

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL**SUBSTANTIAL ISSUE DETERMINATION/ DE NOVO FINDINGS**

Local government:Monterey County
Local Decision:Resolution 01-052, Approved with conditions (see Exhibit D), Local Permit Number PLN000400
Appeal NumberA-3-MCO-01-100
Applicant.....Boutique Hotel Group
Appellants:.....Commissioners Sara Wan and Patricia McCoy
Project location.....Carmel River Inn, Highway 1 at Oliver Road, Mission Fields (APN 009-563-005), Carmel Area of Monterey County (see Exhibits A, B and C).
Project descriptionConstruction of a well for landscaping irrigation purposes at the Carmel River Inn (see Exhibit D).
File documents.....County coastal permit file PLN000400; Monterey County Local Coastal Program, including *Carmel Area Land Use Plan* and *Monterey County Coastal Implementation Plan* (Title 20 of County Code).
Staff recommendation ...Project raises a Substantial Issue; denial of *de novo* permit application.

Summary of Staff Recommendation:

This appeal was filed on October 10, 2001; the applicant waived the 49 day hearing requirement on October 25, 2001, to allow more time to address the concerns raised by the appeal with Commission staff (Exhibit I). Staff recommends that the Commission determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed, and that an application for a *de novo* coastal development permit be **denied**.

The County's approval of the project as described in Monterey County Resolution 01-052 is inconsistent with the LCP policies that require urban areas to be served by public sewer and water services. This project proposal also conflicts with LCP policies for groundwater resource protection. Therefore, staff recommends that the Commission find that **a substantial issue exists** with regards to land use and



California Coastal Commission
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Staff: SAM Approved by: *CTF, L, R/20/01*

development, i.e., that the project does not conform to policies that require development within the urban boundary to be served by public water services.

The California–American Water Company (Cal-Am) is the water company authorized to provide water in the urban service area of Monterey County and is regulating the orderly connection of water service for new development. Authorization of private wells within this public service area, whether for potable water or supplemental non-potable water for irrigation purposes, may lead to cumulative impacts that could undermine Cal-Am’s ability to provide adequate water supplies to existing service connections within the Monterey Peninsula Water Management District. For these reasons, staff recommends that the Commission **deny** the *de novo* application for construction of a non-potable well for landscape irrigation purposes within the urban Carmel area.

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I. Local Government Action

The action taken by the Monterey County Planning Commission, Resolution 01-052, on August 29, 2001 approved a coastal development permit for the construction of a non-potable well for irrigation purposes, at the Carmel River Inn. The parcel is located at 26600 Oliver Road, west of the Carmel Bridge and State Highway 1 (APN 009-563-005) (See Exhibit D for detail).

II. Summary of Appellants' Contentions

The appellants, Commissioners Wan and McCoy, have appealed the final action taken by Monterey County Planning Commission (Resolution 01-052), on the basis that approval of the project is inconsistent with policies of the Monterey County Local Coastal Plan with regards to land use and development, and water resources. The complete text of the appellant's contentions can be found in Exhibit E.

III. Standard of Review for Appeals

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located between the first public road and the sea.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds



that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the first public road and the sea, which is the case with this project.

IV. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeals were filed pursuant to Coastal Act Section 30603.

MOTION: Staff recommends a "NO" vote on the following motion:

"I move that the Commission determine that Appeal No. A-3-MCO-01-100 raises **no** substantial issue with respect to the grounds on which the appeal has been filed."

A majority of the Commissioners present is required to pass the motion, failure of the motion, as recommended by staff will result in Commission jurisdiction over the project and adoption of the following findings.

RESOLUTION TO ADOPT SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-MCO-01-100 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Staff Recommendation on De Novo Permit

The staff recommends that the Commission, after public hearing **deny** the Carmel River Inn coastal development permit.

MOTION: Staff recommends a "No" vote on the following motion:

"I move that the Commission **APPROVE** coastal development permit A-3-MCO-01-100 for the development proposed by the applicant.

A majority of the Commissioners present is required to pass the motion. A no vote will result in the adoption of the following resolution and findings:



RESOLUTION :

The Commission hereby **denies** a permit for the proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act (CEQA) because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

VI. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The project is located in the Carmel Area of unincorporated Monterey County, and lies south of the City of Carmel and west of Highway One at the mouth of the Carmel Valley. The 10.85 acre parcel lies west of Highway 1 along Oliver Road, and the southwest boundary of the site is adjacent to the Carmel River. A major commercial area is located to the east of the project area between Carmel Valley Road and Rio Road and the parcel is surrounded by residential development to the north and west. Land use and development in this area are regulated by the Carmel Area Land Use Plan (LUP). As described in the LUP, the property is located in an urban area, where sewer, water, transit and fire protection services already exist (See Exhibit F, Map of Cal-Am Service Area).

Land to the south of the property is designated as wetlands and coastal strand, in the Carmel River bed and the immediate vicinity, and as agricultural preservation. Because the Carmel River is the defined boundary between rural and urban areas and uses, this area south of the Carmel River is designated for rural uses in the LUP.

The property is zoned Resource Conservation, Coastal Zone RC(CZ) and Visitor-Serving Commercial, Coastal Zone VSC(CZ), and is currently occupied by a motel that is comprised of a two-story main unit and numerous individual cottages in a wooded setting (see Exhibit H, Photo 1). Grass and various landscaping areas surround the cottages (see Exhibit H, photos 2 & 3). The western end of the property is currently free of cottages, containing a large area planted with grass, and the balance in either dirt and leaf litter or weedy, herbaceous growth (see Exhibit H, photo 4).

As approved by the County, the applicant proposes to construct a well on the northwest portion of the property to provide non-potable water for irrigation of 2.25 acres of landscaping, which is currently irrigated with public utility water provided by California-American Water Company (Cal-Am) (See Exhibit F). As summarized by the applicant, the reasons for drilling the well include reducing reliance on water sources provided by Cal-Am to the Carmel River Inn, and wanting to cut down on their water bills.



The proposed site for the well is approximately 230 feet north of the River and 1200 feet west of Highway 1, and will not be visible to the public. The well will be approximately 150 feet deep and is expected to produce roughly 2.5-acre feet of water per year. A well of this depth placed at such a distance from the river will most likely be pumping water from the Carmel Valley Alluvial aquifer, which is the underflow of the Carmel River.

B. Project Background

Status of Water on the Monterey Peninsula

Following the severe drought conditions in the late 1970's, voters approved the formation of the Monterey Peninsula Water Management District (MPWMD) to regulate water resources in the Monterey Peninsula. The MPWMD regulates the collection, storage, distribution and delivery of water within the 170-square mile area of the water management district, which stretches from Seaside in the north to Los Padres Dam in the south. All of the water used within the Monterey Peninsula Water Management District comes from the Carmel River, from wells in the Carmel Valley, and the Seaside Basin. The MPWMD allocates water from these sources to the various water companies and smaller local jurisdictions. The largest water distribution system is operated by the California-American Water Company, which provides water to nearly 95 percent of the 112,000 residents in the Monterey Peninsula Water Management District (See Exhibit F, Page 1).

For reporting year 2000 (7/1/99-6/30/00), roughly 97 percent of the water supplied by Cal-Am was produced within the Monterey Peninsula Water Resource System (MPWRS) area, which consists of the Carmel Valley Alluvial Aquifer and the Seaside Basin. The other 3 percent is supplied from private wells and water companies owned by Cal-Am outside of the MPWRS boundaries. Within the MPWMD reporting year 2000, 72 percent of the Cal-Am water supply (11,267.6 acre feet) came from wells in the Carmel Valley and direct Cal-Am diversions from below the San Clemente dam, while 26 percent (4,012.8 acre feet) comes from the Seaside aquifers. Because the State Water Resources Control Board says that the Carmel Valley Alluvial Aquifer flows in a known and defined channel, it cannot really be separated from water of the Carmel River (pers. comm. Tom Lindberg- MPWMD Hydrologist). The effect of this statement is that the bulk of Cal-Am's water diversions (72% for reporting year 2000) came from the Carmel River.

