

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> October 8, 2009	<b>Time:</b> 7:35 P.M.	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Combined Development Permit consisting of: 1) a Coastal Administrative Permit for the construction of a test well on Assessor's Parcel Number 009-432-019-000 for future domestic service to Assessor's Parcel Numbers 009-432-014-000 and 009-432-019-000; and 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource.		
<b>Project Location:</b> 26276 Ocean View Avenue, Carmel Point		<b>APNs:</b> 009-432-014-000 and 009-432-019-000
<b>Planning File Number:</b> PLN080302		<b>Owner:</b> F. Langwith Berry Trust <b>Agent:</b> Jay Auburn
<b>Planning Area:</b> Carmel Area Land Use Plan		<b>Flagged and staked:</b> Not applicable
<b>Zoning Designation:</b> MDR/2-D (18) (CZ) [Medium Density Residential, 2 units per acre with Design Control Overlay (18' maximum structure height) (Coastal Zone)]		
<b>CEQA Action:</b> Mitigated Negative Declaration, per CEQA Guidelines Section 15070(b)		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Adopt the Mitigated Negative Declaration (**Exhibit F**) and associated Mitigation Monitoring and Reporting Program (**Exhibit C**); and
- 2) Approve PLN080302, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

### PROJECT OVERVIEW:

The applicant proposes to drill a test well on APN 009-432-019-000 to provide future domestic service for both APNs 009-432-019-000 and 009-432-014-000. The project also includes development within 750 feet of a known archaeological resource. The archaeological survey prepared for this project identified the potential for impacts to prehistoric archaeological resources. The project involves no grading or tree removal, and would not result in any significant disruption to environmentally sensitive habitat. This project is located in the Carmel Area Wastewater District (CAWD) and the adjacent properties have sewer connections. The entire area is on the CAWD sewer system, and there are no septic tanks or leachfields in the area. The site is bordered by residential uses in all directions. There is no existing development on the project site property. See **Exhibit B** for a more detailed discussion.

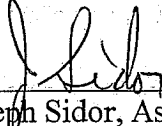
**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- ✓ RMA - Public Works Department
- ✓ Environmental Health Division
- Water Resources Agency
- Cypress Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by the RMA – Public Works Department, Environmental Health Division, and the RMA – Planning Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. The Carmel Highlands LUAC unanimously recommended denial, at a public meeting held on September 15, 2008 (**Exhibit E**). There was no public comment at the meeting.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

  
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Joseph Sidor, Associate Planner  
(831) 755-5262, [SidorJ@co.monterey.ca.us](mailto:SidorJ@co.monterey.ca.us)  
September 3, 2009

cc: Front Counter Copy; Zoning Administrator; Cypress Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Monterey Peninsula Water Management District; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; F. Langwith Berry Trust, Owner; Jay Auburn, Agent; Planning File PLN080302

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including:
		1. Conditions of Approval and Mitigation Monitoring and Reporting Program
		2. Site Plan
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes
	Exhibit F	Mitigated Negative Declaration
	Exhibit G	Technical Reports
		1. Biological Resource Site Analysis
	Exhibit H	Comments on Mitigated Negative Declaration

This report was reviewed by Laura Lawrence, Planning Services Manager.

**EXHIBIT A**  
**PROJECT DATA SHEET**

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009

## EXHIBIT A

### Project Information for PLN080302

**Project Title:** BERRY F LANGWITH TR

**Location:** 26276 OCEAN VIEW AVE CML

**Applicable Plan:** Carmel Land Use Plan

**Permit Type:** Combined Development Permit

**Environmental Status:** MND

**Advisory Committee:** Carmel/Carmel Highlands

**Primary APN:** 009-432-019-000-M

**Coastal Zone:** Yes

**Zoning:** MDR/2-D(18)(CZ)

**Plan Designation:** RESIDENTIAL

**Final Action Deadline (884):** 6/10/2009

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#### Project Site Data:

**Lot Size:** 6,040

**Existing Structures (sf):** 0

**Proposed Structures (sf):** 0

**Total Sq. Ft.:** 0

**Coverage Allowed:** 35%

**Coverage Proposed:** 0

**Height Allowed:** 18

**Height Proposed:** 0

**FAR Allowed:** 45%

**FAR Proposed:** 0

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#### Resource Zones and Reports:

**Environmentally Sensitive Habitat:** No

**Biological Report #:** LIB090250

**Forest Management Rpt. #:** N/A

**Erosion Hazard Zone:** N/A

**Soils Report #:** N/A

**Archaeological Sensitivity Zone:** HIGH

**Archaeological Report #:** LIB080506

**Geologic Hazard Zone:** II/LOW

**Geologic Report #:** N/A

**Fire Hazard Zone:** URBAN

**Traffic Report #:** N/A

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#### Other Information:

**Water Source:** WELL

**Water Dist/Co:** N/A

**Fire District:** CYPRESS FPD

**Tree Removal:** N/A

**Sewage Disposal (method):** PUBLIC

**Sewer District Name:** CAWD

**Grading (cubic yds.):** 0.0

# **EXHIBIT B**

## **PROJECT DISCUSSION**

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009

## **EXHIBIT B**

### **PROJECT DISCUSSION**

PLN080302 is a request for a Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a test well on Assessor's Parcel Number (APN) 009-432-019-000 for future domestic service to APNs 009-432-014-000 and 009-432-019-000, and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. The property is located at 26276 Ocean View Avenue, Carmel Point, Carmel Area Land Use Plan, Coastal Zone. APN 009-432-018-000 provides a potential back-up well location, as required by the Environmental Health Division, but is not part of this permit. Other than the well, the applicant is not proposing any structural development at this time.

The parcel is located approximately 3,800 feet or .72 miles west of Highway 1, and approximately 800 feet or .15 miles southwest of the city of Carmel-by-the-Sea. The site is bordered by residential uses in all directions. The project involves no grading or tree removal, and would not result in any significant disruption to environmentally sensitive habitat. The project site is located in the Carmel Area Wastewater District (CAWD) and the adjacent properties have sewer connections. The entire area is on the CAWD sewer system, and there are no septic tanks or leachfields in the area. APNs 009-432-014-000 and 009-432-019-000 are vacant lots with no existing development. Existing development on APN 009-432-018-000 includes a single family dwelling with an attached garage. The existing residence is served by a public water system (Cal-Am) and public sewer (CAWD). All three lots are approximately 6,000 square feet in surface area.

The well is intended to determine if an adequate water supply is available to serve future potential development of parcels 009-432-014-000 and 009-432-019-000. This application, if approved, would not authorize the construction and operation of a permanent well. This requirement is consistent with Carmel Area Land Use Plan Policy 2.4.4.A.1, which directs that new development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility or community system or an acceptable surface water diversion, spring, or well. Although the test well is located within an existing water utility service area, the well draws water from outside the Cal-Am water source area (that is, outside of the Carmel River alluvial aquifer, Seaside Coastal Basin, and San Clemente Dam). As the well is located outside of the main water sources of the Cal-Am service area, it is not expected to have direct impacts on the groundwater sources that serve the existing public water system.

The 2007 California Plumbing Code (CPC) requires internal structural plumbing to have a minimum horizontal distance of at least 25 feet from a water supply well. The 2007 CPC also requires a 50 foot horizontal separation distance between water supply wells and sewer mains and laterals, except the distance for sewer lines from water supply wells may be reduced to not less than 25 feet, if the drainage piping is constructed of approved materials (Table 7-7, 2007 CPC). The 50 foot setback is only required if clay or similar piping materials are used. The proposed well location is more than 50 feet away from all existing sewer mains and laterals, and has been sited to minimize potential development impacts to adjacent properties. The twenty-five foot separation radius for internal structural plumbing falls primarily on the parcels owned by the Berry Trust. There is partial encroachment into an adjacent parcel under separate ownership (Assessor's Parcel Number 009-432-013-000); however, this falls mostly within the structural setback and does not include any area of the existing residence on the parcel.

The project site is in an area identified in County records as having a high archaeological sensitivity, and is within 750 feet of known archaeological resources. The archaeological report identified evidence for potential, but limited, impacts to prehistoric cultural resources during project activities. With County required Conditions of Approval and Mitigations, impacts to prehistoric cultural resources would be mitigated to less than significant. Per the mitigation measure, all development activities shall be monitored by a qualified archaeologist, and the monitor shall have the authority to stop work if cultural resources are found.

CEQA Review: The Planning Department prepared an Initial Study pursuant to CEQA and a Mitigated Negative Declaration (SCH#2009071086) was filed with the County Clerk on July 22, 2009, noticed for public review and circulated to the State Clearinghouse from July 23 to August 24, 2009. No substantive comments were received from other governmental agencies or the public. The Initial Study identified potentially significant effects relative to Cultural Resources. Analysis of the potential impacts determined that although the project could have significant impacts, by incorporating standard conditions of approval (Condition No. 3) and recommended mitigation measures (Condition No. 12/Mitigation Measure No. 1), potential impacts of the proposed project can be reduced to a less than significant level.

CEQA Comments:

The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. Comments were received from the California Coastal Commission (CCC) and the Monterey Peninsula Water Management District (MPWMD).

The MPWMD concurs with the County's assessment of potential impacts from the test well. However, the subject parcel is within 1,000 feet of the Pacific Ocean, and the MPWMD would evaluate the potential for a long-term well to induce seawater intrusion if the applicant applies for a Water Distribution Permit from the MPWMD.

The CCC forwarded a 2005 letter to reiterate past comments regarding private wells in the Cal-Am service area. The CCC views private wells in the "urban" areas of the Carmel Area Land Use Plan (LUP) as inconsistent with land use policies. However, wells are not explicitly prohibited by the policies of the Carmel Area LUP, and the CCC view is inconsistent with existing state law regarding water rights.





