

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: February 12, 2015	Agenda Item No.: 6
Project Description: Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the construction of an irrigation well; and 2) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.	
Project Location: 30 Mentone Drive, Carmel	APN: 243-201-013-000
Planning File Number: PLN140469	Owner/Applicant: Vincent S Cisar TR Agent: Jim Storer
Planning Area: Carmel Area Land Use Plan	Flagged and staked: No
Zoning Designation: "WSC/11.46 (CZ)" [Watershed and Scenic Conservation/11.46 acres per unit (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15303 (Class 3) of the CEQA Guidelines	
Department: RMA-Planning	

RECOMMENDATION:

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

- 1) Find the project exempt from CEQA pursuant to Section 15303 (Class 3) of the CEQA Guidelines; and
- 2) Approve the Combined Development Permit (PLN140469), based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The applicant requests the installation of a non-potable irrigation well.

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

- RMA-Public Works Department
- RMA-Environmental Services
- √ Environmental Health Bureau
- Water Resources Agency
- Carmel Highlands/Cypress Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by the Environmental Health Bureau have been incorporated into the Condition Compliance Plan attached to the draft resolution (**Exhibit B**).

The project was not referred to a Land Use Advisory Committee as it does not meet any of the criteria for said referral, pursuant to Board Resolution 08-338.

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

Steve Mason, Associate Planner
(831) 755-5228, masons@co.monterey.ca.us
February 4, 2015

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands/Cypress Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Luke Connolly, RMA Services Manager; Steve Mason, Project Planner; Vincent S Cisar TR , Owner, Owner; Jim Storer, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN140469

Attachments: Exhibit A Project Discussion
 Exhibit B Draft Resolution, including:
 • Conditions of Approval
 • Site Plan
 • Vicinity Map
 Exhibit C Biological Resource Analysis

This report was reviewed by Luke Connolly, Planning Services Manager.



EXHIBIT A DISCUSSION

Project Description and Background

The Carmel Highlands Mutual Water System, in which the project is located, has imposed water rations and is limiting all connections to 500 gallons per day. The well proposed would be non-potable and limited to landscaping irrigation uses only. The well site would be placed at a previously-disturbed area at the periphery of the existing driveway/parking area.

Project Issues

The project site is located within 100 feet of a field-identified environmentally sensitive habitat (ESHA). Accordingly, a Coastal Development Permit is required as a part of the project entitlements. The ESHA in question is native coastal scrub, which borders the existing previously-developed area. Coastal scrub has been recognized as potential habitat for the Federally-listed “endangered” Smith’s blue butterfly. According to the Biological Survey which has been written for the project (Attached as “**EXHIBIT C**” to the February 12, 2015 Staff Report): “The proposed well site and retention pit locations had been disturbed and impacted years ago with the installation of the residential structure in 2003.” The report also notes: “No adverse or incidental impacts from the proposed well installation should occur within any of the habitat zones, off-site areas, or to the wildlife, if control measures are put in place and maintained.” A Condition of Approval has been attached to the project requires that the applicant sign, notarize and record a notice stating that the control measures outlined within the Biological Report must be observed.

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3, categorically exempts the construction of new, small facilities or structures.

Recommendation

Staff recommends “approval” of the project as proposed.

**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

CISAR (PLN140469)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project exempt from CEQA pursuant to Section 15303 (Class 3) of the CEQA Guidelines; and
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the construction of an irrigation well; and 2) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.

[PLN140469, Cisar, 30 Mentone Drive, Carmel, Carmel Area Land Use Plan (APN: 243-201-013-000)]

The Cisar application (PLN140469) had a public hearing before the Monterey County Zoning Administrator on February 12, 2015. 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:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of an irrigation well; and 2) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.

 EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140469.