In 1995, the State Water Resources Control Board Order 95-10 reduced the amount of water Cal-Am could take from the Carmel River aquifer by 20 percent in the near-term and up to 75 percent in the long-term. The MPWMD requested relief through the courts, but the Monterey County Superior Court upheld the 20 percent reduction in water use specified by the order. Since that time, the County has been under strict conservation measures, and has focused its efforts on improving water conservation programs while working on other water supply augmentation proposals that will garner community support and help Cal-Am attain the goals established by the Order.



The MPWMD allocation program currently limits production by Cal-Am to 15,285-acre feet of water per year within the MPWMD boundaries (which includes 11,285 acre-feet from the Carmel Valley alluvial aquifer, and 4,000 acre-feet from the Seaside Basin). All of this water is already allocated to current users or proposed construction that has already been approved, and no additional water source is presently available to serve Cal-Am customers within the district. The Monterey County Water Resources Agency administers a water waiting list for Cal-Am water that may become available due to reduction in use from other sites, such as that alleged by the Carmel River Inn, or some future increase in supply.

Pursuant to MPWMD Ordinance 96, the MPWMD regulates small water distribution systems including single connection systems that serve only one lot. Ordinance 96 requires all persons to obtain a written permit from the MPWMD prior to establishing a water distribution system within the water management district. However, the permit requirement is exempted for wells located more than 1,000 feet outside of the Carmel Valley alluvial aquifer, more than 1,000 feet outside of the major tributaries to the Carmel River (i.e., Tularcitos, Hitchcock Canyon, Garzas, Robinson Canyon and Potrero Creeks), or for wells outside of the Seaside Coastal Basin areas. As shown on Exhibit G, the proposed location for the Carmel River Inn's well is within the boundaries of the Carmel Valley alluvial aquifer. Therefore, this project is not exempt from the MPWMD Ordinance 96 well permit requirement and an application for a permit must be filed.

A 1998 report on the estimated future water needed for buildable legal lots of record on vacant parcels within the Cal-Am service area states that approximately 923 acre-feet of water would be needed for new buildings as of January 1997 and remodels through the year 2006 (MPWMD 1999 Annual Report). The MPWMD has since been working on completing an update of this report, and while the 2001 update is not yet published, the agency has determined that approximately 1,400 acre-feet of water would be needed for the existing vacant legal lots of record on unimproved parcels within the MPWMD boundaries (Pers Comm Henrietta Stern, MPWMD). Additional water needed for unincorporated County areas with existing vacant legal lots of record that have some improvements on them (such as small sheds or other such structures) have not yet been calculated. However, it is expected that the total water requirement would be somewhat greater than 1,400 acre-feet.

Cal-Am and the MPWMD are currently searching for additional water supplies. Current alternative strategies include implementation of groundwater injection (e.g., storage of excess water from the Carmel River in the Seaside Coastal Basin during winter months), wastewater recycling (i.e., using reclaimed wastewater for irrigation purposes), and water conservation efforts that include retrofitting or replacing water-using appliances and fixtures and drought resistant landscaping. Although there are no guarantees provided by the County action, approval of a well for the Carmel River Inn would theoretically reduce the amount of water purchased by the Carmel River Inn from Cal-Am by roughly 2.5-acre feet/year.



C. Analysis of Appeal Issues

1. Land Use & Development Issues

A. Appellant's Contentions

Commissioners Wan and McCoy contend in part that the project is inconsistent with LCP policies concerning general land use principles and policies concerning urban and rural development.

The project site is located to the north of the Carmel River, in an area designated by the LCP as being urban, and the site is currently serviced by municipal amenities such as water and sewer. This is supported by Land Use Plan policy 4.4.2.1 which establishes the Carmel River as the dividing line between the urban and rural areas.

I am appealing this project because approval of a well in this area would conflict with Carmel Area LUP policy 4.4.3.D.4 regarding new development in recreation and visitor-serving facilities, which states in part that "...All proposals must demonstrate consistency with the land use plan... and environmental... constraints..." The Carmel Area Land Use Plan, in policy 4.4.3.E.2, directs medium density residential development "...to existing residential areas where urban services- water, sewers, roads, public transit fire protection, etc. - are available...". Clearly the intent of the LCP is to limit urban uses to urban areas. Limiting this restriction to medium-density residentially zoned areas and not including other (urban) zoning designations located within the urban area would not satisfy the intent of the LCP.

The appellants also contend that there would be potential cumulative impacts to the groundwater in the area from other wells, if individual wells were allowed in such an urban area, and that the LUP allows only wells for monitoring saltwater intrusion in the urban portion of the Carmel Area planning unit. The full text of appellants' contentions is located in Exhibit E.

B. Local Coastal Program Provisions

Because of the Coastal Act requirement to provide different land use policies for the rural and urban portions of the Carmel Area, the County has included the following policy that defines the dividing line between these two types of low (rural) and high (urban) intensity land uses:

LUP Policy 4.4.2.1. The Carmel River shall be considered the dividing line between the urban and rural areas of the Monterey Peninsula. The river shall provide the natural boundary between urban and higher intensity uses to the north and rural, lower intensity uses to the south.

Other important LUP policies related to general urban/rural planning issues include:

LUP policy 4.4.3.D.4 states in part: "... All proposals must demonstrate consistency with the



land use plan... and environmental... constraints..."

LUP policy 4.4.3.E.2 *directs medium density residential development "...to existing residential areas where urban services- water, sewers, roads, public transit fire protection, etc.- are available..."*

Additionally, Section 4.5 of the Carmel Area LUP describes Land Use Categories and notes the following:

"...the capabilities and constraints of the various areas of the Carmel area to support various types and densities of land uses are reflected in the land use map. Land uses have been designated based on an evaluation of existing uses, appropriate levels of use to protect coastal resources, and levels of development that can be accommodated by public works systems such as water supplies and coastal access roads."

Other important land use and development policies relevant to this project include:

LUP policy 3.2.2. The County should reserve from its allocated water supply a sufficient quantity to accommodate coastal priority land uses proposed in this plan.

LUP policy 3.2.3.1 states in part: *The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-serving facilities permitted by the plan. Water must be first assured for coastal-priority visitor-serving facilities before allowing any new residential development...In addition, 0.056 acre-foot/year of water is reserved for each visitor-serving unit permissible under this Plan.*

LUP policy 4.4.1 Key Policy *All future development within the Carmel coastal Segment must be clearly consistent with and subordinate to the foremost priority of protecting the area's scenic beauty and natural resource values.*

LUP policy 4.4.2.4 *Because there is limited suitable land or water to support new development and because the capacity of public facilities is limited, coastal-dependent recreation and visitor-serving uses shall have priority over residential and other non-coastal dependent uses.*

C. Local Government Action

The County's action (Resolution 01-052, Exhibit D) allows for the construction of a well at 26600 Oliver Rd. (APN009-563-005) in the Carmel Area planning segment. This parcel is located west of State Highway 1, and within the boundaries of the urban services area as determined by policy 4.4.2.1 of the Carmel Area Land Use Plan. The well would be used to irrigate non-agricultural landscaping, drawing approximately 2.5 acre feet per year.