**EXHIBIT C**  
**DRAFT RESOLUTION w/**

1. Conditions Matrix
2. Site Plan

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009

**EXHIBIT C**  
**DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**BERRY TRUST (PLN080302)**

**RESOLUTION NO. 080302**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program; and
- 2) Approving a Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a test well on Assessor's Parcel Number 009-432-019-000 for future domestic service to Assessor's Parcel Numbers 009-432-014-000 and 009-432-019-000, and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource.

(PLN080302, Berry Trust, 26276 Ocean View Avenue, Carmel Area Land Use Plan, APNs: 009-432-014-000, 009-432-018-000, and 009-432-019-000)

**The Berry Trust application (PLN080302) came on for public hearing before the Monterey County Zoning Administrator on October 8, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

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

**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- Carmel Area Land Use Plan,
- Carmel Area Coastal Implementation Plan,
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 26276 Ocean View Avenue, Carmel Point (Assessor's Parcel Numbers 009-432-019-000, 009-432-014-000, and

009-432-018-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential, two (2) units per acre, Design Control Overlay, 18' height limit, in the Coastal Zone ["MDR/2-D (18') (CZ)"], which allows the construction of wells as a principal use allowed and development within 750 feet of a known archaeological resource as a conditional use with the approval of discretionary permits. Therefore, the project is an allowed land use for this site.

- c) The test well is intended to determine if an adequate water supply is available to serve future potential development of the parcel. This permit does not authorize the construction and operation of a permanent well.
- d) The project planner conducted a site inspection on July 9, 2008, to verify that the project on the subject parcel conforms to the plans listed above.
- e) Archaeological Resources: The project site is in an area identified in County records as having a high archaeological sensitivity, and is within 750 feet of known archaeological resources. An archaeological survey prepared for the project recommended actions to be taken to preserve potential archaeological resources. The archaeological report identified evidence for potential, but limited, impacts to prehistoric cultural resources during project activities. With County required Conditions of Approval and Mitigations, impacts to prehistoric cultural resources would be mitigated to less than significant (Condition Nos. 3 and 12). See Finding 5.
- f) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involved development requiring CEQA review. The Carmel Highlands LUAC unanimously recommended denial, at a public meeting held on September 15, 2008. There was no public comment at the meeting. The LUAC recommended denial because of concern regarding saltwater intrusion that could be caused by the well. However, this project only involves the drilling of a test well, and no permanent or structural development is proposed at this time. Furthermore, the LUAC did not submit any evidence to substantiate their concern.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080302.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, RMA - Public Works Department, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to archaeological and biological resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
  - Preliminary Archaeological Report (LIB080506) prepared by Archaeological Consulting, Salinas, California, July 30, 2008.
  - Biological Resource Site Analysis (LIB090250) prepared by Fred Ballerini Horticultural Services, Pacific Grove, California, April 20, 2009.
- c) Staff conducted a site inspection on July 9, 2008, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080302.

3. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, RMA - Public Works Department, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities will be provided. The proposed test well will provide information to determine the quantity and quality of available water. The area is served by the Carmel Area Wastewater District. There are no unresolved issues at this time.
  - c) Preceding and following findings and supporting evidence for PLN080302.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on July 9, 2008, and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the

proposed development are found in Project File PLN080302.

5. **FINDING:** **CEQA (Mitigated Neg Dec)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080302).
  - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration.
  - d) Issues that were analyzed in the Mitigated Negative Declaration include archaeological/cultural resources. To mitigate/reduce the potential physical impacts of the project with regard to Cultural Resources, one mitigation measure (Condition No.12/Mitigation Measure 1) has been proposed. All activities shall be monitored by a qualified archaeologist, and the monitor shall have the authority to stop work if cultural resources are found.
  - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**.
  - f) The Draft Mitigated Negative Declaration (MND) for PLN080302 was prepared in accordance with CEQA and circulated for public review from July 23 through August 24, 2009 (SCH#: 2009071086). Issues that were analyzed in the Draft MND include cultural resources.
  - g) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN080302) and are hereby incorporated herein by reference.
  - h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no

effect on fish and wildlife resources. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee of \$1,993.00 plus a fee of \$50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- i) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. Comments were received from the California Coastal Commission (CCC) and the Monterey Peninsula Water Management District (MPWMD). The MPWMD concurs with the County's assessment of potential impacts from the test well. However, the subject parcel is within 1,000 feet of the Pacific Ocean, and the MPWMD would evaluate the potential for a long-term well to induce seawater intrusion if the applicant applies for a Water Distribution Permit from the MPWMD. The CCC forwarded a 2005 letter to reiterate past comments regarding private wells in the Cal-Am service area. The CCC views private wells in the "urban" areas of the Carmel Area Land Use Plan (LUP) as inconsistent with land use policies. However, wells are not explicitly prohibited by the policies of the Carmel Area LUP, and the CCC view is inconsistent with existing state law regarding water rights.
- j) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

5. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Public Access Map, in the Carmel Area Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080302.
  - e) The project planner conducted a site inspection on July 9, 2008.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:** a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) California Coastal Commission: Sections 20.86.080.A.1 and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, and development involving a conditional use.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Adopt the Mitigated Negative Declaration;
- B. Approve a Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a test well on Assessor's Parcel Number 009-432-019-000 for future domestic service to Assessor's Parcel Numbers 009-432-014-000 and 009-432-019-000, and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference; and
- C. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**).

**PASSED AND ADOPTED** this eighth day of October, 2009.

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MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

## NOTES

1. You may need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.



**RESOLUTION 080302 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name: Berry Trust**

**File No: PLN080302**

**APNs: 009-432-014-000, 009-432-018-000, and 009-432-019-000**

**Approved by: Zoning Administrator Date: October 8, 2009**

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
<b>RMA – Planning Department</b>						
1.		<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Combined Development Permit (PLN080302) allows a Coastal Administrative Permit for the construction of a test well on Assessor's Parcel Number 009-432-019-000 for future domestic service to Assessor's Parcel Numbers 009-432-014-000 and 009-432-019-000, and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. The property is located at 26276 Ocean View Avenue, Carmel Point (Assessor's Parcel Number 009-432-019-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.</p> <p>To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA</p> <p>RMA - Planning</p>	<p>Ongoing unless otherwise stated.</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		<p>appropriate authorities. (RMA-Planning Department)</p> <p><b>PD002 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution 080302) was approved by the Zoning Administrator for Assessor's Parcel Number 009-432-019-000 on October 8, 2009. The permit was granted subject to 12 (twelve) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	Owner/ Applicant  RMA-Planning	Prior to the issuance of a well construction permit or commencement of use.	
3.		<p><b>PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</b></p> <p>If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> <li>- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.</li> <li>- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.</li> <li>- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of</li> </ul>	<p>The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.</p> <p>The requirements of this condition shall be included as a note on plans.</p>	Owner / Applicant	Prior to the issuance of a well construction permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or</p> <p>- Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:</p> <ol style="list-style-type: none"> <li>1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</li> <li>2. The descendent identified fails to make a recommendation; or</li> <li>3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</li> </ol> <p><b>(RMA - Planning Department)</b></p>				
4.		<p><b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b></p> <p>Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b></p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Within 5 working days of project approval.</p> <p>Prior to the issuance of a well construction permit.</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5.		<b>PD016 – NOTICE OF REPORT (BIOLOGICAL)</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Biological Resource Site Analysis has been prepared for this parcel by Fred Ballerini Horticultural Services, dated April 20, 2009, and is on record in the Monterey County RMA - Planning Department, Library No. 090250. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.  Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner / Applicant	Prior to the issuance of a well construction permit.  Within 30 days of completion of test well.	
6.		<b>PD032(A) – PERMIT EXPIRATION</b> The permit shall be granted for a time period of 4 years, to expire on October 8, 2013, unless use of the property or actual construction has begun within this period. <b>(RMA – Planning Department)</b>	The applicant shall obtain a valid well construction permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner / Applicant	As stated in the conditions of approval.	
7.		<b>PDSP001 – DRILLING SPOIL CONTAINMENT (NON-STANDARD)</b> Drilling mud and cement used for capping of the well shall not be allowed to escape the well site. Containment basins shall be installed. Drilling mud shall be temporarily stored in these basins so that none escapes into the surrounding habitat. The driller shall monitor the amount of mud contained in the basin to prevent overflow, and shall pump out and properly dispose of any and all mud generated by this project. All foreign material used in this project, including sand bags and their contents, shall be removed from the site after the project is completed. The applicant shall submit evidence of installation of containment basins. <b>(RMA - Planning Department)</b>	Submit evidence of installation of containment basins to the RMA – Planning Department prior to drilling of test well.	Owner / Applicant	Prior to drilling of test well.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
<b>RMA – Public Works Department</b>						
8.		<b>PWSP001 – DRAINAGE PLAN (NON-STANDARD)</b> The applicant shall ensure no run off is allowed to Ocean View Avenue or Scenic Road. The applicant shall submit a drainage plan to the Department of Public Works for review and approval prior to issuance of a well construction permit. <b>(RMA – Public Works)</b>	The applicant shall submit a drainage plan to the Department of Public Works for review and approval.	Owner / Applicant	Prior to issuance of a well construction permit.	
<b>Health Department Environmental Health Division</b>						
9.		<b>EH8 - WELL CONSTRUCTION PERMIT</b> Obtain a water well drilling permit from the Division of Environmental Health and construct the well. <b>(Environmental Health)</b>	Submit the Well Completion Report to the Division of Environmental Health.	Owner / Applicant	Within 60 days after completion of the test well.	
10.		<b>EH9 - NEW WELL PUMP TESTS</b> All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump tests shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. The pump test results shall be	Submit a report to EH for review and approval.	Owner / Applicant	Coordinate timing of test and report submittal with EH.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		presented in a form for direct comparison to the criteria set forth in this condition. A representative of the Division of Environmental Health shall witness the pump tests. The applicant shall pay all associated fees to the Division of Environmental Health. <b>(Environmental Health)</b>				
11.		<b>EHSP001 – UTILITIES EASEMENT (NON-STANDARD)</b> Carmel Area Wastewater District must abandon the 10 foot Utilities Easement bordering Lot 6 and 7 to remove the ability to use the easement for the transference of wastewater (sewer laterals would not be allowed). The abandoned easement must run the width of the property from Ocean View Avenue west to 10 feet beyond the western boundary of lots 6 and 7 (into the easement between lots 1 and 2). <b>(Environmental Health)</b>	Submit verification to the Environmental Health Division that the easement has been abandoned so that the transference of wastewater is not allowed.	Owner / Applicant	Prior to the issuance of a well construction permit.	
<b>Mitigation Measure</b>						
12.	1.	<b>MITIGATION 1 – CULTURAL RESOURCES / ARCHAEOLOGICAL SITE MONITORING</b> The applicant shall submit an agreement to contract an archaeologist from the County's list for archaeological monitoring during earth-disturbing activities associated with well drilling, to include excavation of the spoils pit, etc. The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. <b>(RMA – Planning Department)</b>	Prior to issuance of a Well Construction Permit, the applicant shall provide the Planning Department with a copy of an agreement containing the requirement of an archaeological monitor from the County's list of archaeologists to be on-site during earth-disturbing activities.  The applicant shall provide evidence of the presence of the monitoring archaeologist during drilling and excavation activities. The applicant or archaeologist shall submit photos within 30 days of well completion.	Owner / Applicant	Prior to issuance of a well construction permit.	