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

 EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 4;
 - 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 30 Mentone Drive, Carmel (Assessor's Parcel Number 243-201-013-000), Carmel Area Land Use Plan. The parcel is zoned "WSC/11.46 (CZ)" [Watershed and Scenic Conservation/11.46 acres per unit (Coastal Zone)], which allows water system facilities including wells and storage tanks serving 14 or fewer service connections with an approved Coastal Administrative Permit. Therefore, the project is a conditional land use for this site.
- c) The project site is located within 100 feet of a field-identified environmentally sensitive habitat (ESHA). Accordingly, a Coastal Development Permit is required as a part of the project entitlements. The ESHA in question is native coastal scrub which borders the existing previously-developed area. The coastal scrub area has been recognized as potential habitat for the Federally-listed "endangered" Smith's blue butterfly. According to the Biological Survey which has been written for the project (Attached as "**EXHIBIT C**" to the February 12, 2015 Staff Report): "The proposed well site and retention pit locations had been disturbed and impacted years ago with the installation of the residential structure in 2003." The report also notes: "No adverse or incidental impacts from the proposed well installation should occur within any of the habitat zones, off-site areas, or to the wildlife, if control measures are put in place and maintained." A Condition of Approval has been attached to the project which mandates that the applicant sign, notarize and record a notice which states that the control measures outlined within the Biological Report must be observed.
- d) The project planner conducted a site inspection on July 2, 2014, to verify that the project on the subject parcel conforms to the plans listed above.
- e) The project was not referred to the Carmel/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 not warrant referral to the LUAC.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140469.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Carmel Highlands/Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, 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 Biological and Archaeological Resources. The following reports have been prepared:
 - "Jim Storer Residence: Biological Resource Analysis for Proposed

Well Site, APN 243-201-013, Carmel Highlands, CA”
(LIB140453) prepared by Fred Ballerini, Pacific Grove, CA,
August 8, 2014.

- “Archaeological Survey – APN 243-201-013, Carmel Highlands”
(LIB140452) prepared by Gary S. Breschini, Ph.D., Salinas, CA,
June 10, 2014.

The above-mentioned technical reports indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on July 2, 2014, 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 for the proposed development found in Project File PLN140469.

4. **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 the RMA - Planning, Carmel Highlands/Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Staff conducted a site inspection on July 2, 2014, to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140469.

5. **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 and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on July 2, 2014, 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 Monterey County RMA-Planning for the proposed development are found in Project File PLN140469.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3, categorically exempts the construction of new, small facilities or structures.
 - b) No adverse environmental effects were identified during staff review of the development application during a site visit on July 2, 2014.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
 - d) Staff conducted a site inspection on July 2, 2014, to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140469.
7. **FINDING:** **ESHA** – The subject project avoids impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met
 - b) See “Finding 2/Evidence “B”, above.
 - c) The project planner conducted a site inspection on July 2, 2014, to verify ESHA locations and potential project impacts to ESHA.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140469.
8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Coastal Commission).

DECISION

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

- 1) Find the project exempt from CEQA pursuant to Section 15303 (Class 3) of the CEQA Guidelines; and

- 2) Approve a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the construction of an irrigation well; and 2) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of February, 2015.

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 [DATE]

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

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

NOTES

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

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

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

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

Form Rev. 5-14-2014

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140469

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN140469) allows:

1) a Coastal Administrative Permit to allow the construction of an irrigation well; and 2) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat.

The property is located at 30 Mentone Drive, Carmel (Assessor's Parcel Number 243-201-013-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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 appropriate authorities. 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:

"A Combined Development Permit (Resolution Number ***) was approved by the Zoning Administrator for Assessor's Parcel Number 243-201-013-000 on February 12, 2015. The permit was granted subject to eight (8) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a water well construction permit, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a water well construction permit, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

5. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Biological Resource Analysis (Library No. LIB140453), was prepared by Fred Ballerini on August 8, 2014, and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a water well construction permit, the Owner/Applicant shall submit proof of recordation of this notice to RMA - Planning.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

6. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on February 12, 2018, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a water well construction permit and commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

7. EHSP001 WELL CONSTRUCTION PERMIT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 15.08, Water Wells, obtain a water well construction permit from the Environmental Health Bureau and construct the well.