D. Substantial Issue Analysis and Conclusion

This project is inconsistent with fundamental land use and development policies of the Monterey County LCP and, by extension, basic principles of the Coastal Act. LUP Policy 4.4.2.1 cited above clearly establishes the Carmel River as the dividing line between urban and rural areas of the Monterey Peninsula. This policy derives from one of the most fundamental principles of the Coastal Act, as well as modern urban and environmental planning: *the establishment and maintenance of stable urban/rural boundaries for the protection of sensitive resources and to provide for the rational planning of public services to support new urban development.*

In particular, the benefits of urban/rural boundaries include the prevention of urban sprawl, protection of agricultural land, efficient use of land, and the 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. Certainly the services that are required to support urban uses (e.g., water supply and storage/conveyance/treatment systems, sewer connections, wastewater treatment plants, etc.) are greater and different than those needed for rural land uses (e.g., small wells and individual septic systems). Coastal Act policy 30250 states this premise as follows:

Section 30250(a) 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....
[Emphasis added].

This policy provides that if an urban area lacks critical infrastructure - e.g., water, sewer, or road capacity - to support further urban development, then new development must be delayed until the capacity of the limited service can be increased, through a comprehensive urban planning process, in order to support it. It does not mean that urban uses should proceed incrementally, 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 (e.g., wells run dry, lot sizes are too small to accommodate septic systems) and planning problems. Ultimately, incremental development without comprehensive planning may lead to serious environmental resource impacts such as groundwater overdraft, polluted groundwater, degraded riparian habitat, and so on. This basic environmental planning principle is recognized in the Carmel Area LUP overview of the need to protect coastal streams and watersheds from the cumulative impacts of incremental private water supply projects:

2.4.1 Overview The Carmel coasts' major streams are the Carmel River, San Jose Creek, Gibson Creek, Wildcat Creek, and Malpaso Creek. With the exception of the Carmel River, these streams are small, but all directly support riparian wildlife and plant communities. Because many of the streams are small, development of residences,



agriculture, and public or private recreation and visitor-serving facilities can place excessive demands on the water available in some watersheds. When overuse is allowed, through unwise approvals of development or use applications, degradation of the natural environment results with loss of plant, wildlife, and fish habitats. Eventually, people dependent on the adequate supply of quality water will suffer too as private and community water systems fail. The drought of 1976-78 emphasized the critical need for a careful and conservative approach to planning and to recognize that drought year flows are the controlling factor for all human and natural uses (LUP, p.41).

The Project is in an Existing Developed Urban Area

As required by the Coastal Act, Local Coastal Plans must also include policies that address Coastal Act issues – such as the establishment of stable urban/rural boundaries and the policy to locate new urban development within urban areas that are able to accommodate additional development. The Carmel Area Land Use Plan is a classic example of how Coastal Act policies are translated into local policies. As noted by the appellants, the LUP has primarily addressed this issue by specifically establishing both rural and urban portions of the land use planning area in Policy 4.4.2.1, within which lower and higher densities of development are appropriate.

The project that is the subject of this appeal – the Carmel River Inn -- is located within the urban portion of the Carmel Area Plan. First, the LCP provides a general description of the existing developed areas of the Carmel Area, including Mission Fields, where the Inn is located:

Existing Developed Areas. The subdivided areas within the segment are concentrated primarily along the west side of Highway 1, except within Carmel Highlands, where the subdivided area lies also on the east side. It is the County's objective to promote the continued "infilling" of vacant parcels of record in all subdivided areas, namely, Carmel Woods, Hatton Fields, Carmel Point, Mission Fields, Mission Tract, Carmel Meadows, Carmel Highlands, and the Riviera. Existing recreational and visitor-serving facilities located within the residential communities are considered desirable uses and should be continued where potential or existing conflicts with the surrounding residential community can be adequately mitigated (LUP, p. 77).

Second, the fact of the Carmel River Inn's urban location for purposes of coastal land use planning on the Monterey Peninsula is directly noted in LUP Policy 4.4.3.D.1 which states that "[v]isitor-serving facilities are presently located in existing developed areas...". The LCP's concept of "existing developed areas," of course, is a direct reflection of Coastal Act Section 30250, which requires that new development be located in or in close proximity to "existing developed areas." Thus, the Monterey County LCP clearly acknowledges that existing visitor-serving facilities, like the Carmel River Inn, are located in areas understood to be already developed for purposes of coastal land use planning and resource protection.



The Project must be served by Public Services provided for the Urban Area

The fact that the Carmel River Inn is an existing developed urban area means that it must be supported by the public services that have been planned for and provided for the urban area. Indeed, the designation of urban areas and the associated provision of public services to the urban areas, that is built into the Monterey LCP, goes hand-in-hand with the protection of sensitive coastal resources.¹

For example, water is an important coastal resource, especially within the Monterey Peninsula area where water supplies are severely limited. In order to protect water supplies and other various coastal resources within the unincorporated areas of Monterey County, the County has planned for specific land uses in specific areas. Again, as part of these planning efforts, the County has determined that higher-density development would be allowed in urban areas where multiple units per acre may be developed, and less intensive uses allowed in rural areas where development can be spread across fewer, larger parcels. Because of the high density of development planned in urban areas, the County has also planned for and provided the necessary urban services infrastructure such as water, sewer, public transit, fire protection, etc., rather than allow individual property owners to each develop their own utility systems. This is clearly recognized in the Carmel Area LUP's original description of urban water supply issues for the Monterey Peninsula:

3.2.1 Overview. With the exception of Carmel Riviera, the residential areas of the Carmel area have domestic water supplied by the California American Water Company (Cal-Am). This utility also serves the six cities and other unincorporated portions of the Monterey Peninsula area. At the present time, the principal sources of water are reservoirs on the Carmel River. When Cal-Am develops four new wells along the Carmel-River east of Highway 1, it will then have an assured supply of 20,000 acre-feet per year. Water usage by the seven jurisdictions for 1979 is estimated at 14,000 acre-feet; of this approximately 5,000 acre-feet was consumed by the unincorporated portion. Under a "fair-share" water allocation system, the County will be allocated a specific proportion' of the total available supply to be used to serve growth in the unincorporated portions of the Cal-Am service area. A proposed wastewater reclamation project by the Carmel Sanitary District would make available an additional 900 acre feet of potable water now used for irrigation of golf courses. It has not yet been determined as to how this potential additional supply will be distributed within the unincorporated area. Coastal Act policies require that where public works facilities can accommodate only a limited amount of new

¹ The overarching purpose of the Carmel Area LUP Key policy 4.4.1 is to regulate development so that it protects water and other natural coastal resources for all people of the State of California: **LUP Key Policy 4.4.1:** All future development within the Carmel Coastal Segment must be clearly consistent with and subordinate to the foremost priority of protecting the area's scenic beauty and natural resource values.



development, coastal-dependent land uses, including recreation and visitor-serving uses, shall not be precluded by non-priority residential development (LUP, p. 68).²

This overview statement highlights what has always been understood to be the case for provision of water supply in the urban areas of the Monterey Peninsula, namely, that the water was planned for and provided through the Cal-Am publicly-regulated distribution system, and that rational planning and allocation was necessary to both protect sensitive resources such as the Carmel River, and to provide water to new development equitably. To be sure, the last part of this LUP overview discussion underscores the important Coastal Act requirement that when urban services are limited, that services must be reserved for priority uses such as visitor-serving development. Such reservations could not occur if services were not being provided through the comprehensively managed public services system. This requirement is more specifically found in Key Policy 3.2.2 and LUP Policies 3.2.3.1 and 4.4.2.4:

3.2.2. The County should reserve from its allocated water supply a sufficient quantity to accommodate coastal priority land uses proposed in this plan.

3.2.3.1 The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-serving facilities permitted by the plan. Water must be first assured for coastal-priority visitor-serving facilities before allowing any new residential development...In addition, 0.056 acre-feet/year of water is reserved for each visitor-serving unit permissible under this Plan.