**END OF CONDITIONS**









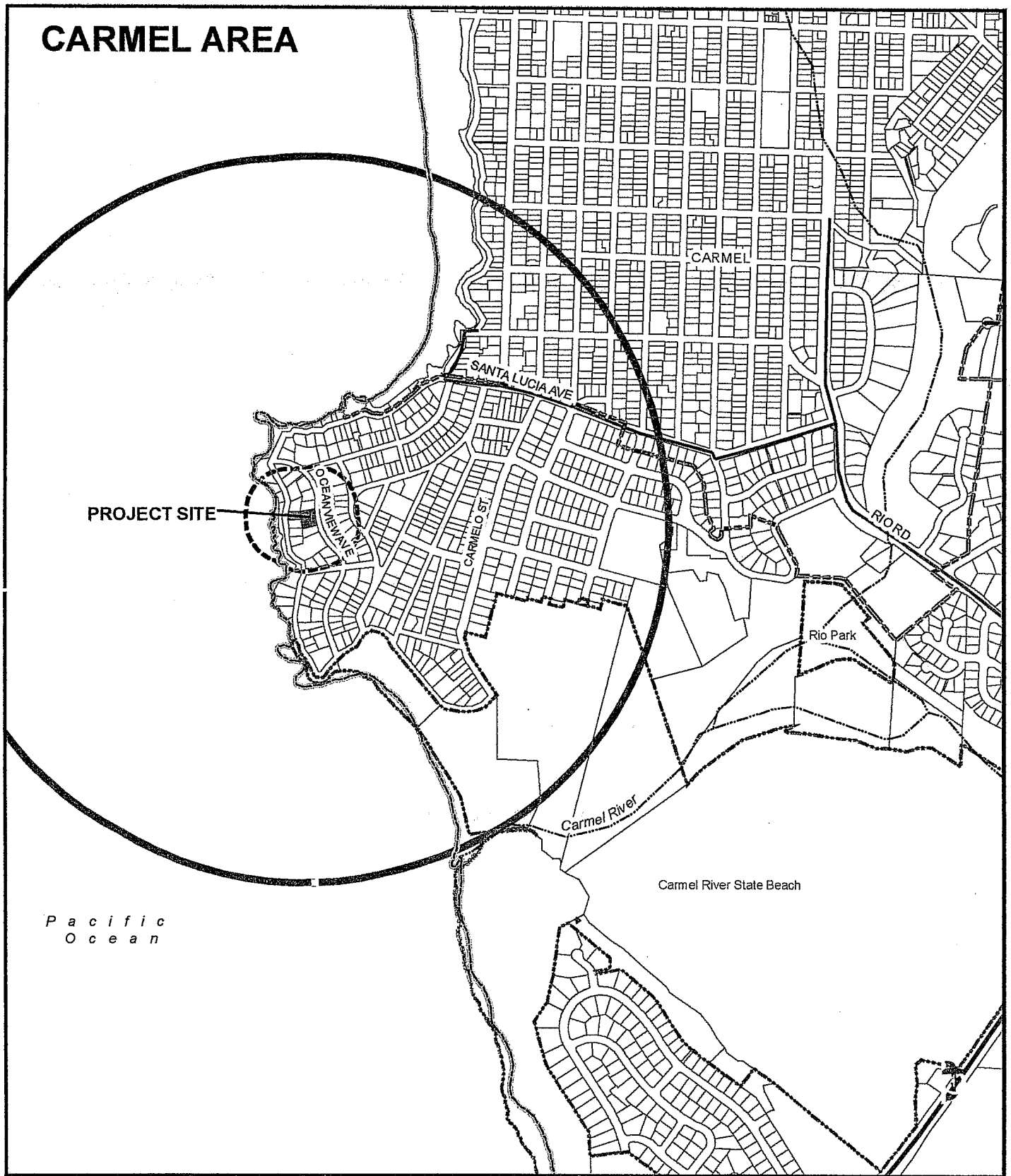
# **EXHIBIT D**

## **VICINITY MAP**

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009

# CARMEL AREA

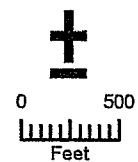


APPLICANT: BERRY

APN: 009-432-014, 018, 019

FILE # PLN080302

  300' Limit
   2500' Limit
   City Limits



PLANNER: SIDOR

**EXHIBIT E**  
**ADVISORY COMMITTEE MINUTES**

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009

## Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025

**Advisory Committee: Carmel Highland**

Please submit your recommendations for this application by Monday, September 15, 2008

**Project Title:** BERRY F LANGWITH TR

**File Number:** PLN080302

**File Type:** ZA

**Planner:** JOE SIDOR

**Location:** 26276 OCEAN VIEW AVE CML

**Project Description:** COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A COASTAL ADMINISTRATIVE PERMIT FOR THE CONSTRUCTION OF A TEST WELL FOR FUTURE DOMESTIC SERVICE, AND 2) A COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT WITHIN 750 FEET OF A KNOWN ARCHAEOLOGICAL RESOURCE. THE PROPERTY IS LOCATED AT 26276 OCEAN VIEW AVE, CARMEL POINT (ASSESSOR'S PARCEL NUMBERS 009-432-014-000, 009-432-018-000, AND 009-432-019-000), CARMEL LAND USE PLAN, COASTAL ZONE.

Was the Owner/Applicant/Representative Present? Yes \_\_\_\_\_ No ✓

**PUBLIC COMMENT:**

NONE

**AREAS OF CONCERN** (e.g. traffic, neighborhood compatibility, visual impact, etc.):

[PLN080302 BERRY F LANGWITH TR]

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

RECOMMENDED TO DENY BY MCHEN  
SECOND BY WEBER

ADDITIONAL LUAC COMMENTS:

DANGER OF SALT WATER INTRUSION  
ON A SPECULATED PROPERTY

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

DENIAL

CONCUR WITH RECOMMENDATION:

AYES: 4

NOES: 0

ABSENT: 2

ABSTAIN: \_\_\_\_\_

MEETING ADJOURNED AT: 4:20

PREPARED BY: MCHEN



**EXHIBIT F**  
**MITIGATED NEGATIVE DECLARATION**

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009

County of Monterey  
State of California

**MITIGATED NEGATIVE DECLARATION**

**FILED**

JUL 22 2009

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	Berry Trust
<b>File Number:</b>	PLN080302
<b>Owner:</b>	F. Langwith Berry Trust
<b>Project Location:</b>	26276 Ocean View Avenue, Carmel Point, Monterey County, California 93923
<b>Primary APNs:</b>	009-432-019-000; 009-432-014-000; 009-432-018-000
<b>Project Planner:</b>	Joseph Sidor, Associate Planner
<b>Permit Type:</b>	Combined Development Permit
<b>Project Description:</b>	Combined Development Permit consisting of: 1) a Coastal Administrative Permit for the construction of a test well on Assessor's Parcel Number 009-432-019-000 for future domestic service to Assessor's Parcel Numbers 009-432-014-000 and 009-432-019-000, and 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

<b>Decision Making Body:</b>	Monterey County Zoning Administrator
<b>Responsible Agency:</b>	Resource Management Agency - Planning Department
<b>Review Period Begins:</b>	July 23, 2009
<b>Review Period Ends:</b>	August 22, 2009

Further information, including a copy of the application and Initial Study are available at the Monterey County Resource Management Agency - Planning Department, 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, CA 93901 (831) 755-5025.



# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



## INITIAL STUDY

### I. BACKGROUND INFORMATION

**Project Title:** BERRY TRUST

**File No.:** PLN080302

**Project Location:** 26276 Ocean View Avenue, Carmel Point

**Name of Property Owner:** Berry Trust

**Name of Applicant:** Berry Trust

**Assessor's Parcel Number(s):** 009-432-019-000, 009-432-014-000, & 009-432-018-000

**Acreage of Property:** Approximately .139 acre (6,040 square feet), .138 acre (6,002 square feet), & .138 acre (6,005 square feet), respectively.