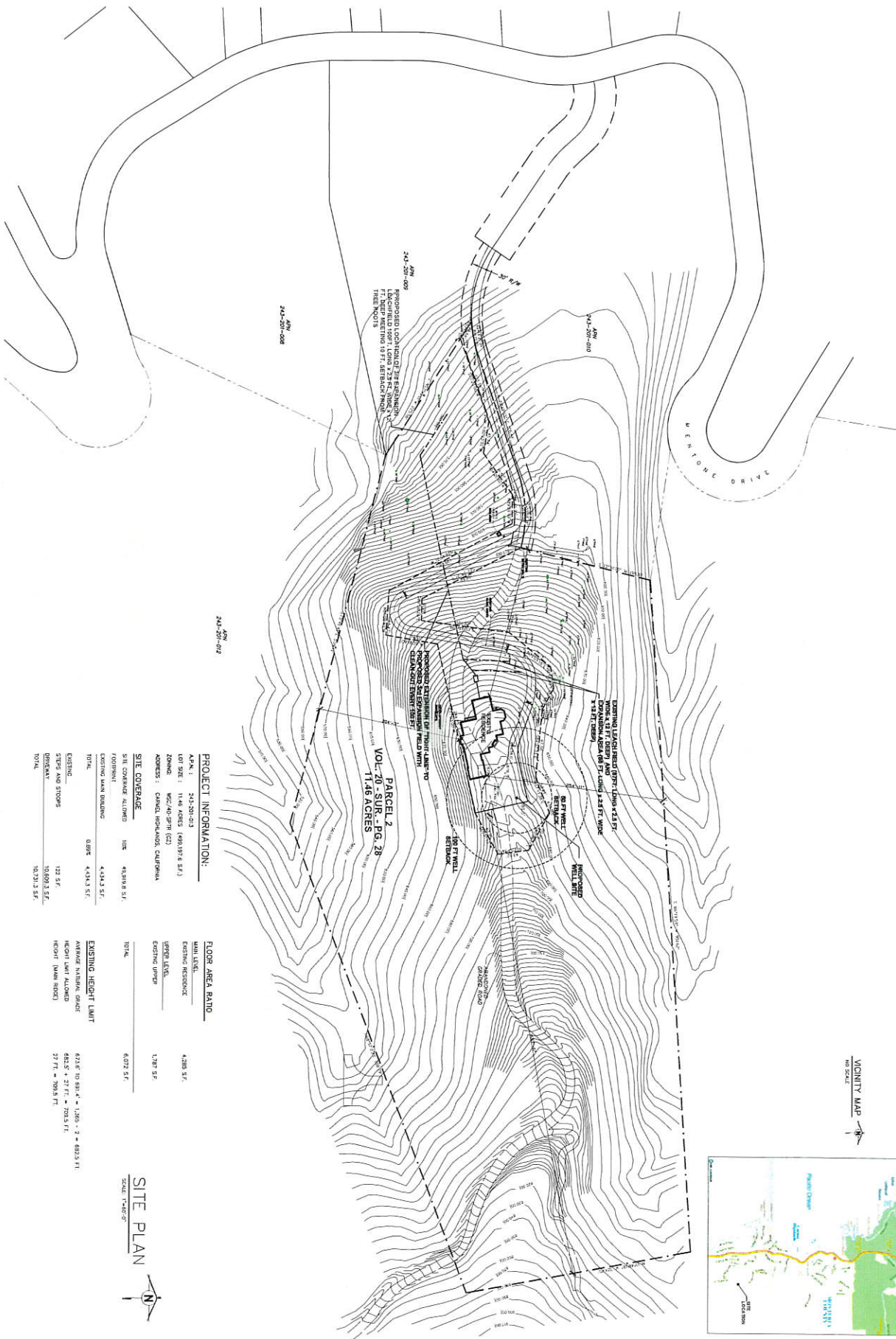
Compliance or Monitoring Action to be Performed: A CA licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau.
Complete well construction according to the well permit.
Submit the Well Completion Report to the Environmental Health Bureau.

8. EHSP003 CROSS CONNECTION PROTECTION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health Bureau requires that a single back flow device be installed at the meter connection from the public water purveyor (Carmel Riviera Service Area) to the property.

Compliance or Monitoring Action to be Performed: Prior to bringing the irrigation well on line, submit evidence of installation of back flow device Carmel Riviera and to EHB for review and approval.



MENTONE DRIVE



PROJECT INFORMATION:

APN: 243-201-012	243-201-012
LOT SIZE: 11.46 ACRES (499,171.8 S.F.)	11.46 ACRES (499,171.8 S.F.)
ZONING: WCC-40-9719 (C2)	WCC-40-9719 (C2)
ADJACENTS: CARMEL HIGHLANDS, CALIFORNIA	CARMEL HIGHLANDS, CALIFORNIA
SITE COVERAGE	
EXISTING	4,343.3 S.F.
PROPOSED	4,343.3 S.F.
TOTAL	8,686.6 S.F.
EXISTING AND PROPOSED	
EXISTING	122 S.F.
PROPOSED	16,699.3 S.F.
TOTAL	16,821.3 S.F.