4.4.2.4 Because there is limited suitable land or water to support new development and because the capacity of public facilities is limited, coastal-dependent recreation and visitor-serving uses shall have priority over residential and other non-coastal dependent uses.

There is no question, then, that the LUP contemplates that the Carmel River Inn is in an existing developed urban area and that concomitantly, it is to be provided with public water services through the Cal-Am system managed by the Monterey Peninsula Water District.³

² Although the specific circumstances discussed in the LUP are not current, the situation on the Monterey Peninsula has not fundamentally changed, and the more general LUP discussion of limited public water supply, provided by Cal-Am, for existing developed areas is still relevant to today's circumstances.

³ This is further recognized in the LUP discussion of important planning issues on-going in the Carmel Area:

A final issue to be resolved is the adequacy and capacity of water supplies, wastewater disposal facilities, and transportation facilities. The Coastal Act states that where remaining capacity of existing or planned public works facilities is limited, such capacity shall be reserved for coastal-dependent land uses such as agriculture and coastal recreation and shall not be precluded by residential development. This mandate has direct bearing on the potential for continued residential development and subdivision within the Carmel area. The capacity of existing water supplies and wastewater disposal facilities is limited, while Highway 1 is at or near capacity during peak use periods (LUP, p. 76).



The requirement to limit water supply at the Carmel River Inn to available public supply is further underscored by the general LUP policies that govern development in the Mission Fields area. Although the Carmel River Inn is on a site that is zoned for visitor-serving development (VSC CZ), it is also within an area generally designated for urban density residential development. The entire area is also located in the Cal-Am service area. Consistent with LUP Policy 4.4.2.1, policy 4.4.3.E.2 specifically requires that new residential development in this area be located in existing residential areas "... where urban services -- water, sewer, public transit, fire protection, etc., - are available." The inverse requirement of this policy, of course, is that private water supply projects are not allowed in the Mission Fields area, which has been designated by the LUP as existing developed urban area, primarily residential but with some visitor-serving development. On the other hand, in rural areas where development is less intensive, such shared utility infrastructure is not required, would be impractical and would encourage urban sprawl. Therefore, the County allows development of private or small mutual utility systems within rural areas, but requires that development in urban areas be allowed only where adequate urban services (i.e. publicly or comprehensively managed) exist.⁴

Finally, the inconsistency of a private water supply project in the urban area of the Monterey Peninsula is also evident in the LCP policies that speak to the development of wells. First, LUP Policy 2.4.4.A.1, which addresses water supply projects, specifies that hydrologic reports are required only for new development outside of existing water utility service areas. This clearly implies that all new development within existing water utility service areas would be served by existing utilities within existing urban service areas, i.e., hydrologic reports are irrelevant as private wells are not allowed.

Second, the LUP water supply policies only mention wells specifically in one policy, because these policies primarily relate to how Cal-Am, as the largest water purveyor in the county, allocates water. In particular, this omission is related to the fact that development located within the urban services boundary is expected to obtain water from Cal-Am rather than private wells. Thus, LUP policy 3.2.3.4 permits "wells or other measures for monitoring salt-water intrusion," clearly anticipating that the allowable purpose for wells is generally understood to be monitoring for salt-water intrusion, not supplying water for irrigation of landscaping.

Public Water Supply Protects Coastal Resources through Comprehensive Planning

⁴ Regulations for the Recreation and Visitor-Serving zoning district (VSCR (CZ)) are found in the Coastal Implementation Plan (CIP) of the Monterey County LCP. Title 20, Chapter 20.22 of the CIP details the principal uses allowed in VSC (CZ) districts, which are located in both rural and urban portions of the land use area. In addition to hotels, motels and inns, the VSC zoning district includes, among other things, the development of "water system facilities including wells and storage tanks...". However, the Monterey County CIP must be read in conjunction with the policies of the LUP. While the well applied for is included in the list of allowable uses in the zoning designation governing this property, as discussed, the LUP contains policies that do not allow a well on this particular property because of its location in the urban services area. Therefore, the CIP provides that private water systems can be developed in VSC areas outside of urban areas (i.e., in rural VSC zoned areas in the Carmel Highlands area), but that development located within urban areas must be served by existing urban services.



To reiterate, the purpose of clearly designated urban and rural areas is to provide for rational planning and the protection of coastal resources. The LCP therefore requires that development in urban areas, located within urban service areas, will use urban services. By so doing, the County is better able to manage development given the environmental constraints that prevail within specific planning areas. In this case, the County has a public management system in place for water service in the urban service area. As discussed previously in this report, because of environmental constraints on water withdrawals from the Carmel River, the MPWMD allocation program currently limits water production by Cal-Am. Approval of a private water supply well within the urban service area would thereby undermine this public water management system by allowing incremental development to proceed prior to the comprehensive planning process necessary to develop additional water supplies.

As discussed above, the current projected water demand for vacant parcels alone that are located within the Cal-Am service area is somewhat more than 1,400 acre-feet. If each of these parcels were allowed a well, the withdrawal of 1,400 acre feet of water could lead to adverse environmental impacts to the Carmel River and possibly overdraft of groundwater supplies that could lead to the failure of the existing public water system. Additionally, the potential for roughly 100 persons on the water waiting list, and any other persons wishing to drill a well for supplemental potable or non-potable water could have significant adverse cumulative effects on the water supply used to service existing connections, and on groundwater supplies that must be protected for coastal-dependent and coastal-priority uses as well as to protect and maintain riparian vegetation and fishery resources. (See discussion in following finding for more detail.)

While constrained by the MPWMD water allocation program (as described below), Cal-Am is the water company authorized to provide water in the urban service area of the County and is regulating the orderly connection of water service for new development. As described in the alternatives discussion in Section D, below, one approach to evaluating the long-term water supply reliability is through the LCP amendment process.

Conclusion: the Project Raises a Substantial Issue

As detailed above, authorizing the development of private wells inside of the Cal-Am water service area is not consistent with LUP policies 4.4.3.E.2, 2.4.4.A1 and 4.4.2.1. LUP policy 4.4.2.1 defines that portion of the Carmel Land Use Plan area north of the Carmel River as urban, and LUP policies 4.4.3.E.2 and 2.4.4.A.1 require that new development in urban areas use urban services and be allowed only where adequate water is available from the water utility. Approvals of private water supply wells within the urban service areas could potentially undermine the public utility's ability to provide adequate water supply to existing connections within the Cal-Am service area. Therefore, the Commission finds that the County's approval for a well to supply 2.5 acre feet per year for the purpose of irrigation of landscaping raises a substantial issue with respect to the LCP's land use and development policies, which do not allow for such uses in urban residential areas served by urban services.



2. Water Supply and Intensification of Use

A. Appellant's Contentions

Commissioners Wan and McCoy contend in part that: *"...the only wells allowed in urban service areas are for monitoring salt-water intrusion. The proposed well is intended to provide water to a parcel in an urban segment that is currently serviced by Cal-Am."*

The appellants also contend that if for some reason a well were potentially appropriate for this area, certain additional LCP policies would need to be met, including: LUP policies 2.4.4.A.2, 2.3.4. Riparian Corridors and Other Terrestrial Wildlife Habitats policy #2 and CIP section 20.146.050.A, which state that:

"The County fails to prove that this application involves no intensification of water usage." and that "The use of water from such wells, coupled with the amount allocated to Cal-Am could have an adverse impact on groundwater levels and rates of salt-water intrusion. Furthermore, there is no indication in the Initial Study or staff report as to why an on-site well is necessary".

Full text of appellants' contentions is in Exhibit E.