**General Plan Designation:** RESIDENTIAL

**Zoning District:** MDR/2-D (18) (CZ) (Medium Density Residential, maximum gross density of 2 units/acre, Design Control Overlay and 18 foot maximum height, Coastal Zone)

**Lead Agency:** Monterey County Resource Management Agency - Planning Department

**Prepared By:** Joseph Sidor

**Date Prepared:** June 19, 2009

**Contact Person:** Joseph Sidor, Associate Planner  
SidorJ@co.monterey.ca.us

**Phone Number:** (831) 755-5262

## **II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING**

### **A. Project Description:**

PLN080302 is a request for a Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a test well on Assessor's Parcel Number (APN) 009-432-019-000 for future domestic service to APNs 009-432-014-000 and 009-432-019-000, and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. The property is located at 26276 Ocean View Avenue, Carmel Point, Carmel Area Land Use Plan, Coastal Zone. APN 009-432-018-000 provides a back-up well location. Currently, all three parcels are under common ownership (i.e., the Berry Trust). Other than the well, the applicant is not proposing any structural development at this time.

### **B. Environmental Setting, Surrounding Land Uses, and Site Background:**

The project site is located at 26276 Ocean View Avenue in the Carmel Point area of Monterey County. The parcel is located approximately 3,800 feet or .72 miles west of Highway 1, and approximately 800 feet or .15 miles southwest of the city of Carmel-by-the-Sea. The site is bordered by residential uses in all directions. The project involves no grading or tree removal, and would not result in any significant disruption to environmentally sensitive habitat. The project site is located in the Carmel Area Wastewater District (CAWD) and the adjacent properties have sewer connections. The entire area is on the CAWD sewer system, and there are no septic tanks or leachfields in the area. APNs 009-432-014-000 and 009-432-019-000 are vacant lots with no existing development. Existing development on APN 009-432-018-000 includes a single family dwelling with an attached garage. The existing residence is served by a public water system (Cal-Am) and public sewer (CAWD). All three lots are approximately 6,000 square feet in surface area.

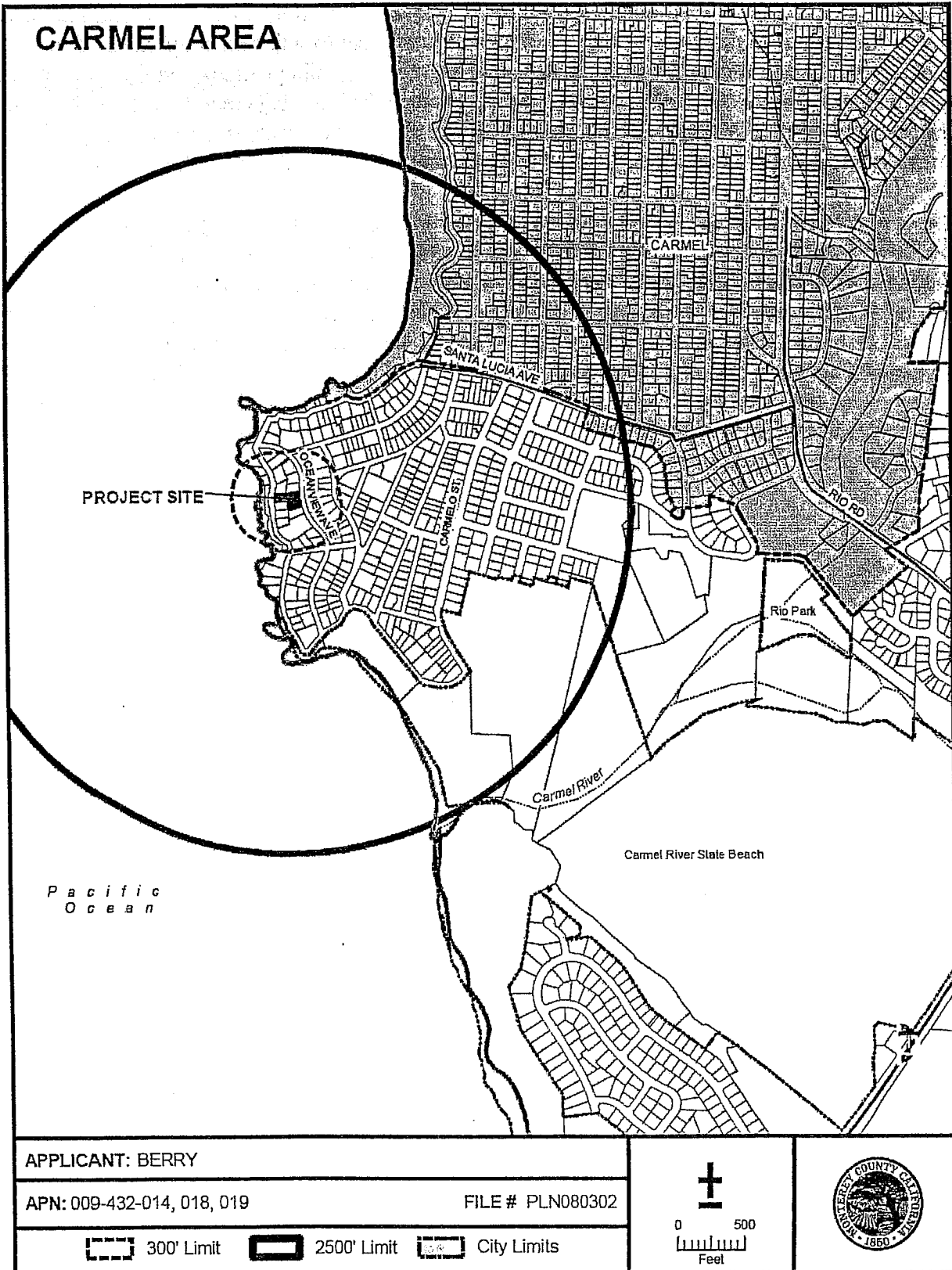
The well is intended to determine if an adequate water supply is available to serve future potential development of parcels 009-432-014-000 and 009-432-019-000. This application, if approved, would not authorize the construction and operation of a permanent well. This requirement is consistent with Carmel Area Land Use Plan Policy 2.4.4.A.1, which directs that new development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility or community system or an acceptable surface water diversion, spring, or well. Although the test well is located within an existing water utility service area, the well draws water from outside the Cal-Am water source area (that is, outside of the Carmel River alluvial aquifer, Seaside Coastal Basin, and San Clemente Dam). As the well is located outside of the main water sources of the Cal-Am service area, it is not expected to have direct impacts on the groundwater sources that serve the existing public water system.

The 2007 California Plumbing Code (CPC) requires internal structural plumbing to have a minimum horizontal distance of at least 25 feet from a water supply well. The 2007 CPC also requires a 50 foot horizontal separation distance between water supply wells and sewer mains and laterals, except the distance for sewer lines from water supply wells may be reduced to not less than 25 feet, if the drainage piping is constructed of approved materials (Table 7-7, 2007

CPC). The 50 foot setback is only required if clay or similar piping materials are used. The proposed well location is more than 50 feet away from all existing sewer mains and laterals, and has been sited to minimize potential development impacts to adjacent properties. The twenty-five foot separation radius for internal structural plumbing falls primarily on the parcels owned by the Berry Trust. There is partial encroachment into an adjacent parcel under separate ownership (Assessor's Parcel Number 009-432-013-000); however, this falls mostly within the structural setback and does not include any area of the existing residence on the parcel.

The project site is in an area identified in County records as having a high archaeological sensitivity, and is within 750 feet of known archaeological resources. An archaeological survey prepared for the project recommended actions to be taken to preserve potential archaeological resources. The archaeological report identified evidence for potential, but limited, impacts to prehistoric cultural resources during project activities. With County required Conditions of Approval and Mitigations, impacts to prehistoric cultural resources would be mitigated to less than significant (see Section VI. 5 – Cultural Resources). Per the mitigation measure, all development activities shall be monitored by a qualified archaeologist, and the monitor shall have the authority to stop work if cultural resources are found.