FLOOR AREA RATIO

MAX. FLOOR AREA RATIO	4.280 S.F.
EXISTING RESIDENCE	4.280 S.F.
PROPOSED RESIDENCE	4.280 S.F.
TOTAL	8,686.6 S.F.

EXISTING HEIGHT LIMIT

EXISTING HEIGHT LIMIT	62.1' TO 69.4' = 1,380' - 2' = 682.5 FT
PROPOSED HEIGHT LIMIT	62.1' + 27 FT = 709.5 FT
TOTAL	709.5 FT

SITE PLAN



STORER WELL
30 MENTONE DRIVE
CARMEL HIGHLANDS, CA 93923

MANDURRAGO & ASSOCIATES
RESIDENTIAL DESIGN

APN: 243-201-012

601 CANTER ROW, SUITE B-9
MANTONE, CA 93923
PHONE: 831-438-0000
FAX: 831-438-0001

Drawn By: MANDURRAGO
Drawing Date: 9-22-14
Project Number: 14-0114

Scale: 1" = 40' 0"

Sheet Number: **A1**

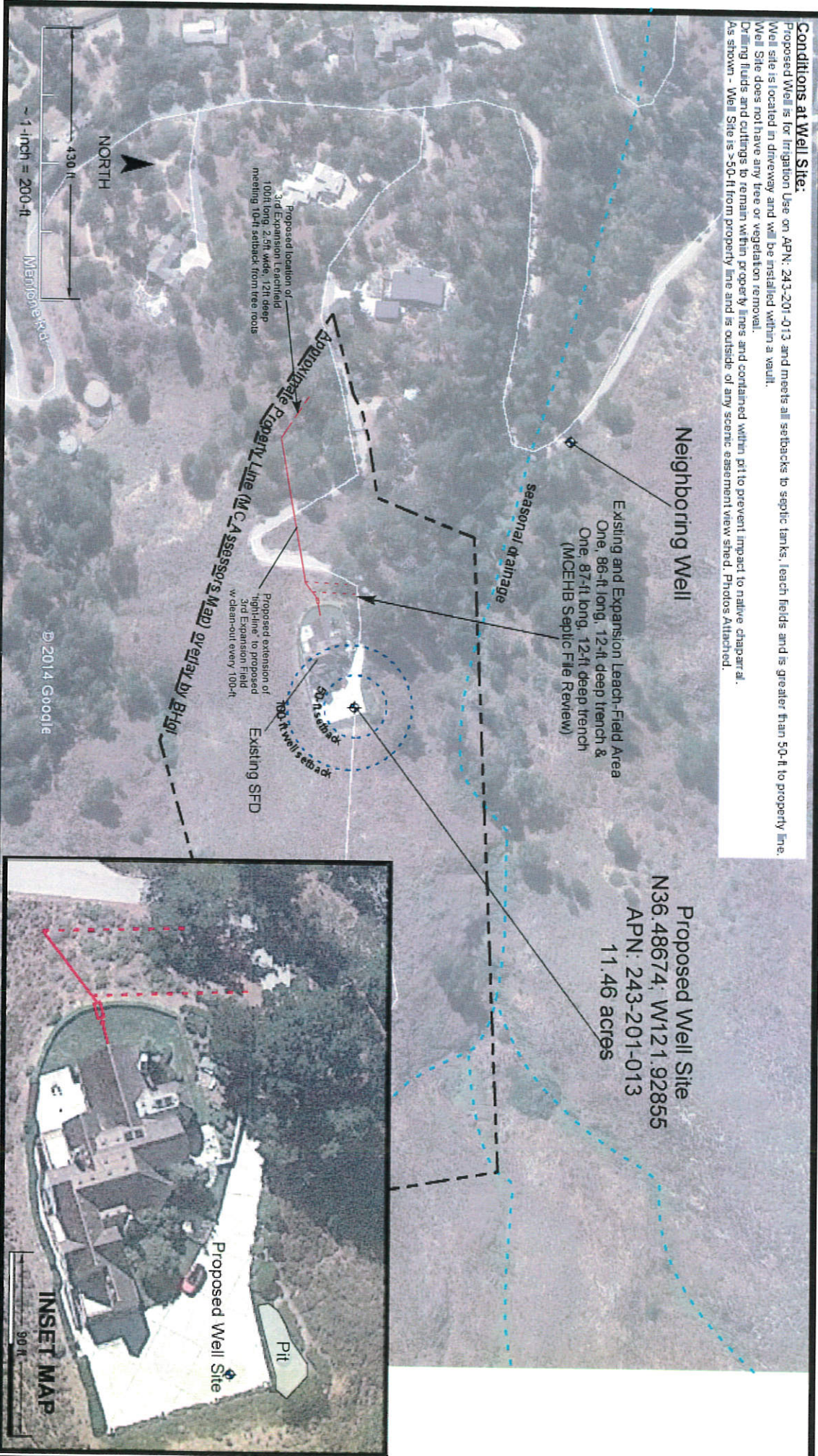
Conditions at Well Site:

Proposed Well is for Irrigation Use on APN: 243-201-013 and meets all setbacks to septic tanks, leach fields and is greater than 50-ft to property line. Well site is located in driveway and will be installed within a vault.

Well Site does not have any tree or vegetation removal.

Drilling fluids and cuttings to remain within proper lines and contained within pit to prevent impact to native chaparral.

As shown - Well Site is >50-ft from property line and is outside of any scenic easement view shed. Photos Attached.



BIERMAN

Hydrogeo

A Professional Company

Hydrogeologic Consulting & Water Resource Management

WELL SITING MAP

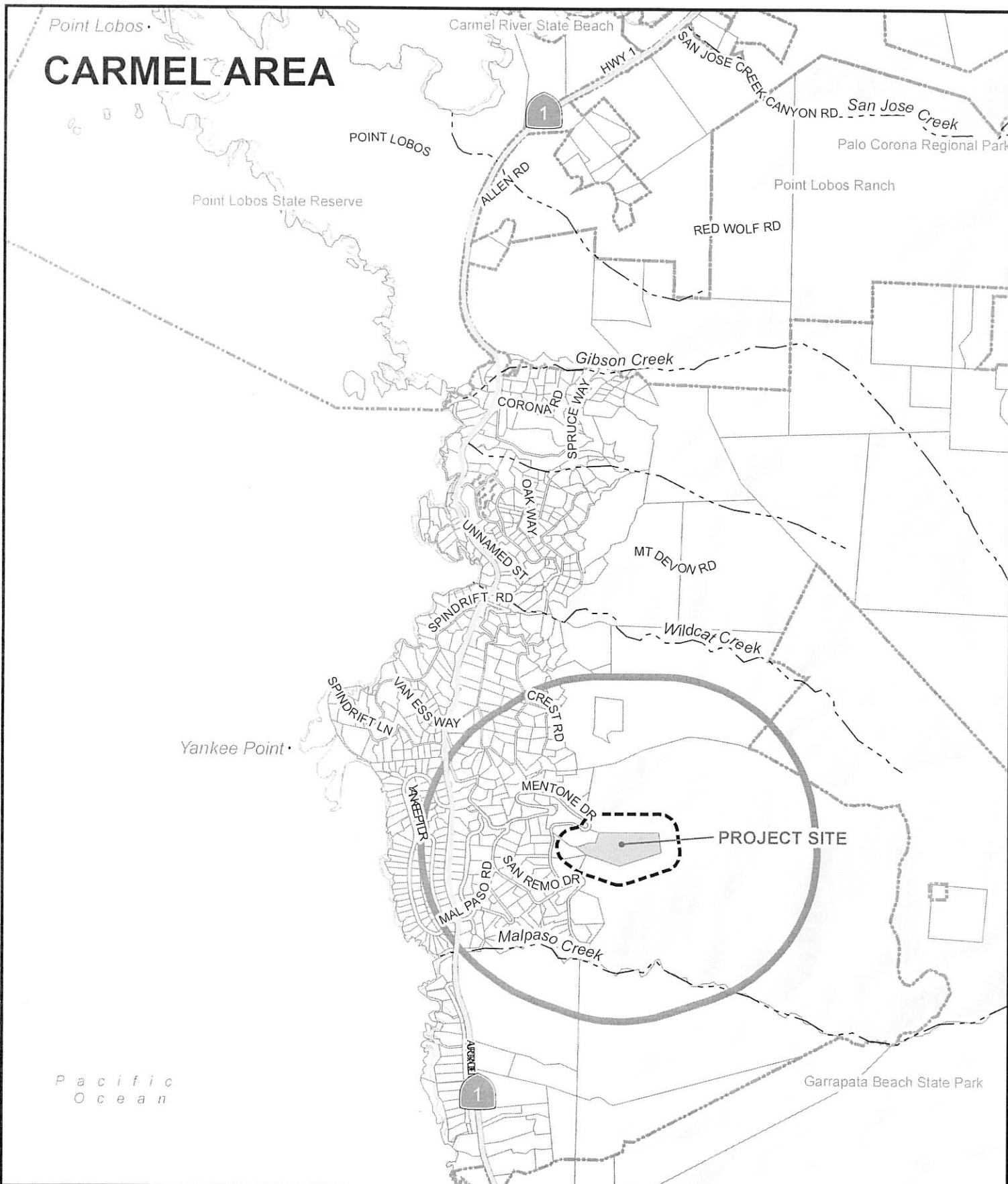
APN: 243-201-013-000

Monterey County, California

FIGURE

By: Ab, June 2, 2014

CARMEL AREA

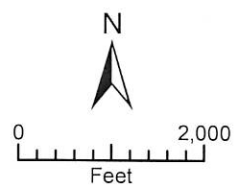


APPLICANT: CISAR

APN: 243-201-013-000

FILE # PLN140469

2500' Limit 300' Limit ~~~~ Water



PLANNER: MASON

EXHIBIT C

Biological Resource Analysis



Fred Ballerini
Biological and Horticultural Services

August 8, 2014

To: Aaron Bierman
Hydrogeologic
Consulting Hydrogeologist
831.334.2237

RE: Jim Storer Residence; Biological Resource Analysis for Proposed Well Site
APN 243-201-013
Carmel Highlands, CA

Dear Aaron,

Per your request for biological consultation, on July 16 and August 8, 2014, I conducted a biological resource site analysis of the proposed well site for the Jim Storer property.

The analysis included a general survey of the well site including plant and wildlife surveys. The proposed 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 a residential parcel located at 30 Mentone in Carmel Highlands (APN 243-201-013).

2. Existing Conditions

The proposed well location is situated on a knoll within a pre-disturbed concrete driveway on a developed residential parcel. The residential parcel is 11.5-acres, of which 10.2 acres are established as a protected habitat area (HCP) in perpetuity. This protected area was legally enacted in 2003 as a Low-Effect Habitat Conservation Plan for the Smith's Blue Butterfly (*Euphilotes enoptes smithii*) as mitigation for the impacts caused to the butterfly habitat from the development of a single-family residence.