B. Local Coastal Program Provisions

The following LCP policies regarding water supply issues are relevant to this project:

LUP Policy 3.2.3.4 *Wells or other measures for monitoring salt-water intrusion are permitted. If salt-water intrusion is found to adversely affect agricultural irrigation, an additional amount of Cal-Am water or reclaimed water equal to that necessary to maintain irrigation shall be allocated to agriculture.*

CIP section 20.146.110.A.3 *Wells or other measures for monitoring salt-water intrusion are permitted. If salt-water intrusion is found to adversely affect agricultural irrigation, an additional amount of Cal-Am water or reclaimed water equal to that necessary to maintain irrigation shall be allocated to agriculture (Ref. Policy 3.2.3.4).*

Additional related policies of the Carmel Area LCP include the following:

LUP policy 2.4.4.A.2 states in part that *"...The County will request that the Department of Fish and Game provide a written recommendation on each application.."*

LUP policy 2.3.4 Riparian Corridors and Other Terrestrial Wildlife a Habitats policy #2 states in part that *"The State Water Quality Control Board and the California Department of Fish and Game, in coordination with the County of Monterey, should establish and reserve instream flows sufficient to protect and maintain riparian vegetation, fishery resources and adequate recharge levels for Protection [sic] of groundwater supplies..."*

CIP section 20.156.050.A A hydrologic report shall be required for any development which



involves intensification of water use. Applicants are required to submit a hydrologic report certifying such impacts as: sustained yield of the water source to serve new development **outside of existing water utility service areas** and/or that the proposed new water use or use intensification will not adversely affect either the natural supply necessary to maintain the environment, including wildlife, fish and plant communities or the supply available to existing users during the driest year (Ref. Policy 2.4.4.A.1 &2 Water Availability). (Emphasis added)

CIP section 20.146.050.A.1 also lists all items that should be contained in the hydrologist's report. The appellants contend that the following required items are missing from the submitted hydrologist's report prepared by Grice Engineering and Geology Inc. in October of 2000:

20.146.050.A.1.e assessment of existing and proposed water usage, including water usage for landscaped and other vegetated areas;

20.146.050.A.1.g description of investigation methods- including review of test logs, on-site and off-site testing and contacts with Health Department and Flood Control District staff;

20.146.050.A.h description of other development activity in the area, both proposed and under construction;

20.146.050.A.i assessment of the individual and cumulative impacts of the proposed development on the quantity and quality of the groundwater table and local aquifer;

20.146.050.A.k assessment of the proposed development's individual and cumulative impact on the aquifer's safe long-term yield level, saltwater intrusion and long-term maintenance of local water supplies;

20.146.050.A.l demonstration that the new water use or use intensification will not adversely affect either the natural supply necessary to maintain the environment, including wildlife, fish and plant communities or the supply available to existing users during the driest year.

20.146.050.A.m description and assessment of project alternatives including reduced density, if needed to mitigate the proposed development's adverse impacts as identified above and;

20.146.050.A.n recommendations for water conservation measures, addressing siting, construction and landscaping and including retention of water on-site to maximize groundwater recharge and reclamation of water.



Other relevant water resource policies include the following:

LUP Policy 2.4.2. *The water quality of the Carmel area's coastal streams and of the Point Lobos and Carmel Bay Areas of Special Biological Significance shall be protected and maintained. Instream flows should be protected in order to maintain the natural plant community and fish and wildlife. In general, the County will require adherence to the best watershed planning principles, including: stream setbacks, stream flow maintenance, performance controls for development site features, maintenance of safe and good water quality, protection of natural vegetation along streams, and careful control of grading to minimize erosion and sedimentation.*

The Carmel Area LUP also provides an overview of water supply in the Carmel Land Use Plan area, as well as specific water supply policies:

3.2.1 Water Supply Overview partially states: *With the exception of Carmel Riviera, the residential areas of the Carmel area have domestic water supplied by the California American Water Company (Cal-Am). This utility also serves the six cities and other unincorporated portions of the Monterey Peninsula area. ... Under a "fair-share" water allocation system, the County will be allocated a specific proportion of the total available supply to be used to serve growth in the unincorporated portions of the Cal-Am service area...*

LUP Policy 3.2.3.1 *The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-serving facilities permitted by the plan. **Water must be first assured for coastal-priority visitor-serving facilities** before allowing any new residential development other than infilling of existing vacant lots. ... [Emphasis added]*

C. Local Government Action

The County's action (Resolution 01-052, Exhibit D) allows for the construction of a well to be used to for irrigation of 2.25 acres of landscaping at the Carmel River Inn, which is currently served by California-American Water Company. The County's resolution includes conditions that require the applicant to provide Monterey County Water Resources Agency with information on the water system to serve the project, including the location of all water wells, any well logs available and the number of current hookups. It also prohibits the Carmel River Inn from using the reduction of Cal-Am water used to establish on or off-site water credits for the purposes of intensification, expansion of existing and/or new development or uses.

D. Substantial Issue Analysis and Conclusion

As discussed in the previous finding, private wells are not allowed in the urban services area of the Carmel area. However, even if they were allowed, other LCP policies related to water supply



development would need to be met, including those to protect the water needs of wildlife and agriculture, and to outline requirements of hydrologic reports. Since water resources are scarce on the Peninsula, and are necessary to sustain wildlife as well as human needs, the LCP includes a policy requiring demonstration that any new water use or intensification of use will "not adversely affect both the natural supply necessary to maintain the environment, including wildlife, fish and plant communities", and review by the Department of Fish and Game. Land Use Plan policy 2.4.4.A.2 requires the County to request a written recommendation from the Department of Fish and Game, which was not done. Therefore, this project is not in compliance with LUP policy 2.4.4.A.2 and raises a substantial issue with respect to review by the Department of Fish and Game.

Additionally, CIP section 20.156.050.A cites requirements for hydrologic reports, which are required for any development that involves intensification of water use. The applicant did not adequately demonstrate that this project does not involve intensification of water use, and therefore this policy would apply to this project. It requires hydrologic report to certify such impacts as "sustained yield of the water source to serve new development **outside of existing water utility service areas...**" (Emphasis added). This policy further illustrates the intent of the LCP to restrict urban land uses to urban areas, because it assumes that new water sources will only be located outside of existing water utility service areas. This is understandable, considering that in areas currently serviced by a water utility, there is no need to drill a private well, other than for saltwater-intrusion monitoring.

With the exception of LUP policies 3.2.3.4 and 2.4.4.A.2, and CIP section 20.156.050.A, discussed above, the LCP policies cited in the previous section do not really apply in this case because a private well may not be used to service new development in urban areas where urban utility services are in place. However, they do illustrate the kinds of land use planning and environmental considerations necessary to ensure that the intensification of water use will not have significant adverse effects on coastal resources. For example, LUP Policy 2.4.4.A.1 clearly envisions that hydrologic reports are required to certify the sustained yield of a water source intended to serve new development *outside of existing water utility service areas* and LUP Policy 2.4.4.A.2 requires an applicant show that such a well would not have adverse impacts on the natural environment and water supplies available.

While Monterey County did impose conditions of approval restricting the use of this well, they have not adequately ensured that the well will not result in an intensification of water use from the Carmel Valley Alluvial Aquifer. This is because the property currently has a water connection from Cal-Am that is used and will continue to be used regularly. The County has not and cannot condition Cal-Am to sell 2.5 acre-feet per year less to the applicant, and they have not and can not condition the project to limit the amount of water purchased from Cal-Am annually. Thus, there is no assurance that the applicant will not continue to purchase the *same* amount of water from Cal-Am as they currently purchase, and supplement this amount with the 2.5 acre-feet per year they plan to withdraw from their private well, thereby resulting in an increase in use of up to 2.5 acre-feet of water per year. This is compounded by the fact that both Cal-Am and the applicant would be drawing water from the same source, the Carmel Valley Alluvial Aquifer, which is already fully allocated. Therefore, because the applicant has not demonstrated that water withdrawn from the aquifer will remain constant, and they have not complied with LCP policies that regulate projects that involve intensification of water usage, a substantial issue is raised.