1) Vicinity Map:



PLANNER: SIDOR



### **III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS**

Use the list below to indicate plans are applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	■	Air Quality Mgmt. Plan	■
Specific Plan	□	Airport Land Use Plans	□
Water Quality Control Plan	■	Local Coastal Program-LUP	■

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan. Section IV. 9 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (refer to *Local Coastal Program-LUP* discussion below); or conflicts with any applicable habitat conservation plan or natural community conservation plan. **CONSISTENT**

Water Quality Control Plan. The Regional Water Quality Control Board incorporates the County's General Plan in its preparation of regional water quality plans. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast and, therefore, is consistent with the Regional Water Quality Control Plan. Section VI. 8 (Hydrology and Water Quality) below discusses whether the proposed project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. **CONSISTENT**

Air Quality Management Plan. Consistency of a project with regional population and employment forecasts will result in consistency of the project with the Air Quality Management Plan (AQMP). The Monterey Bay Unified Air Pollution Control District (MBUAPCD) incorporates the Association of Monterey Bay Area Governments (AMBAG) population forecasts in its preparation of regional air quality plans, making this project consistent with the applicable Air Quality Plan. The AQMP addresses the attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). The proposed project will not increase the population of the area nor generate additional permanent vehicle trips not already addressed in the County's General Plan. Therefore, the project will be consistent with the AQMP. **CONSISTENT**

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Carmel Area Land Use Plan (LUP). Section IV. 9 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflicts with any

applicable habitat conservation plan or natural community conservation plan. As discussed therein, the proposed project is consistent with the Carmel Area LUP. **CONSISTENT**

#### ***IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION***

##### **A. FACTORS**

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources        | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality       | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems   |  |   |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- ☐ Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

##### **EVIDENCE:**

- 1) Aesthetics. The project site is approximately 125 feet east of Scenic Road, and the proposed well-head would not be visible from this scenic roadway or public viewpoints. The project would not damage any scenic resources, and would not result in ridgeline development (Source: IX. 1, 3, 4, 5). There are no other

significant visual resources, scenic corridors, or significant views or vistas in the immediate project vicinity, and the project site is not part of a scenic vista or panoramic view (Source: IX. 1, 3, 5). The project would not change nor substantially degrade the existing visual character of the site and its surroundings (Source: IX. 1, 3, 5, 6). The project as proposed will not result in the demolition of existing or the construction of new structures (Source: IX. 1). There is no change proposed to the existing residential zoning, and the project would not create any new sources of substantial light or glare which would adversely affect views in the area (Source: IX. 1, 3, 5). The potential for future residential development of the parcels would be consistent with the existing zoning and uses for the area. The project is consistent with the Visual Resources Key Policy 2.2.2 of the Carmel Area Land Use Plan, which requires all future development within the viewshed to harmonize and be clearly subordinate to the natural scenic character of the area (Source: IX. 1, 3, 5). The project will have no impacts to visual or aesthetic resources.

- 2) Agricultural Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance (Source: IX. 2, 3, 6), and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project will not change the existing residential zoning on the property. The project will have no impacts to agricultural resources.
- 3) Air Quality. The proposed project site is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the subject air basin. In 2004, the MBUAPCD adopted an Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality for criteria pollutants. The project involves the construction of a well. It would not permanently conflict with or obstruct the implementation of Air Quality Management Plan, nor would it violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment (Source: IX. 1, 2, 7). Moreover, the project would not result in significant construction-related air quality impacts, would not expose any sensitive receptors to substantial pollutant concentrations, and would not create any objectionable odors affecting a substantial number of people (Source: IX. 1, 7). The generation of substantial or significant odors over the long-term is not typically associated with a project of this scope. In this case, temporary and short-term impacts from project-related construction activities only have the potential to affect local air quality. Emissions may include on-site generation of exhaust from drilling equipment. The project as proposed would have no impacts to air quality.
- 4) Biological Resources. The project site is approximately 150 feet east of Carmel Bay (Source: IX. 1, 5, 6). The parcel is bordered by residential uses on all sides (Source: IX. 1, 3, 5, 6). The property does not contain any mapped or field-



identified environmentally sensitive habitat areas or sensitive species (Source: IX. 1, 3, 5, 6, 9). The project is consistent with the Carmel Area Land Use Plan General Policy 2.3.3.1, which directs that development shall be avoided in critical and sensitive habitat areas.... The project involves no tree removal, no structural development (e.g., demolition or construction), and no clearing and/or grading (Source: IX. 1). The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community (Source: IX. 1, 3, 5, 6, 9). The project will have no impacts on biological resources.

- 5) Cultural Resources. See Section VI for detailed analysis.
- 6) Geology and Soils. County records did not identify any on-site faults. Therefore, the risk of direct surface rupture would be minimal and would not expose people or structures to potential substantial adverse effects (Source: IX. 1, 3, 6). In addition, the project would not result in substantial soil erosion or loss of topsoil. It does not involve the construction of new structures, and would not result in structures located on a geologic unit, or soil that is unstable or expansive (Source: IX. 1, 3, 6). The project as proposed will have no impacts related to geology and soils.
- 7) Hazards/Hazardous Materials. The project does not involve new structural development nor the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. There is no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. The site is located in a residential area and would not be subject to wildland fire hazards (Source: IX. 1, 2, 3, 5, 6). The project would have no impacts regarding hazards or hazardous materials.
- 8) Hydrology and Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements. The existing structural development on Assessor's Parcel Number 009-432-018-000 is served by public sewer and water systems. The Monterey County Water Resources Agency (WRA) and Environmental Health Division have reviewed the project application and, as conditioned, deemed that the project complies with applicable ordinances and regulations (Source: IX. 1, 3, 6). The project will not expose people or structures to a significant risk involving flooding, including inundation by seiche, tsunami, or mudflow (Source: IX. 1, 5, 6). The project will not alter the existing drainage pattern of the site or area, nor create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems (Source: IX. 1, 3, 5, 6). Since no structural development is proposed, the project would not provide additional sources of polluted runoff or degrade water quality,

or place a structure within an area that would impede or redirect flood flows (Source: IX. 1, 3, 5, 6). The project, as proposed, will also not deplete groundwater supplies or interfere with groundwater recharge. The project as proposed would have no impacts related to hydrology and water quality.

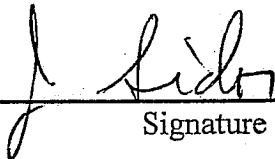
- 9) Land Use and Planning. The proposed project involves the construction of a well for future domestic use on legal lots of record that are zoned for residential use; therefore, the project would not physically divide an existing community (Source: IX. 1, 2, 3, 5, 6). The project would not disrupt, divide, or otherwise have a negative impact upon the existing neighborhood or adjacent properties. The project site is designated for Medium Density Residential uses. The potential future development of residences on the affected parcels is consistent with this designation. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Source: IX. 1, 2, 3, 4). The project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site (Source: IX. 1, 2, 3, 6). The project would result in no impacts to land use and planning.
- 10) Mineral Resources. No mineral resources have been identified or would be affected by the project (Source: IX. 1, 2, 3, 5, 6). The project would result in no impacts to mineral resources.
- 11) Noise. The project would not change the existing residential use of the property, would not expose the surrounding properties to noise levels that exceed standards or to substantial vibration from construction activity, and would not substantially increase ambient noise levels (Source: IX. 1, 2, 3, 5, 6). The project involves the drilling of a test well, and the associated impacts would be temporary and not considered significant. During drilling operations, the contractor shall be required to comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. The project site is not located in the vicinity of an airport or private airstrip. The generation of substantial or significant noise over the long-term is not typically associated with a project of this scope. The proposed project would have no noise impacts.
- 12) Population/Housing The project involves the proposed construction of a well to provide service to two existing residentially-zoned parcels. No structural development is proposed as part of this project, and the project will not increase residential housing in the area. It would not induce population growth in the area, either directly, or indirectly, as no new infrastructure would be extended to the site. The project would not alter the existing location, distribution, or density of human population in the area, nor create a demand for additional housing, or displace people (Source: IX. 1, 2, 3, 5). There would be no impacts to population or housing.

- 13) Public Services. The project would result in the construction of a well to provide future domestic water service to the affected parcels. The project would have no measurable effect on existing public services in that there would be no increase in demand, and it would not require expansion of any services to serve the project. County Departments reviewed the project application and have provided recommended Conditions of Approval. None of the County agencies or service providers indicated that this project would result in significant impacts (Source: IX. 1, 5, 6). The proposed project would have no impacts related to public services.
- 14) Recreation. The project, as proposed, would not result in an increase in the use of existing recreational facilities causing substantial physical deterioration (Source: IX. 1, 5, 6). No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 3 (Public Access Map) of the Carmel Area LUP and staff site visits (Source: IX. 3, 5, 6). The project would not create significant recreational demands. The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformity with the public access policies of Chapter 5 of the Carmel Area Land Use Plan (LUP), and Section 20.146.130 of the Monterey County Coastal Implementation Plan for the Carmel Area (Part 4). Figure 3 does not identify the parcel as an area requiring existing or proposed public access. No public access points or trails are located on the parcel. The proposed project would have no impacts related to recreation.
- 15) Transportation/Traffic. The proposed project does not involve structural development that would generate new permanent traffic or increase the number of vehicle trips (Source: IX. 1). The roadways in the immediate area are not at degraded levels of service during non-peak hours. The contribution of traffic from the potential development of the parcels would not cause any roadway or intersection level of service to be degraded (Source: IX. 1, 2, 3, 5, 6). The project would not result in a change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity (Source: IX. 1, 3, 4, 5, 6). The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation (Source: IX. 1, 2, 3). The proposed project would have no impacts related to transportation or traffic.
- 16) Utilities and Service Systems. The project does not propose to add any new structures that would require increases to service from existing systems. (Source: IX. 1, 3, 6). Utility infrastructure for electricity, gas, sewer, and phone services are available, and the proposed project would not generate additional demand nor warrant the expansion of the current infrastructure. The project would have no impacts related to utilities and service systems.

## B. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

*Joseph Sidor*

June 19, 2009

Date

*Associate Planner*

## V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

### 1. AESTHETICS

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista? (Source: IX. 1, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Analysis/Mitigations:** See Section IV.

### 2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX. 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: IX. 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Analysis/Mitigations:** See Section IV.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX. 1, 2, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

### 4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX. 1, 3, 5, 6, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: IX. 1, 3, 5, 6, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: IX. 1, 3, 5, 6, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: IX. 1, 3, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX. 1, 3, 6, 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 1, 3, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**Cultural Resources 5(a), 5(c), and 5(d) - No Impact.** Based upon the Monterey County GIS System Property Report, the project site does not contain historical resources and would therefore not cause a substantial adverse change in a significant historical resource (Source: IX. 1, 3, 5, 6, 8). The project site does not contain any existing structures, and review of parcel records indicate the property has not been previously developed. In addition, no paleontological resources or unique geologic features are identified as associated with this site (Source: IX. 1, 3, 5, 6). Also, given the location of the project site, it is unlikely to disturb any human remains (Source: IX. 1, 3, 5, 6, 8). The project as proposed will have no impacts related to a historic resource, paleontological resource, or a unique geologic feature.