Landscaped grounds surround immediate vicinity of the residence. Outside of the small landscape buffer around the residence, the native coastal scrub habitat surrounds the property uphill to the east, and downhill to the north, west and south. Large quantities of seacliff buckwheat (*Eriogonum parvifolium*) plants are thriving on the west, south, and east sloped areas within the coastal scrub habitat.

The proposed well site and retention pit locations had been disturbed and impacted years ago with the installation of the residential structure in 2003. The well site is located on a knoll sloping upward to the east and downward to the north, south, and west. Downslope north of the well site is a seasonal drainage corridor which leads directly to the Pacific Ocean approximately 0.6 miles to the west. The south slope is part of a watershed feeding Malpas Creek which also flows directly to the Monterey Bay Marine Sanctuary. The soils are granitic-based.

The access road leading to the well site is paved and no restrictions occur that would impede drilling equipment.

3. Plant and Wildlife Species


The existing vegetation within the impact area of the proposed well consists of landscaped sod and other landscaped plant material in the location of the retention pit. A concrete driveway exists within the zone of the well-head. Outside of the manicured landscaped grounds, approximately 20' from the proposed well location, native coastal scrub exists surrounding the residential envelope on all sides. The dominant plant within this plant community is the seacliff buckwheat (*Eriogonum parvifolium*), one of two host food-plants for the Federally-listed endangered Smith's blue butterfly. Other native coastal scrub constituents are found within the habitat community on the property, including poison oak (*Toxicodendron diversilobum*), bush lupine (*Lupinus arboreus*), California blackberry (*Rubus ursinus*), yarrow (*Achillea millefolium*), lizard tail (*Eriophyllum staechadifolium*), coyote brush (*Baccharis pilularis*), deerweed (*Lotus scoparius*) and others.