Although the proposed well would be located inside an existing service area, the applicant nonetheless obtained a hydrologic survey. However, the hydrology report prepared in October 2000 by Grice Engineering does not comply with CIP section 20.146.050.A, which outlines required items for hydrology reports when there is an intensification of water usage.

MPWMD staff indicated that a complete hydrogeological analysis of the information would require more time and resources than they had available at the time, however based on a brief review of the materials provided, they did indicate that the well was located within the boundaries of the Carmel Valley alluvial aquifer and could potentially affect water resources in the Carmel Valley alluvial aquifer.

Additionally, the cumulative effect of roughly 100 applicants on the water waiting list being allowed to drill individual water supply wells within the water utility service area, coupled with any other person in the water utility service area who wishes to drill a private well, would add a significant burden to the amount of groundwater being drawn from limited water supplies available. Such activities could increase the potential for multiple "bail-outs" from failed wells, and could potentially impact the riparian resources of the Carmel River because the water needed to serve the homes with failed wells would have to come from either the Cal-Am wells along the Carmel River or the Seaside wells.

While the LUP policy 2.4.4.A.1 does provide for the possibility of developing a well outside of an existing service area, the LUP does not include any policies allowing the development of a private well within an urban area where a water service utility does exist. In this case, the project being proposed is not for new development outside of an existing service area, but rather to support existing development located within an established public service area, and therefore the project does not conform to LUP policies 2.4.4.A.1, 3.2.3 or 3.2.3.4. It is possible that approval of this well and others that may follow may result in additional over-drafting of the Carmel Valley alluvial aquifer, thus affecting water resources in the river and associated riparian areas. Thus, the Commission finds that a substantial issue is raised with respect to water supply issues.

D. Public Access and Recreation Findings

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of chapter 3 of the Coastal Act. The project is located seaward of the first public through road, which in this area is State Highway 1. Sections 30210-14 of the Coastal Act provide for maximizing public access to the coast. In accordance with other Coastal Act policies, Section 30223 requires that upland areas necessary to support coastal recreation uses shall be reserved for such uses where feasible. Section 30212 also requires that public access from the nearest public roadway to the shoreline be provided for all new development projects except where adequate access exists nearby.

The project does not affect any existing public access in the Carmel Area. The site is located approximately 4,500 feet from the coast near the Carmel River Bridge and is currently zoned for visitor-serving commercial uses. Additionally, adequate access to the beach and recreational opportunities exist



in the Carmel area, such as Carmel Beach City Park and Stillwater Cove which are located near the mouth of Pescadero Creek. Therefore, the project is consistent with public access and recreational policies of the Coastal Act.

E. De Novo Coastal Permit Findings

For the reasons cited in the Substantial Issue section of this report, pages 5 to 16, and incorporated by reference into these *de novo* findings, the proposed project is inconsistent with those LCP policies cited, and therefore must be denied. The Carmel Area LUP does not allow for private water supply development in existing developed areas; the project is located in an urban area, where the clear expectation and requirement has been and remains that water be supplied by the public utility, in this case the Cal-Am system managed by the Monterey Peninsula Water Management Agency. Indeed, in 1977, an irrigation well was applied for, and denied by the Regional Coastal Zone Conservation Commission, at this same location in 1977. The denial letter dated April 12, 1977 (See Exhibit I) listed the following reasons for denial:

Adverse precedent (circumvention of water rationing in Cal-Am service area for sole purpose of landscaping maintenance); Concerns regarding cumulative impact of multiple wells in lower Carmel Valley, including but not limited to:

- a. salt water intrusion*
- b. competition with nearby agricultural wells*
- c. depletion of water levels in the Carmel River Lagoon bird sanctuary.*

In conclusion, as detailed previously in this report, authorizing the development of private wells inside of the Cal-Am water service area is not consistent with LUP policies 4.4.3.E.2, 2.4.4.A1 and 4.4.2.1. LUP policy 4.4.2.1 defines that portion of the Carmel Land Use Plan area north of the Carmel River as urban, and LUP policies 4.4.3.E.2 and 2.4.4.A.1 require that new development in urban areas use urban services and be allowed only where adequate water is available from the water utility. Approvals of private water supply wells within the urban service areas could potentially undermine the public utility's ability to provide adequate water supply to existing connections within the Cal-Am service area. Therefore, the Commission finds that the County's approval for a well to supply 2.5 acre feet per year for landscape irrigation is not consistent with the Monterey County LCP and must be denied.

Alternatives

As discussed in the Substantial Issue section of this report, while constrained by the MPWMD water allocation program, Cal-Am is the water company authorized to provide water in the urban service area of the County. The project area is currently being served by Cal-Am, and will continue to be served by Cal-Am in the future, and therefore no need exists to drill a well to provide water to the property. The simplest alternative to this project is to continue having all necessary water provided by Cal-Am.



A second alternative to drilling a well to service the landscaping needs of this property would be to decrease the amount of water necessary for landscaping. Past permits granted to owners of this property have required the site to be landscaped with native, drought-tolerant plants, however, a large portion of the property which does not contain cottages is currently landscaped with grass, which has a high water demand. Similarly, the cottages are surrounded by grass and other high-water-demand ornamentals. While the applicant may wish to retain the grass surrounding the cottages for recreational purposes, large areas of the site have the potential to be converted to native, drought-tolerant plants that could dramatically reduce the amount of water needed for landscaping.

Additionally, as described previously, Cal-Am and Monterey Peninsula Water Management District are currently searching for additional water supplies. Current alternative strategies include use of reclaimed wastewater for irrigation purposes, and water conservation efforts that include retaining native drought resistant vegetation and incorporating xeriscape principles into landscaping designs. Thus, a third potential alternative available to the applicant, if otherwise approvable by the County, could be to use wastewater from the laundry facility and numerous showers located on site to provide greywater suitable for landscaping irrigation; or to use wastewater reclamation available in the Carmel area.

Lastly, a fourth alternative available to the applicant is to request that Monterey County amend its LCP to allow private services in urban areas. Since the County's Local Coastal Program makes it clear that development in urban areas must use urban services, the only other way for the County to approve wells in urban service areas would be to amend the its LCP. However, any such amendment would have to examine the potential cumulative impacts of such activities, for example: would development densities have to be decreased?; what would happen to the current utility districts?; would these wells be temporary until other public sources were found or would they be permanent?; would only potable wells be allowed, or also non-potable wells for supplemental water?; how would the use of essentially rural utility services to support urban development be consistent with Coastal Act Section 30250? These are examples of the kinds of questions the County would have to look at in developing such an amendment. Additionally, the County would have to consider whether there would be withdrawal limits and resolve how to deal with equity issues that may arise. If an LCP amendment was approved, it might also require only temporary uses of the well or require that development relying on a temporary well in an urban area would not be eligible for an emergency hook-up to the existing water utility.

F. California Environmental Quality Act (CEQA)

The County determined that this permit was exempt from CEQA review. However, this report has identified and discussed certain additional potential adverse impacts (land use and water resource issues) not fully addressed by the local government. The proposed well would be located within the Cal-Am service area and has less environmentally damaging alternatives than using the proposed well as a water supply well for irrigation of landscaping. Therefore, as there are feasible alternatives that would lessen any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA), this application must be denied.