### **Cultural Resources 5(b) – Less than Significant Impact with Mitigation Incorporated.**

The project site is in an area identified in County records as having a high archaeological sensitivity. In addition, the project includes a Coastal Development Permit to allow development within 750 feet of a known archaeological resource (Source: IX. 1, 3, 6, 8). Pursuant to Section 20.146.090 (Archaeological Resources Development Standards), an archaeological survey was prepared for the project, and concluded that the project area may contain potentially significant pre-historic cultural resources due to the proximity of a known archaeological resource. The report indicates that the proposed well drilling will pose a limited impact to the archaeological resource. The report also indicates that future (i.e., structural) development of the parcels may pose a greater potential impact. The report recommends mitigation measures based on future development; however, since no future development of the parcels is proposed as part of this application, there is no nexus for requiring the mitigation measures. However, given the proximity of the resource, it would be prudent to require monitoring of drilling activities to ensure recovery and cataloging of any artifacts. Therefore, monitoring of drilling activities is required to reduce potential project impacts to a less than significant level (Source: IX. 8).

**Mitigation Measure 1:** The applicant shall submit an agreement to contract an archaeologist from the County's list for archaeological monitoring during earth-disturbing activities associated with well drilling, to include excavation of the spoils pit, etc. The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features.

**Monitoring Action 1:** Prior to issuance of a Well Construction Permit, the applicant shall provide the Planning Department with a copy of an agreement containing the requirement of an archaeological monitor from the County's list of archaeologists to be on-site during earth-disturbing activities. The applicant shall provide evidence of the presence of the archaeologist on-site during drilling and excavation activities. Photos shall be submitted by the monitoring archaeologist.

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 1, 3, 6) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

## 8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**8. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

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**9. LAND USE AND PLANNING**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: IX. 1, 2, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: IX. 1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

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**10. MINERAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: IX. 1, 2, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

11. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX. 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

12. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: IX. 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

**12. POPULATION AND HOUSING**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

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**13. PUBLIC SERVICES**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

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**14. RECREATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

15. TRANSPORTATION/TRAFFIC					
Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: IX. 1, 2, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Result in inadequate parking capacity? (Source: IX. 1, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.



16. UTILITIES AND SERVICE SYSTEMS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: IX. 1, 3, 5, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?) (Source: IX. 1, 2, 3, 5, 6, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX. 1, 5, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**(a) Less than Significant with Mitigation Incorporated.** Based upon the analysis throughout this Initial Study, the project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The project may have the potential to eliminate important examples of the major periods of California history or prehistory. The cultural resources analysis above indicates that the site may contain significant archaeological resources as defined by the California Environmental Quality Act (CEQA). Therefore, mitigation will be required to reduce potential impacts to a level of less than significant.

**(b) No Impact.** The project involves the construction of a well on a parcel zoned for residential use. As a result, impacts relating to air quality, noise, population/housing, public services, recreation, transportation/traffic, and utilities and service systems attributable to the project have been addressed in the General Plan EIR. Implementation of the project, as proposed,

conditioned, and mitigated would not result in an increase of development potential for the project site.

**(c) No Impact.** The project would not result in significant construction-related impacts, and would not create any long-term impacts on the local area. The temporary and short-term environmental effects from project-related construction activities would not cause substantial adverse effects on human beings, either directly or indirectly.

## ***VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

**Conclusion:** The project will be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN080302 and the attached Initial Study / Mitigated Negative Declaration. The project as proposed may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community. The project as proposed, conditioned, and mitigated will not have the potential to degrade the environment (Source: IX. 1, 3, 5, 6, 7, 8, 9).

## ***IX. REFERENCES***

1. Project Application/Plans for Planning File No. PLN080302
2. Monterey County General Plan
3. Carmel Area Land Use Plan and Coastal Implementation Plan
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. Site Visit conducted by the project planner on July 9, 2008.
6. Monterey County Planning Department GIS System, Property Report for Selected Parcel – APN 009-432-018-000.
7. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008.
8. Preliminary Archaeological Report (LIB080506), prepared by Archaeological Consulting, Salinas, California, July 30, 2008.
9. Biological Resource Site Analysis (LIB090250), prepared by Fred Ballerini Horticultural Services, Pacific Grove, California, April 20, 2009.



**EXHIBIT G**  
**TECHNICAL REPORTS**  
Biological Resource Site Analysis

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009



**Fred Ballerini**  
**Horticultural Services**

April 20, 2009

To: Jay Auburn  
Carver + Schicketanz Architects  
P.O. BOX 2684  
Carmel CA 93921

Re: **Biological Resource Site Analysis for Berry Property**  
**APN 009-432-019**  
**26276 Ocean View, Carmel, CA 93923**

Dear Mr. Auburn,

Per your request for biological consultation, on April 15 and April 20, I conducted a biological resource site analysis of the two vacant parcels located at 26276 Ocean View in Carmel.

The analysis included a general survey of the two parcels including plant and wildlife surveys. The well drilling access and well location were analyzed for impacts to existing resources on site.

Please contact me with any questions or comments. Thank you.

Sincerely,

Fred Ballerini



## 1. Objective

This biological resource assessment has been prepared to provide information regarding existing habitats, plant and wildlife species, and potential impacts to biological resources resulting from the proposed well drilling activities found on two adjoining parcels, located at 26276 Ocean View in Carmel, California.

## 2. Existing Conditions

The two adjoining parcels are located between Ocean View and Scenic Drive in Carmel. The proposed well location is situated within a disturbed area on the west end of the eastern parcel (see Photo 'A', 'B', and 'C'). The well location is approximately 150-feet from the high tide mark. The topography is a flat coastal terrace gradually sloping up the parcel to a maximum elevation of approximately 20-feet. The soils exhibit a sand-loam cap over granitic subsoils.

## 3. Plant and Wildlife Species

The predominant existing vegetation on the properties consists of exotic annual grasses and other non-native herbaceous plant material including, ripgut brome (*Bromus diandrus*), buttercup oxalis (*Oxalis pes-caprae*), and Hottentot fig (*Carpobrotus edulis*), (see Photo 'E'). Ornamental landscape plants are the secondary vegetative feature among the parcel grounds and include several species including Karo (*Pittosporum crassifolium*), goldenwattle (*Acacia longifolia*), trailing African daisy (*Osteospermum fruticosum*) and English Ivy (*Hedera helix*), (see Photo 'D'). Monterey cypress (*Cupressus macrocarpa*) trees ranging from 8- to 24-inches in diameter have been planted within the parcels. One large California sagebrush (*Artemisia californica*) was found within the parcel.

The wildlife species analysis included surveys for several special-status wildlife species occurring within the vicinity of the Monterey Quadrangle: California red-legged frog (*Rana aurora draytonii*), black legless lizard (*Anniella pulchra nigra*), monarch butterfly (*Danaus plexippus*), Smith's blue butterfly (*Euphilotes enoptes smithi*), black swift (*Cypseloides niger*) and others. The predominant invasive plant species on the parcels do not provide optimal conditions for any of the CDFG special status species and the potential occurrence is unlikely.

Observed bird species in transit near the site included scrub jay (*Aphelocoma coerulescens*), American crow (*Corvus brachyrhynchos*), barn swallow (*Hirundo rustica*), western gull (*Larus occidentalis*), band-tailed pigeon (*Patagioenas fasciata*), cliff swallow (*Petrochelidon pyrrhonota*), and bushtit (*Psaltiriparus minimus*). During two site visits in the AM and PM, no nests were observed within 100-feet of the parcels.

## 4. Special-Status Species

There were no individual State or Federally Listed plants or wildlife identified on the site at the time of the survey. The California Natural Diversity Data Base (CNDDB) maintained by the State of California Department of Fish and Game (DFG) reports several special-status native plant and wildlife species occurring within the vicinity of the property within the Monterey Quadrangle, however I found no evidence of any listed native plant or wildlife species.

## 5. Potential Impacts and Recommendations

The potential impacts to significant biological resources on and surrounding the Berry parcels were evaluated based on the field investigations and conversations with Mike Grachek of Granite Drilling Company.

The well drilling process will be carried out with the following work schedule:

1. Install tree protection measures and erosion & sediment control devices.

2. Mobilize drilling and excavation equipment into project location.
3. Excavate retention pit with a backhoe. Retention pit will require excavating a pit with the following dimensions: 10'-15'L x 10'-15'W x 10'-12'D.
4. Drill well and deposit well spoils (approximately 7 to 8 cubic yards) into retention pit.
5. Vacuum truck will be hired to remove standing water (up to 8,000 gallons) within the retention pit.
6. Backfill retention pit with excavated soil material.
7. Apply erosion control seed and mulch.
8. Well drilling will be completed with a one-week period.

The following Best Management Practices (BMP's) should be incorporated and installed prior to and maintained during the well-drilling activities:

- a. Tree protection measures should be installed prior to equipment mobilization. To prevent inadvertent damage by construction equipment, tree protection measures should include wrapping of trunks with protective materials and bridging or tunneling under major roots during retention pit excavation. Soil compaction, parking of vehicles or heavy equipment, stockpiling of excavation materials, and/or dumping of tailings should not be allowed immediately adjacent to the trunks of protected trees. All tree protection measures should remain in place until all well-drilling activities are complete.
- b. Silt fencing should be installed down-slope of the retention pit and stockpile area to keep any well-tailings from migrating off site.
- c. The vacuum truck shall be on site to prevent the retention pit from overflowing.
- d. After the retention pit is backfilled, the disturbed areas shall be seeded with native annual and perennial grasses and topdressed with a 2" depth of sterile rice straw. (Seed spec: 30 #/acre *Bromus carinatus*, 10#/acre *Elymus glaucus*, 5#/acre *Vulpia microstachys*, and 2#/acre *Lotus scoparius*).

