

Exhibit E

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DEPARTMENT OF TRANSPORTATION

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PHONE (805) 549-3101
FAX (805) 549-3329
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<http://www.dot.ca.gov/dist05/>



*Serious drought
Help save water!*

September 25, 2018

MON-1-48.66
SCH#2018091005

Ms. Anna Quenga
County of Monterey Planning
1441 Schilling Place
Salinas, CA 93901

Dear Ms. Quenga:

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the Mitigated Negative Declaration (MND) for Morgenrath (Blaze Engineering) which proposes to build a new office building, workshop, and storage unit on an adjacent property along with moving several structures to the new location. Caltrans offers the following comments in response to the MND:

1. Since the project is increasing impervious area and consequently the water flow toward Highway 1, Caltrans would like to review the drainage plans and reports, when they are available, to confirm that they include the necessary components to mitigate the increase in runoff to State Right of Way. We request a condition of approval of the development to have this review and concurrence with Caltrans prior to entitlement.
2. Please be aware that if any work is completed in the State's right-of-way it will require an encroachment permit from Caltrans, and must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: <http://www.dot.ca.gov/trafficops/ep/index.html>. Caltrans can assist in reviewing site plans and provide early feedback.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 549-3157 or email christopher.bjornstad@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads 'Chris Bjornstad'.

Christopher A. Bjornstad
Transportation Planner
District 5 Development Review

Cc: Grant Leonard, TAMC

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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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.

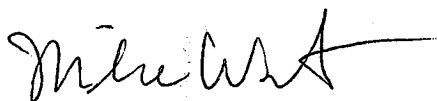
Based on the LUP description of the priority uses, the proposed use for the site and related development does not appear to comport with the requirements of the underlying RCC designation, but rather appears to be more aligned with General Commercial uses, as defined in the Local Coastal Program (LCP). 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.

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,

A handwritten signature in black ink, appearing to read "Mike Watson", with a long horizontal flourish extending to the right.

Mike Watson
Coastal Planner
Central Coast District Office

THE LAW OFFICE OF AENGUS L. JEFFERS

A Professional Corporation
215 West Franklin Street, Fifth Floor
Monterey, California 93940

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October 5, 2018

VIA EMAIL DELIVERY

Anna Quenga, Senior Planner
Monterey County RMA-Planning
1441 Schilling Place, South 2nd Floor
Salinas, California 93901

Re: PLN160851 - Comment on Initial Study-Mitigated Negative Declaration for the Martha J. Morgenrath (Blaze Engineering) Combined Development Permit Application, 46821 Highway One, Big Sur (APN 419-201-007)

Dear Ms. Quenga:

On behalf of our client, Martha Morgenrath and Blaze Engineering (“Applicant”), we offer the following comment on the Initial Study-Mitigated Negative Declaration (“IS/MND”) prepared for the Combined Development Permit Application (“Project”).

The sole purpose of the Project is to relocate the Applicant’s business operations from an adjacent parcel (APN 419-201-006-000) that is zoned Watershed and Scenic Conservation to a Visitor-Serving Commercial zoned parcel owned by the Applicant. This relocation was not voluntary. It was necessitated after Blaze’s landlord of almost 30 years declined to allow Blaze to continue operating on his property.

The Big Sur Community, including its visitor serving commercial operations, rely upon Blaze Engineering (“Blaze”) to maintain, repair, and protect necessary infrastructure. In times of emergency such as the 1998 El Nino closure, the 2008 Basin Complex Fire, the 2013 Pfeiffer Ridge Fire, the 2016 Soberanes Fire, and the 2017 Highway closure, the Big Sur Community, CalTrans, and emergency responders rely upon Blaze’s locally staged equipment and local knowledge to know where and how equipment and personnel can be deployed. Blaze also maintains an emergency cache of diesel to serve local businesses and residents during prolonged highway closures along with a propane truck to make emergency deliveries from a private emergency propane cache.