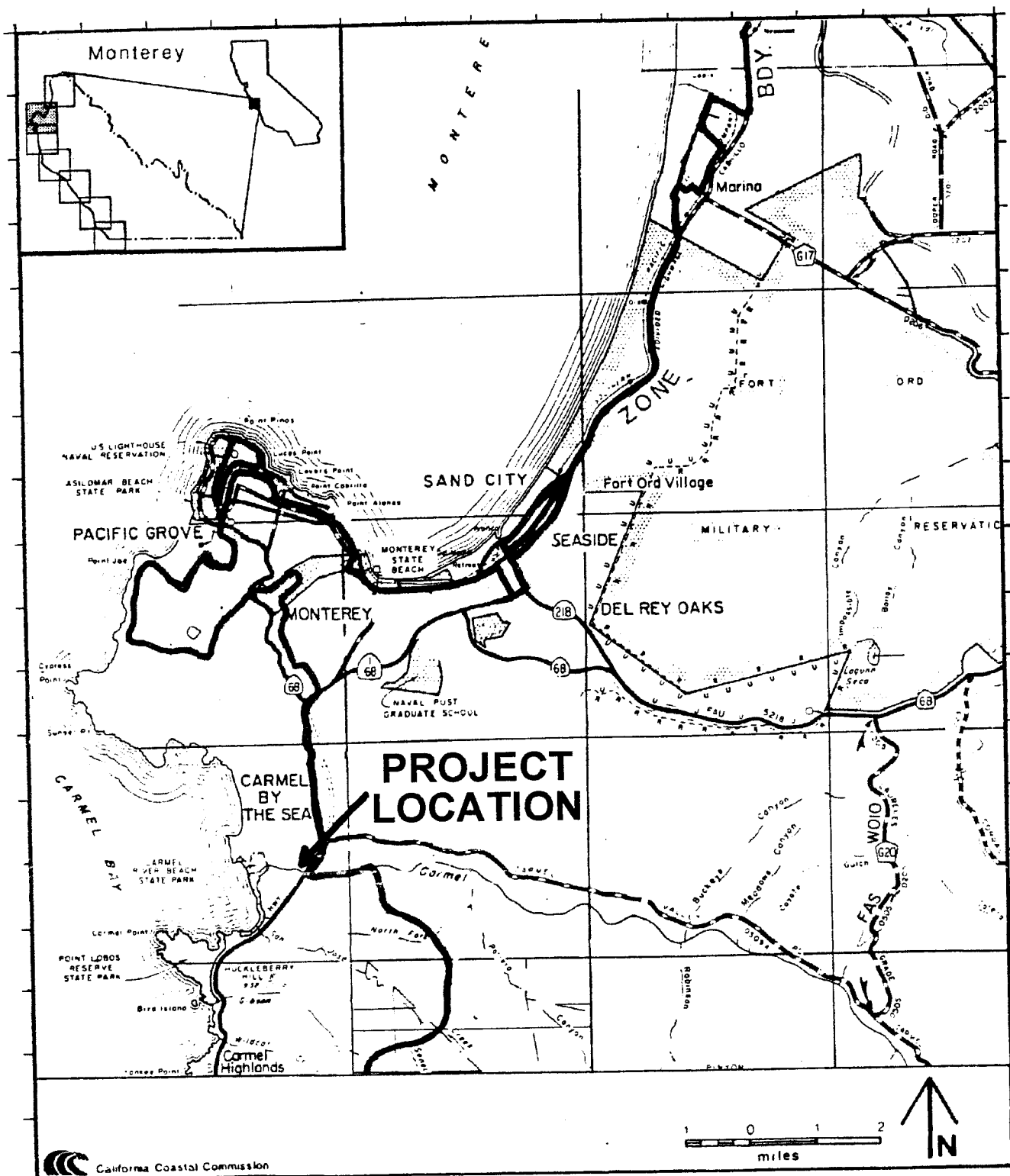


Exhibit A
Regional Location Map
A-3-MCO-01-100
Carmel River Inn Well

Pacific

Carmel

CARMEL-BY-THE-SEA

Bay

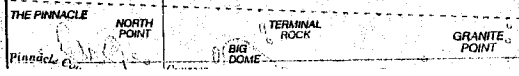
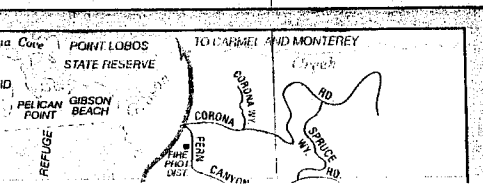
Project Site

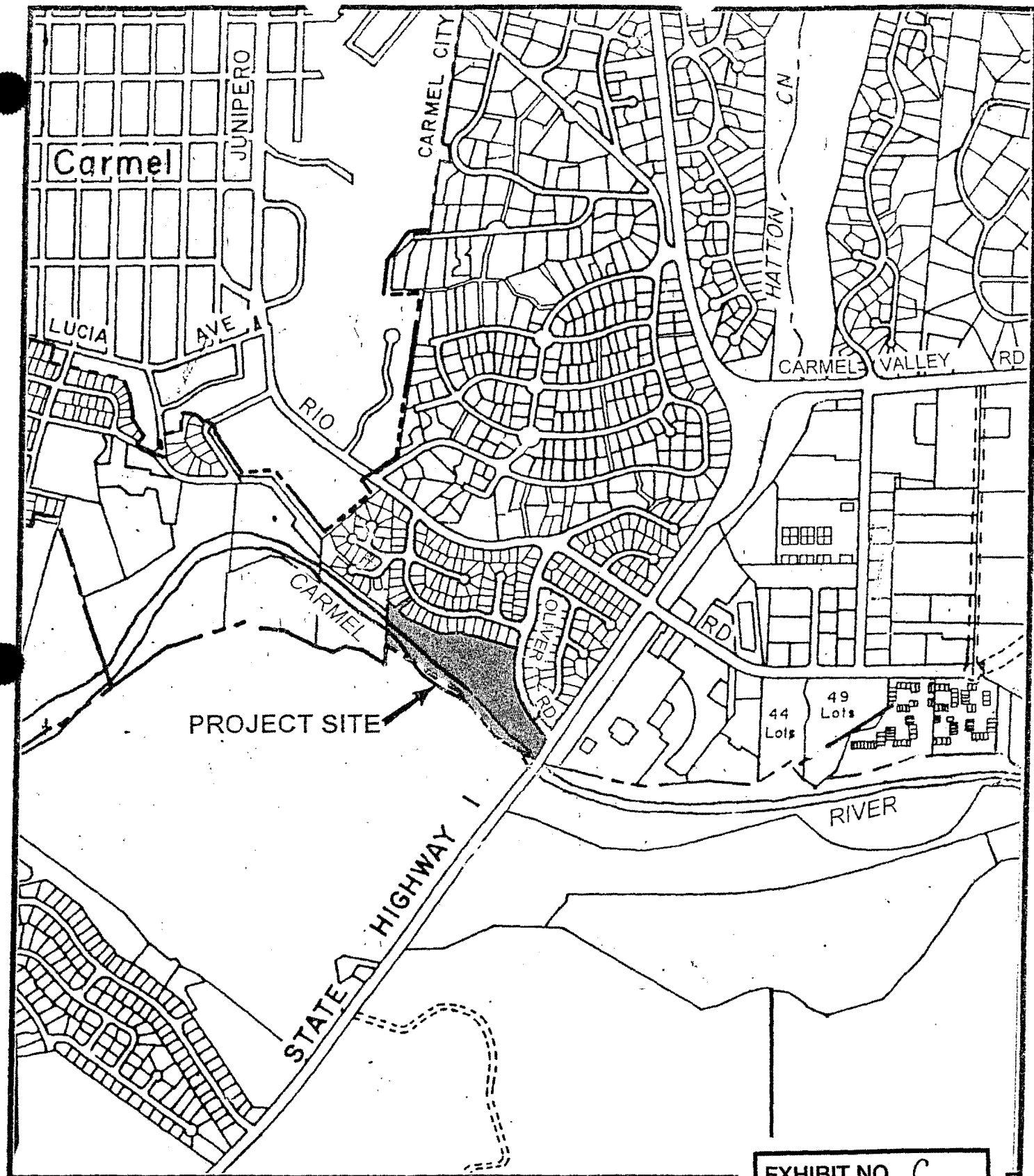
EXHIBIT NO. 13
APPLICATION NO.