Implementation of recommendations presented in this document will ensure that development of proposed improvements will have no adverse impact on any site conditions. Also, by following the above recommendations, the project is not expected to disturb or have any substantial adverse effect on any wildlife species, federally protected wetlands, or habitat existing off site.

Berry Photographic Documentation

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Photo 'A': East parcel with proposed well site. Photo facing West direction. 4/15/09



Photo 'B': East parcel. Photo facing East and taken from well location. 4/15/09



Photo 'C': Proposed well site on East parcel in NW corner of lot. 4/15/09



Photo 'D': West parcel with ornamental plants facing west. 4/15/09



Photo 'E': Predominant non-native species, Rippgut Brome and Hottentot Fig. 4/15/09





**EXHIBIT H**  
**COMMENTS ON**  
**MITIGATED NEGATIVE DECLARATION**

PLN080302 – Berry Trust

Zoning Administrator  
October 8, 2009

**Sidor, Joe x5262**

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**From:** Henrietta Stern [Henri@mpwmd.dst.ca.us]  
**Sent:** Thursday, September 03, 2009 10:37 AM  
**To:** Sidor, Joe x5262  
**Cc:** Henrietta Stern; Andy Bell  
**Subject:** Berry Trust Test Well, PLN080302, APN 009-432-019, Correction to August 31, 2009 MPWMD Letter

Hello Joseph-

I discovered today that a hand-written correction did not make it into the signed letter referenced in the subject line above. Please note page 2, first para, last sentence is inaccurate. The subject parcel and well is not within 1,000 feet of the Carmel Valley Alluvial Aquifer (CVAA), but it is within 1,000 feet of the Pacific Ocean. Thus, the MPWMD would evaluate the potential for a long-term well to induce seawater intrusion.

Sorry for this error.  
Thanks

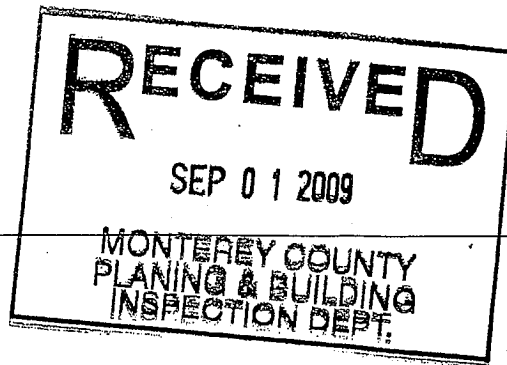
Henrietta Stern, Project Manager  
831/658-5621





**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5600  
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>



August 31, 2009

County of Monterey  
Resource Management Agency, Planning Dept.  
Attn: Joseph Sidor, Associate Planner  
168 W. Alisal St., 2<sup>nd</sup> Floor  
Salinas, CA 93901

**Subject: MPWMD Comments on Initial Study/Proposed Mitigated Negative Declaration for Berry Trust Test Well, Carmel Point; PLN080302; APN, 009-432-019 (well site), -014 and -018**

Dear Mr. Sidor:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates this opportunity to comment on the above-referenced document. The MPWMD is responsible for integrated water resources management for the Monterey Peninsula, including the project area.

The District concurs with the County's conclusions about the environmental effects of the test well. However, the applicant should be aware of MPWMD's testing protocol and other permit requirements for the well. After the test, if the applicant chooses to pursue long-term use of the well, a Water Distribution System (WDS) permit from the District is required pursuant to MPWMD Rules 20, 21 and 22. This process begins with a Pre-application form.

Please refer to the "Wells Page" on the District website at:  
<http://www.mpwmd.dst.ca.us/pae/wds/wds.htm> .

Specifically, the MPWMD well testing protocol is described in:  
[http://www.mpwmd.dst.ca.us/pae/wds/WDSPermits/WellAssessProcedures\\_ver3edit\\_14sep05.pdf](http://www.mpwmd.dst.ca.us/pae/wds/WDSPermits/WellAssessProcedures_ver3edit_14sep05.pdf)

For reference, the MPWMD Rules & Regulations are found at:  
<http://www.mpwmd.dst.ca.us/rules/2009July/TOC.htm>

All WDS within the District, ranging from large municipal systems to small systems such as one well serving a single-family parcel, are regulated by MPWMD. The MPWMD requires a permit to create or amend a WDS, and also requires a Water Permit to serve connections within a system, such as new homes on Carmel Point. A valid Water Permit from MPWMD is needed before a Monterey County building permit is issued.

Joseph Sidor  
August 31, 2009  
Page 2 of 2

Notably, issuance of a permit to create or amend a WDS requires Findings of Approval supported by written evidence, compliance with minimum standards of approval, and mandatory Conditions of Approval, pursuant to MPWMD Rules 22-B, C and D. Put simply, the applicant must show that the source of supply can reliably meet the water needs of the project, would not adversely impact existing systems, and would not adversely impact the environment. The well location appears to be within 1,000 feet of the Carmel Valley Alluvial Aquifer (CVAA), and the potential effect to the CVAA must be assessed.

Thank you for considering these comments. I am the primary contact person for WDS permit or CEQA questions. I can be reached at: 831/658-5621 or [henri@mpwmd.dst.ca.us](mailto:henri@mpwmd.dst.ca.us).

Sincerely,

A handwritten signature in cursive script, reading "Henrietta Stern".

Henrietta Stern  
Project Manager

**Sidor, Joe x5262**

---

**From:** Katie Morange [kmorange@coastal.ca.gov]  
**Sent:** Wednesday, August 19, 2009 11:03 AM  
**To:** Sidor, Joe x5262  
**Subject:** Berry Trust (PLN080302)

Hi Joe,

Coastal Commission staff received the Mitigated Negative Declaration for the Berry Trust test well in Carmel, and would like to reiterate our past comments on private wells in the Cal-Am service area. I am attaching a letter sent to the County in 2005 on this issue. We continue to be concerned that private individual wells in an urban area with an existing municipal water system are problematic, as described in the attached letter. Please convey these concerns to the decision makers on the project.

Thanks,  
Katie

<<Wells in Cal-Am Service Area.pdf>>

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Katie Morange  
Coastal Planner  
California Coastal Commission  
Central Coast District  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
P: (831) 427-4863  
F: (831) 427-4877  
kmorange@coastal.ca.gov  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

ENVIRONMENTAL HEALTH

JAN 18 2005

HEALTH DEPARTMENT  
January 18, 2005

Scott Hennessy  
Monterey County Planning Director  
P.O. Box 1208  
Salinas, CA 93902

RECEIVED

JAN 20 2005

Subject: Permits for Wells in Cal-Am Service Area

RESOURCE PROTECTION

Dear Scott:

We have seen several proposals to drill wells in the Cal-Am service area in the Carmel Area coastal zone. Although we have commented on some individual proposals, the purpose of this letter is to generally state our concerns and offer some suggestions for addressing these applications in the context of the Coastal Act. While the local coastal program remains the standard of review, it was not written in the context of the current situation, and hence the County may wish to consider amending it. Since other local governments and agencies must also deal with the de facto moratorium in the Cal-Am service area and since apparently the County Environmental Health Department reviews wells in incorporated areas as well, it would be helpful for all affected entities to agree on a common approach.

#### 1. Should Wells Be Allowed?

As you know wells are explicitly not allowed in Del Monte Forest (Code Section 20.147.110.A.4). There is no explicit corresponding policy in the *Carmel Area Land Use Plan*. Coastal Commission staff had interpreted various Carmel Area policies, when read together, as not allowing wells (other than monitoring wells), at least within urbanized areas (i.e., north of the Carmel River). The County and Coastal Commission, however, did not accept this interpretation in acting on the Felos well permit.

Notwithstanding the absence of an explicit well prohibition, we continue to maintain that it is not good public policy to allow wells in urban areas served by municipal systems. Periodic Review Recommendation LU-9.2 states:

Do not allow private water supplies in Cal-Am service area: Revise Carmel Area Land Use Plan and corresponding County Code provisions to state that private water supplies (e.g., individual wells) are prohibited to serve existing and new development within the Cal-Am service area.

The latest version of the County's General Plan update (policy PS-3.7) contains such a provision. Nevertheless, the County expressed concern with the legal consequences of our periodic review recommendation. We began a dialog with County Counsel on this issue that is worth continuing. Understanding and agreeing on legal and Constitutional ramifications would be helpful in formulating appropriate policy that furthers Coastal Act requirements, such as to prevent

"depletion of ground water supplies and substantial interference with surface water flow" (Section 30231).

The establishment and maintenance of stable urban/rural boundaries is a fundamental principal of modern planning. The benefits of stable boundaries include the prevention of urban sprawl, protection of agricultural land, efficient use of all land, and rational planning and construction of urban infrastructure (e.g., roads, utilities, and sanitation systems) to support urban intensities of land use. Urban-level intensity land uses are then directed to locate within urban areas, preserving rural lands for low intensity rural land uses. Obviously, the services that are required to support urban uses are greater and different than those needed for rural land uses. Coastal Act policy 30250a states this premise as follows:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

This policy provides that if an urban area lacks critical infrastructure - e.g., water - to support any more urban development, then that new development must be delayed until the capacity of the limited service can be increased in order to support it. It does not mean that urban uses should proceed using what are essentially rural-level services (e.g., private wells and septic systems). The proliferation of rural services within an urban area causes practical problems (wells run dry, lot sizes are too small to accommodate septic systems for very long) and planning problems. It limits the ability of public service providers to rationally plan and implement public works projects since the body of users is unknown. There are reasons that these systems were established: there was not the guarantee of sufficient water quantity and quality from a multitude of individual wells. Municipal systems, furthermore, have the potential to secure and maintain high quality water sources over the long-term.

