to

“a. Deny the appeals of Matt & Carol Donaldson and The Ventana Chapter, Sierra Club from the Planning Commission's approval of an Amendment to a previously approved Combined Development Permit”
(see attached 9/12/23 Agenda page).

Planning Staff does not determine the action your Board will take. Only your Board can do that. To agenzize this matter as an action to “deny” the Donaldson’s appeal improperly prejudices your action.

Board of Supervisors
Donaldson Appeal of Blaze Engineering Amended Project
September 11, 2023
Page 2

This Project was previously heard by your Board, on appeal by the Donaldsons on February 16, 2019; April 23, 2019; May 21, 2019 and August 27, 2019. Each of those hearing was properly azenized as public hearings to:

“consider appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2018 Planning Commission decision approving a Combined Development Permit [RMA-Planning File No. PLN160851 (Morgenrath)]” (see attached 2/26/19, 4/23/19, 5/21/19 & 8/27/19 Agenda pages for these hearing).

The matter should have been azenized, as the prior actions were, as “consider” the Appeals.

The fact this matter was improperly azenized, along with the improper description of the project as an amendment to a “previously approved Combined Development Permit”, is misleading and inaccurate, creating a lack of due process for the public and Appellants.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine Kemp

Christine G. Kemp

cc: Mr. and Mrs. Donaldson
Clerk to the Board of Supervisors

Attachments: 9/12/23; 2/26/19; 4/23/19; 5/21/19 & 8/27/19 Agenda pages

Attachments: [Board Report](#)
[NSA-10.1.23-6.30.26.](#)
[Exhibit A - Standard Agreement and Scope of Services](#)
[Exhibit B - Modifications to Standard Agreement](#)

24. PLN210353- WHISLER PATRICK A ET AL

Public hearing to:

- a. Consider granting the appeal of Patrick Whisler from the Planning Commission's denial of a Coastal Development Permit to allow transient use of a property for remuneration (short term rental) as a similar use to a Bed and Breakfast facility; and
- b. Approve a Coastal Development Permit to allow transient use of a property (three single family dwellings) for remuneration as a similar use to a Bed and Breakfast facility.

Project Location: 47 Highway 1, Carmel, Carmel Area Land Use Plan, (Assessor's Parcel Number 243-061-003-000).

Proposed California Environmental Quality Act (CEQA) action: Finding the project Categorically Exempt pursuant to CEQA Guidelines Section 15301.

Attachments: [Board Report](#)
[Attachment A - Draft Resolution](#)
[Attachment B - Notice of Appeal](#)
[Attachment C - Planning Commission Resolution No. 23-019](#)
[Attachment D - HCD Short Term Rental Administrative Guideline](#)
[Attachment E - Breakfast Facilities Regulations](#)
[Attachment F - Trip Generation Assessment \(LIB230028\)](#)
[Attachment G - Carmel Highlands Land Use Advisory Committee Minutes \(March 6, 2023\)](#)
[Attachment H - Vicinity Map](#)

25. PLN160851-AMD1 - MORGENRATH (BLAZE ENGINEERING)

Public hearing to:

- a. Deny the appeals of Matt & Carol Donaldson and The Ventana Chapter, Sierra Club from the Planning Commission's approval of an Amendment to a previously approved Combined Development Permit;
- b. Consider a previously adopted Mitigated Negative Declaration as revised by a supplemental Mitigated Negative Declaration (SCH No. 2018091005), pursuant to CEQA Guidelines section 15163;
- c. Consider an Amendment to an approved Combined Development Permit (PLN160851) to allow establishment of a commercial operation for a contractor's equipment storage and office facility and the construction of a 760 square foot office with a 760 square foot two-bedroom second story employee housing unit, 600 square foot workshop, 800 square foot storage building, and associated site improvements including formalizing six public parking spots, installing two electrical vehicle charging stations, and removal of 10 protected trees, on slopes in excess of 30 percent and within Environmentally Sensitive Habitat Areas; and

24. OB 19-053 CAO Comments and Referrals

Attachments: [Referrals 02-26-19](#)

25. OB 19-054 General Public Comments

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.

10:30 A.M. - Scheduled Matters

26. RES 19-011 **PLN160851 - MORGENRATH (BLAZE ENGINEERING)**

Public Hearing to consider appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2018 Planning Commission decision approving a Combined Development Permit [RMA-Planning File No. PLN160851 (Morgenrath)] establishing a commercial operation, construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas (Up to 16 trees, consisting of Bay laurel (14), cypress (1), and Coast Redwood (1), trees ranging in size from 13 to 60 inches).

Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)

Proposed CEQA action: Adopt a Mitigated Negative Declaration

Attachments: [Board Report](#)

[Attachment A - Discussion](#)

[Attachment B - Draft Resolution](#)

[Attachment C - Notice of Appeal \(11-30-18\)](#)

[Attachment D - Notice of Appeal \(11-20-18\)](#)

[Attachment E - Planning Commission Resolution](#)

[Attachment F - California Commission Correspondence](#)

12:00 P.M. - Recess to Lunch

1:30 P.M. - Reconvene

Roll Call

10:30 A.M. - Scheduled Matters

14. a. Approve the Area Agency on Aging 2019-2020 Area Plan Update; and
b. Authorize the Chair of the Board of Supervisors to sign the Area Plan Transmittal Letter.

Attachments: [Board Report](#)
[AAA Area Plan Update 2019-20 to BoS](#)

15. Receive a report on funding options to provide matching funds for the Salinas Valley Promise Scholarship Program.

Attachments: [Board Report](#)

12:00 P.M. - Recess to Lunch**1:30 P.M. - Reconvene****Roll Call****1:30 P.M. - Scheduled Matters**

16. **PLN160851 - MORGENRATH (BLAZE ENGINEERING)**
Public Hearing, continued from February 26, 2019 to consider appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2019 Planning Commission decision approving a Combined Development Permit [RMA-Planning File No. PLN160851 (Morgenrath)] establishing a commercial operation, construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas (Up to 16 trees, consisting of Bay laurel (14), cypress (1), and Coast Redwood (1), trees ranging in size from 13 to 60 inches).

Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)

Proposed CEQA action: Adopt a Mitigated Negative Declaration

Attachments: [Board Report](#)

14.

PLN160851 - MORGENRATH (BLAZE ENGINEERING)

Public Hearing, continued from February 26, 2019 and April 23, 2019, to consider appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2018 Planning Commission decision approving a Combined Development Permit establishing a commercial operation, construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas (Up to 16 trees, consisting of Bay laurel (14), cypress (1), and Coast Redwood (1), trees ranging in size from 13 to 60 inches).

Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)

Proposed CEQA action: Adopt a Mitigated Negative Declaration

Attachments: [Board Report](#)

[Attachment A - Discussion](#)

[Attachment B - Draft Resolution](#)

[Attachment C - Notice of Appeal, Donaldson November 30, 2018](#)

[Attachment D - Notice of Appeal, Smith November 30, 2018](#)

[Attachment E - Initial Study-Negative Declaration](#)

[Attachment F - Planning Commission Resolution No.18-045](#)

[Attachment G - California Coastal Commission Correspondence](#)

[Attachment H - Vicinity Map](#)

15.

Consider a recommendation by the Legislative Committee to adopt a resolution in support of the Safe and Affordable Drinking Water Fund proposals - including Governor Newsom's budget trailer bill proposal, SB 200 (Monning), and AB 217 (E. Garcia) - which would establish a new State Safe and Affordable Drinking Water Fund to support short and long-term drinking water solutions and programs, such as to support operations and maintenance funding of drinking water treatment and address other critical drinking water needs.

Attachments: [Board Report](#)

[Exhibit A](#)

[Exhibit A](#)

Read Out from Closed Session by County Counsel**Adjournment**

Adjourn in memory of John Untalon

24. Public Hearing, continued from February 26, 2019, April 23, 2019, and May 21, 2019 to consider appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2019 Planning Commission decision approving a Combined Development Permit establishing a commercial operation, construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas.

Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)

Proposed CEQA action: Adopt a Mitigated Negative Declaration
PLN160851 - MORGENRATH (BLAZE ENGINEERING)

Attachments: [Board Report](#)

[Attachment A - Draft Resolution](#)

[Attachment B - Notice of Appeal, Donaldson, filed 11-30-18](#)

[Attachment C - Notice of Appeal, Smith, filed 11-20-18](#)

[Attachment D - Initial Study - Negative Declaration](#)

[Attachment E - Planning Commission Resolution No. 18-045](#)

[Attachment F - Vicinity Map](#)

25. Public hearing to consider the appeal by Marina Coast Water District from the April 24, 2019 Planning Commission decision approving a Use Permit and Design Approval for a 764 square foot pump station to deliver water to the California American Water Company (CalAm) Monterey District service area as a component of the overall Monterey Peninsula Water Supply Project (MPWSP).

Project Location: 26530 Rancho San Carlos Road, Carmel Valley (Assessor's Parcel Number 015-251-030-000), Carmel Valley Master Plan area.

Proposed CEQA Action: Consider an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) certified by the California Public Utilities Commission for the Monterey Peninsula Water Supply Project (SCH#2006101004).

PLN150653 - California American Water Company (Carmel Valley Pump Station component of the Monterey Peninsula Water Supply project)