The wildlife species analysis included surveys for nesting occurrences and any special-status wildlife species occurring within the vicinity of the United States Geological Survey Soberanes 7.5' quadrangle, none were observed. Observed bird species near the site included western scrub jay (*Aphelocoma californica*), turkey vulture (*Cathartes aura*), dark-eyed junco (*Junco hyemalis*), California towhee (*Melospiza crissalis*), and Townsend's warbler (*Setophaga townsendii*). A butterfly survey was not conducted as it is the wrong time of year to survey for the Smith's blue butterfly and

also they are already documented as occurring on site, therefore it is presumed the butterfly is still present.

4. Special-Status Species

The Federally-listed endangered Smith's blue butterfly is documented as occurring within the subject parcel, and although the habitat for the butterfly does not exist within the direct proposed impact areas for the well development, potential impacts could occur if well development impacts were to expand into the HCP areas. Adult butterflies emerge in August and September to mate and lay eggs, therefore it will be critical that well-drilling impacts are restricted to the residential envelope. Protocols are outlined in the next section to restrict access and eliminate potential for impacts to the HCP areas.

 The California Natural Diversity Data Base (CNDDB) maintained by the State of California Department of Fish and Game (DFG) reports several other special-status native plant and wildlife species occurring within the vicinity of the property within the Soberanes Quadrangle, however I found no evidence of any other listed native plant or wildlife species located within the proposed impact zone. No adverse or incidental impacts from the proposed well installation should occur within any of the habitat zones, off-site areas, or to the wildlife if control measures are put in place and maintained. The proposed well location lies within the 100' setback from the edge of natural vegetation designated as environmentally sensitive habitat (Smith's blue butterfly habitat), though this area should not be impacted from the well installation.

5. Potential Impacts and Recommendations

The potential impacts to significant biological resources on and surrounding the well plot were evaluated based on the field investigations and conversations with project team members.

Implementation of recommendations presented in this document will ensure that the proposed well development will have no adverse impact on site conditions. By implementing the below listed recommendations, the project is not expected to disturb or have any substantial adverse effect on any wildlife species, federally protected species, or habitat existing off site.

A. The Federally-listed endangered Smith's blue butterfly is documented as occurring on the subject parcel in within the HCP areas. In order to avoid potential impacts to adult butterflies and disrupt mating behavior, it is recommended to avoid drilling activities during the months of August and September. Well installation should occur in the 10-month window from Oct through July.

B. In order to protect and retain off-site habitat values, the well drilling process should be carried out with the following work schedule:

1. Instruct all staff on the sensitive nature of the HCP site to ensure no personnel impacts these areas with inadvertent activities or staging equipment.
2. Install erosion & sediment control devices around perimeter of impact areas.
3. Mobilize drilling and excavation equipment into project location.
4. Excavate retention pit within the residential landscaped area. All stockpiled excavated materials to remain within residential area (outside of the HCP areas) and covered (tarps, mulching, wattles, etc) to prevent any off-site migration of materials.
5. Develop staged retention pit with excavated earthen berm and use of sterile rice straw wattles and bales. Use of sterile rice straw and rice straw wattles will reduce the risk of importing invasive grass seed.
6. Drill well and deposit well spoils (approximately 7 to 8 cubic yards) into staged retention pit.

7. ALL SPOILS AND FLUIDS ARE TO REMAIN ON SITE WITHIN THE RESIDENTIAL ENVELOPE AND NOT ALLOWED TO DISCHARGE OFF THE PARCEL INTO THE HCP AREAS.
8. Spoils and fluids are required to be exported to a receiver site upon completion of drilling activities.
9. Dismantle retention pit, remove straw, wattles, and filter fabric (or silt fencing). All exposed soils should be mulched with the sterile rice straw or wood mulch at a minimum 2" depth and replanted with site appropriate drought tolerant landscape species.

Well Site Photographic Documentation

Aug 8, 2014

Proposed well site and retention pit area, facing East direction. Retention pit to be located in bare-soil area on the left of the image (previously a landscaped sod area). Well-head to be located just left of the parked truck within the concrete driveway. Eastern HCP area shown beyond the driveway uphill from the parcel.



Proposed well site location within paved driveway, facing East direction. HCP areas lie beyond the landscaped zone shown above the retaining wall.



END