Ordinarily, when an urban jurisdiction temporarily lacks an essential urban service such as water, a moratorium on new development is established until additional water supplies can be obtained. Those who wish to develop usually are placed on a waiting list, as is the case on the Monterey Peninsula, and, as the service constraints lessen, are allowed to proceed in the order of their place on the list. Although moratoria are inconvenient to those who wish to develop immediately, they are temporary events that allow local sanitation or water districts the time to plan and provide the necessary urban services. It is our understanding that Cal-Am is moving ahead, albeit deliberately, in pursuit of alternative sources that do not detrimentally rely on the Carmel Valley alluvial aquifer.

Nevertheless, we see that the County is proceeding to allow private wells in the Cal-Am service area. We would hope that the County reconsiders the appropriateness of this approach.

## 2. Where and For What Purposes Should Wells Be Allowed?

A reexamination of whether wells should be allowed in the Cal-Am service area should take into consideration the geographic extent and purpose of the wells. As examples, the County could limit new wells in the Cal-Am service area to outside of the actual Carmel Valley alluvial aquifer so as not to potentially further impact the Carmel River. The County could also limit new wells to defined rural areas, e.g., south of the Carmel River-- the County's urban-rural boundary. The County could identify distinct hydrogeologic units that, based on comprehensive hydrogeologic studies, are found to have an adequate long-term quantity and quality of water without adverse environmental impacts. The County may further want to consider whether such areas should de-annex from the Cal-Am service area and instead rely on individual wells, mutual systems, other public purveyors, or some combination of these.

As to the purpose of well applications, the County should decide whether to allow them where they supplement Cal-Am service, where they may substitute for Cal-Am service, and/or where they would be needed because Cal-Am service is currently unavailable. Some applicants (as was the Carmel River Inn) may wish to drill wells to have a source of irrigation water not subject to Cal-Am charges or drought restrictions. While using wells for irrigation means that some water percolates into the ground and pumping could be more readily curtailed, landscape irrigation may not be considered a priority use where there is limited groundwater. Also, unless, the permit is conditioned for commensurate reduction in use of Cal-Am water, the use of the irrigation well could result in overall water use intensification. This would not appear to be appropriate, at least in the Carmel Valley alluvial aquifer.

## 3. How Should Well Applications Be Addressed?

While not necessarily condoning wells in the Cal-am service area, we do offer these suggestions if the County continues to accept such applications. Colin Gallagher has sent us a copy of his January 10, 2005 draft memorandum, "Process for Well Applications in the Carmel LUP and the Cal-Am Service Area." Overall, it looks good as far as it goes. We agree that the County should enunciate a standardized approach toward all applicants for wells within the Cal-Am service area. Consideration should be given to codifying such procedures.

We support requiring a coastal permit for any test well in the area, as stated in the memo. Although a well may be for testing purposes, it would involve the permanent extraction of earthen material, which is defined as "development" under the Coastal Act and *County Code*.

We agree that hydrogeological reports must consider both individual and cumulative impacts. We, thus, agree that the County can require them under CEQA, as stated in the memo. *Carmel Area LUP* Policy 2.4.4.A.1 allows for hydrologic reports for new development outside of existing water utility service areas. This policy is silent on requiring such reports within the Cal-Am service area, because it was written on the premise that Cal-Am would be providing water in their service area, not individuals. This policy is in need of updating. The blanket exemption from the requirement for hydrologic studies for single-family residences (under *Code* Section

20.146.050.A.2) is, hence, outdated if the County is going to allow homes to be served by individual wells and thus would need to be repealed.

Code Section 20.146.050 provides good general guidance on hydrology report purpose and contents. However, you may wish to amend the preparation requirement to be by a California certified hydrogeologist, rather than by a qualified registered hydrologist, because there is not such a registration. We would request receiving copies of all required hydrological reports for coastal permits to review.

In terms of specific methodologies, we understand that the County's Environmental Health Division has procedures for determining well capacity in fractured bedrock formations. We support Colin's conclusion that the 72 hour pump test is inadequate. It appeared to us that the methodology used for the Felos and Carmel River Inn reports did not result in sufficient information to enable an unambiguous determination of long-term adequate water supply. The recent report for Hageman was more thorough, although inconclusive. Adequate and appropriate methodologies to satisfy the hydrology report requirements should be clearly spelled out.

#### 4. How Should Well Applications be Permitted?

*Carmel Area Land Use Plan* policy 2.4.4.A.2 clearly states that applicants must prove that they have an adequate water source that will not result in adverse environmental impacts. We suggest that the County have clear criteria for how this policy will be followed for the type of groundwater aquifers found in the Carmel Area (e.g., fractured bedrock formations), especially vis-à-vis cumulative uses and impacts in distinct hydrogeologic basins. For example, if there are 10 lots in a hydrogeologic unit (six developed with Cal-Am service; and four undeveloped) and there is a guaranteed supply from the groundwater aquifer for only two homes, who, if any one, would be allowed to drill a well?

Assuming there may be cases where the test well demonstrates that there is not adequate water or where a change to domestic production is not requested, the County's permit for the test well should state when it will be considered "abandoned" for purposes of complying with *Code* Section 15.08.120.

Assuming there may be cases of adequate well water quantity, but not acceptable quality for domestic purposes, the County should decide whether it would allow the well's use for just non-potable purposes and under what conditions. For this and any other cases where well water is allowed to substitute for Cal-Am water being used, the permit can be conditioned for a specific commensurate reduction of Cal-Am water use. To ensure this result occurs will require metering. Such permits should also contain the following restriction, "This limitation on Cal-Am water use shall not be utilized in any manner that would establish an on-site or off-site water credit for the purposes of intensification or expansion of other existing uses or for new uses." (from the Rancho Chiquita bed and breakfast appeal).

Also, assuming that there will be cases of adequate well water, the County should decide whether permittees can retain their wells, and under what circumstances, should Cal-Am water later become available. The County needs to address how to manage the wait list for Cal-Am water vis-à-vis any approvals it gives to drill wells. Our suggestion is that the wells should be considered temporary and permittees should be required to hook-up to Cal-Am and abandon their wells when Cal-Am service is available. Thus, applicants for wells should simultaneously be put on the Cal-Am water wait list.

The County should also decide what will happen with permittees in the Cal-Am service area who drill wells that then go dry. It appears that Cal-Am is under no obligation to immediately start serving them, nor for the PUC to order such service. But such "emergency situations" do not always produce the most appropriate policy response. Therefore, it important to anticipate this possibility and address it in the original permit process. Any approval should be clear as to what fate the people who may be living in these homes may have. For example, permits may be conditioned that if the well fails, the house must not be occupied.

#### 5. How Should Home Applications Be Addressed

The Coastal Commission has maintained that a complete development package be considered together; e.g., the evaluation of an application for a house needs to also address all the necessary infrastructure, including water, sewage, and access. Correspondingly, the Commission has advised against considering infrastructure components separately and prematurely. Altering the environment to allow a road, well, or septic system, for example, without knowing if, when, where, and what size of house it will serve is not good public policy. Of course, some amount of preliminary investigation (e.g., hydrologic, biologic, archeological, etc.) is necessary in order to submit a complete application. And, as noted above, we agree that requiring a coastal permit for a test well is appropriate. It is not clear from Colin's memo when the hydrogeologic report needs to be completed. We suggest that it would have to be completed prior to an application for development to be served by the subject well to be considered complete. And, for those cases where applications for development in the Cal-Am service area do not include a well, Periodic Review Recommendation LU-9.1 states:

Strengthen Permit Processing Requirements concerning Water Availability: Revise County Code Sections 18.46.040, 20.70.130 and other relevant sections to require proof of issuance of or intent to issue a MPWMD (or any successor agency) permit demonstrating availability of water in the Cal-AM service area for a complete coastal permit application.

For applications deemed complete no coastal development permit should be issued without a County determination that (1) no new water is required to serve the new development; or (2) there is unallocated water available in the County's MPWMD (or successor agency) allocation to support the new development. This determination should include an evaluation of the proposed development's water demand, based on MPWMD's, or its successor's, water unit value system.



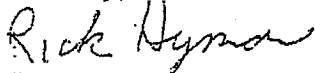
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Prior to the commencement of construction of new development, evidence of water service, in the form of a current water use permit from the MPWMD, or its successor, shall be provided to the Department of Planning and Building Inspection.

At the time of preparing the periodic review we understood that the County's practice was to not deem coastal permit applications complete if there is no approved water supply. However, we are aware of previous cases where the County had approved development in the Cal-Am service area without guaranteed water. The County was then tolling the expiration of some of these permits until two years after water becomes available. However, that practice cannot be reconciled with the applicable two-year permit expiration provision of *Code* Section 20.70.070. The legally correct course for keeping these permits alive is for the applicant to request a permit extension pursuant to *Code* Section 20.70.110.

In conclusion, this letter suggests that allowing wells in the Cal-Am service area is not a simple matter and deserves thorough deliberation. We hope that you will consider all of these comments, and we are happy to discuss them further with you.

Sincerely,



Rick Hyman

Deputy Chief Planner, Central Coast District

cc: Joe Oliver, Monterey Peninsula Water Management District  
Allen Stroh, Monterey County Environmental Health Division