The relocation of the business will require the construction of a 760 square-foot office (just 400 square-foot larger than their original office), a 600 square-foot workshop with a 300 square-foot canopy; 800 square feet of storage (relocated); and equipment associated with the use such as a cement silo (relocated), a 40 kilowatt generator (relocated), and a 4,000-gallon above-ground diesel storage tank (relocated); a new septic system; and a new well on the parcel.

Morgenrath Initial Study
October 5, 2018
Page 2

We appreciate County Staff's work processing the Project and have done our best to respond to Staff and Community concerns during the Development Review Committee and LUAC hearings. Our only comment regarding the Project's Initial Study - Mitigated Negative Declaration relates to Mitigation Measure No. 5: Tribal Resources.

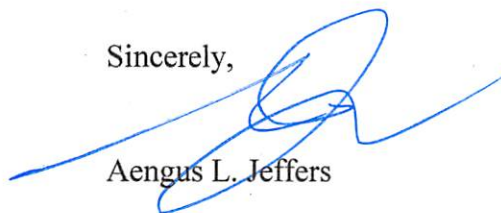
Mitigation Measure No. 5: Tribal Cultural Resources

We disagree with the application of a mitigation measure to require monitoring by Native American tribal monitors during the excavation of the new driveway and the excavation of the septic tank. Based upon a site visit on February 14, 2017, a review of prior research from the Northwest Information Center of the California Historical Resources Information System, located at Sonoma State University, and a wealth of local knowledge, Gary Breschini of Archaeological Consulting concluded that there are no previously recorded sites in the immediate vicinity of the Project and that there was no surface evidence of any cultural resources on the property. Moreover, Dr. Breschini confirmed that his conclusions were consistent with three prior cultural resource surveys immediately across Highway 1 adjacent to the Big Sur River.

If there was any evidence of cultural resources on the property (such as midden soils) or the property was within 750 feet of a known cultural site, I would fully understand the application of Mitigation Measure No. 5. However, in the absence of any evidence creating a reasonable risk grading for the new driveway or the septic tank would disturb cultural resources, the Applicant and I cannot support Mitigation Measure No. 5. Moreover, I am concerned about the precedent it creates anytime an individual has to repair their septic system.

Thank you for your consideration of this comment. We look forward to presenting our project at the public hearing on October 31, 2018. If you have any questions, please do not hesitate to contact me.

Sincerely,



Aengus L. Jeffers

ALJ:lm1

Paul C. Smith

3271 Apple Pie Ridge Road (P.O. Box 339) • Big Sur, CA 93920 • Phone: (831) 915-7669 • Fax: (831) 667-2805
E-Mail: dakota4330R@gmail.com

Date: October 3, 2018



County of Monterey
Resource Management Agency - Planning
ATTN: Anna V. Quenga, Senior Planner
1441 Schilling Place, South 2nd Floor
Salinas, CA. 93901

RE: Morgenrath PLN160851

Dear Ms. Quenga:

I am writing in response to the Mitigated Negative Declaration issued by your department for the Morgenrath permit application PLN160851 on APN # 419-201-007-000 that adjoins my property (APN 419-201-010-000)

My first concern with this project is that the parcel is zoned VSC-D (CZ). The proposed operation is not included in the permitted uses under the Visitor Serving Commercial designation as far as I can see. And if the Monterey County Planning Department sees fit to make a variance in this case they should look at the history of the parcel and notice how the zoning was permitted to be changed from Residential to VSC based on plans submitted for a small gallery/gift shop at the highway level and a residence for the owner on the upper part of the parcel. This would not have changed the residential character of the neighborhood. But allowing an operation such as this with heavy equipment, Diesel tanks, a cement silo, and equipment maintenance facilities in a residential neighborhood is completely inappropriate.

A Cement Silo, Generator Set, and Diesel Storage tanks are proposed to be located within an existing Right of Way, which is recorded in the deeds of my property, and those of all of the property owners up the road. I don't understand how you can consider permitting this.

Section III of the Mitigated Negative Declarations Report discusses uses in proximity to residences and seems to conclude that there won't be a significant impact to the residences because the noisier parts of the operation will be located on the lower portion of the parcel. It fails to take into account that the distances involved are very small and noise travels uphill in these conditions, as well as the fact that there will be noise produced from the maintenance facility on the upper part of the parcel.

Section VI concludes that there will be a less than significant impact to substantially degrading the existing visual character of the site and its surroundings. Blaze Engineering was evicted from their previous location because of the overwhelming negative impact they had on the site and its surroundings and their failure to comply with the landlord's requests to clean up the property. There is no reason to believe that their behavior will change and there is no legal remedy in this permit process to enforce this. Looking at the site of the test well is a good indication of how they can be expected to treat their neighbors. No effort has been made to clean up the site since the drilling and testing was finished on or before March 17, 2017. My neighbors and I have to drive through this eyesore each day as we leave and return to our homes.

10(a) on page 42 claims there will be no impact on dividing an established community. There are approximately 35 people living in homes on the road that passes through this project. The turnouts on the sides of the road within the existing Right of Way have been used historically for parking vehicles including those of children who ride down the mountain and leave their vehicles at the bottom of the road to catch the school bus in the morning. There have also been numerous times over the years when the residents needed to leave their vehicles at the bottom of the road during evacuations for wild fires and mud slides.

Section VI Paragraph 1(c) concludes there will be a less than significant impact from degrading the existing visual character or quality of the site and its surroundings. Placing a General Engineering Contractor's Yard in the middle of an existing residential neighborhood will have a significant impact. While the structures may not be visible from Highway 1 they and the huge increase in traffic on the existing road will significantly impact the aesthetic quality of the site and its surroundings.

12(a) and 12(b) conclude that there will be no substantial permanent or temporary increase in ambient noise above the levels existing without the project. Please see my comments in paragraph 3. There is now no noise being produced from the part of the property where the office and maintenance shop are proposed to be located. Therefore any noise at all will be a substantial increase.

Multiple references are made in this document to the fact that the proposed operation is simply moving from the adjacent parcel so the impact on the community will not change. The previous site had its own entrance from Highway 1 so there was no impact on the Apple Pie Ridge Road. Also, the previous site was significantly larger than the proposed site. The previous Blaze Engineering site was so cluttered that it was an eyesore so one can only imagine what a site half the size will turn into.

I don't see any mention of employee parking in this document but during the LUAC meeting Ms. Morgenrath stated that nearly all of the employees carpooled to work from the Monterey Peninsula so there would never be more than 3 or 4 employee vehicles parked at the site. Yet on subsequent days I observed as many as 20 employee vehicles parked at the previous site. These vehicles will either park on the Apple Pie Ridge Road,

causing congestion, noise, dust, and blocking access for the residents (please see my comments in an earlier paragraph about the historical use of the road shoulders) or park on the shoulder of Highway 1. This in addition to all of the Big Sur River Inn employee and visitor vehicles that now park in the flat area at the highway level that will now end up parking on the shoulder of Highway 1 will create another safety issue such as we have at Point Lobos, Bixby Creek Bridge and Julia Pfeiffer Burns State Park with vehicles encroaching on the highway and pedestrians running across the highway in the area immediately south of the existing entrance which has poor visibility to oncoming traffic.

In addition to these concerns, by permitting this project Monterey County would be enriching one individual at the expense of all of the neighbors. The property values for all of the parcels up the hill from this project will be negatively impacted by this development. Even though they approved the project, the members of the Big Sur LUAC all acknowledged they wouldn't want this project in their front yards and I think anyone would feel the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul C. Smith", with a long horizontal flourish extending to the right.

Paul C. Smith

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



Monterey County
Resource Management Agency
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901-4527

TO: Mr. Carl P. Holm, AICP, Director
DATE: 1 October 2018
SUBJECT: PLANNING APPLICATION NO. PLN160851 (PLANNER: ANNA QUENGA)

Dear Director Holm,

In brief, the referenced application seeks a development permit to allow the establishment of a commercial construction operation in a "visitor-serving" zoned district. The operation is to include an office, workshop, storage units, a cement silo, diesel storage tanks, electric generators and so forth. It is located within the lower Big Sur river basin, fronts on Highway 1 and is bounded on three sides by private homes.

I am writing in regard to this proposed development to voice my strong objection and to point out the deceptive and fraudulent nature of the Developmental Review application submitted by the applicant, Martha Morgenrath / Blaze Engineering. The following is a partial listing of the inconsistencies presented to the Developmental Review Committee in connection to that application.

1. The project *is* visible from a public road, Highway 1.
2. The project *does* propose development on slopes over 30%.
3. The project *is not* consistent with key policies related to development within the rural community center.
 - a. The project *is not* aimed at serving the visiting public. Businesses intended to serve solely local residents and businesses are to be discouraged.
 - b. Physical area *is not* adequate to meet the parking requirements of a construction company with 25 employees (ref. Blaze Engineering website).
 - c. Physical area *is not* adequate to meet the parking requirements for the numerous items of heavy equipment alluded to (ref. Blaze Engineering website).
 - d. There *is* an impact to traffic safety in the area and with the well-known increase in traffic along highway 1 it will only get worse. The assertion that they are simply relocating from an adjacent parcel changes nothing. Existing conditions are already dangerously impacted by heavy equipment entering and leaving the highway.
4. The applicant's relocation from the adjacent parcel was precipitated by their eviction from that parcel based on their ongoing violation of zoning regulations. Moving a noncompliant operation from a WSC zoned parcel to a VSC zoned parcel does not make that operation compliant. There are rules and regulations for both zone classifications and the applicant is noncompliant to them both.

Our family is not alone in its objection to this development. The parcel upon which it is proposed is divided by an easement that serves as a private road for the residents of this rural neighborhood. Like us, they have come to enjoy the quiet peacefulness of the location which would be forever lost to the cacophony of noise, dust, pollution, and danger associated with a construction yard. We residents firmly believe that the proposed location is particularly ill-considered and would be a blight on our neighborhood. Allowing this development would be to allow the personal enrichment of Martha Morgenrath at the expense of her neighbors and to the detriment of the natural peacefulness and beauty that locals and visitors alike enjoy and love about Big Sur.

Over the years, the applicant has initiated various noncompliant activities on her parcel that have had direct and adverse impact to both my family and to our parcel. We have had to endure the noise and nuisance of unsightly and unpermitted transient dwellings mere feet from our home and now, as a result of unpermitted excavation removing the lateral support of the adjacent slope, we are facing a serious erosion condition that threatens the structural integrity of our garage. Rather than allowing further development on this parcel I would urge the county to enforce its zoning regulations and order that the applicant take action to correct the code violations currently pending against the parcel.

I respectfully ask that you consider the dreadful consequences of allowing a construction yard to be developed in a visitor-serving zone surrounded by a residential neighborhood, especially in an area like Big Sur. The unique qualities of Big Sur, its coast and river basins, have given it a worldwide reputation for spectacular beauty. The Local Coastal Program of the Monterey County Land Use Plan makes it clear that the preservation of this outstanding natural environment is the ultimate goal upon which its policies and objectives are based. This plan was prepared to carry out the requirements of the California Coastal Act which directs that conflicts be resolved in a manner which are the most protective of significant coastal resources.

Finally, if this application is to be decided by the county supervisors, please take this as notice that I would like to speak at the meeting of the board at which this application is expected to be decided. Please let me know as soon as possible the date of any such meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Matt Donaldson", written in a cursive style.

Matthew G. Donaldson