A-3-MD-CI-100

Carmel River Tunnel

CONTINUATION OF STREETS SEE MAIN MAP AT RIGHT







APPLICANT: BOUTIQUE HOTEL COMPANY

APN: 009-563-005-000

FILE# 000400

300' LIMIT: 
2,500' LIMIT: 

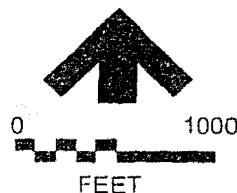


EXHIBIT NO. C

APPLICATION NO.

A-3-MCO-01-100

Carmel River Inn, LLC

DATE: 0/00/00

RECEIVED

SEP 25 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3-MCO-01-477
APPEAL PERIOD 9/26 - 10/10/01

RESOLUTION NO. 01052

A.P.# 009-563-005-000

FINDINGS & DECISION

In the matter of the application of
Boutique Hotel Company (PLN000400)

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), for the construction of a non-potable well for irrigation purposes, located at State Hwy 1, west of the Carmel Bridge and State Hwy 1, Carmel area, Carmel Area Land Use Plan, Coastal Zone, came on regularly for meeting before the Planning Commission on August 29, 2001.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The subject Combined Development Permit (PLN000400), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at Highway 1 at Oliver Road, Carmel, in the Coastal Zone. The parcel is zoned "RC(CZ)" and "VSC(CZ) or Resource Conservation, Coastal Zone and Visitor-Serving Commercial, Coastal Zone. The site is physically suitable for the proposed well construction. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

The certified Carmel Area Land Use Plan

The certified Monterey County Coastal Implementation Plan regulations for Resource Conservation (Coastal Zone) and Visitor-Serving Commercial (Coastal Zone), and Chapter 20.146 Monterey County Coastal Implementation Plan regulations for development in the Carmel Area Land Use Plan.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the Carmel Highlands Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and

Building Inspection Department records indicated that no violations exist on subject property. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Where appropriate, each agency has recommended conditions for improvements.

EVIDENCE: Recommendation for approval of the project by the Carmel Unincorporated/Highlands Land Use Advisory Committee on December 4, 2000, by a vote of 6 to 0, with the recommended condition that the proposed well should be reviewed by the Monterey Peninsula Water Management District.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: The on-site inspection by the project planner on April 30, 2001 to verify that the proposed project complies with the Carmel Area Coastal Implementation Plan (Part 4).

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: The subject property is not in an area where the Local Coastal Program requires access.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program. Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 240 Church Street, Salinas. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project, with the addition of one mitigation measure, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on July 13, 2001 and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation

requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

Biological Report prepared by Vern Yadon, September 11, 2000

Preliminary Archaeological Reconnaissance prepared by Doane and Haversat, Archaeological Consulting, September 14, 2000

Ground Water Conditions Study prepared by Grice Engineering and Geology, Inc., October 16, 2000

EVIDENCE: File and application materials; Initial Study with mitigation measures; and Negative Declaration contained in the project file.

3. **FINDING:** Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.

EVIDENCE: The administrative record as a whole, which must and does contain the following information, (*See a-e below*), supports the above finding.

- a. *Name and Address of Project Proponent*
- b. *Brief description of project and its location.*
- c. *An Initial Study for the above described project has been prepared so as to evaluate the potential for adverse environmental impact.*
- d. *When considering the record as a whole, there is no evidence that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.*
- e. *The presumption of the project's adverse effect on fish and wildlife resources or the habitat upon which the wildlife depends, has been rebutted on the basis of substantial evidence.*

4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, the Carmel Highlands Fire Protection District, and the Water Resources Agency, Parks Department, the Monterey County Sheriff's Department and the Carmel Unincorporated/Highlands Land Use Advisory Committee. The preceding 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; or the county in general.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

5. **FINDING:** The project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code.) This finding includes specific findings with respect to the Protection of Historic Access and/or Public Trust, Provision of Public Access, and the Application of Access Requirements to Single Family Residential Development.
- EVIDENCE:** File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.
6. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

It is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Coastal Administrative Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This application seeks a Coastal Administrative Permit for the construction of a non-potable well for landscape irrigation purposes at the Carmel River Inn, located at State Highway 1 (Assessor's Parcel Number 009-563-005-000), west of the Carmel Bridge, in the Carmel area. The Carmel River is located adjacent to the southwest boundary of the site. The 10.85-acre site includes approximately 2.25-acres of landscaping that is currently irrigated with public utility water provided by California-American Water Company. The project will construct a well, located on the northwest portion of the property, to provide the required landscaping irrigation. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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 the property, filing of the final map, 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. **(Planning and Building Inspection)**

3. The applicant shall record a notice that states: "A permit Resolution PLN000400 was approved by the Planning Commission for Assessor's Parcel Number 009-563-005-000 on August 29, 20001. The permit was granted subject to sixteen (16) conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
4. Prior to the issuance of a building permit, the applicant shall enter into an agreement with the County to implement the Mitigation Monitoring Plan adopted for this project. **(Planning and Building Inspection)**
5. Proposed development shall be setback at least 200 feet from the top of bank, as defined in County Floodplain Ordinance #3272. The top of bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading/and or building permits. **(Water Resources Agency)**
6. The owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**
7. Prior to the start of construction, applicant shall remove the invasive Giant Reed, *Arundo donax*, Genista, *Genista monspessulana*, French Broom and Sweet Fennel, *Foeniculum vulgare*, from the area in the vicinity of the proposed well. **(MM #7) (Planning and Building Inspection)**
8. A landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. **(Planning and Building Inspection Department)**
9. The owner shall record a notice stating that the well water is limited to non-potable landscape irrigation purposes only at the Carmel River Inn, is limited to 2.5 acre feet per year, and cannot be utilized in any manner that would establish an on-site or off-site water credit for the purposes of intensification, expansion, of existing and/or or new development or uses. **(Planning and Building Inspection)**
10. The applicant shall provide proof of compliance with Monterey Peninsula Water Management District Ordinance #96. **(Planning and Building Inspection)**
11. The applicant shall provide copies of the annual statement of diversion required from the State Water Resources Control Board. **(Planning and Building Inspection)**

12. The issuance of this Coastal Administrative Permit does not absolve the applicant from complying with all other local, state and federal regulations.

Prior to commencement of use:

13. Proposed development shall be flood proofed in accordance with County Ordinance #3272, to be certified by a registered civil engineer. **(Water Resources Agency)**
14. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

Continuous Permit Conditions:

15. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery. **(Planning and Building Inspection)**
16. Site preparation and construction activities shall comply with Monterey County's noise requirements, per Monterey County Code, Chapter 10.60. **(Environmental Health)**

PASSED AND ADOPTED this 29th day of August, 2001.


DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **SEP 14 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **SEP 24 2001**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

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 the Monterey County Planning and Building Inspection Department office in Monterey.

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

**Monterey County Planning & Building Inspection
Program for Monitoring or Reporting* on
Conditions of Approval**

Project Name: Boutique Hotel Group (Carmel River Inn)

File No: PLN0004000 **APN:** 009-563-005-000

Approval by: Planning Commission **Date:** 8-29-2001

LEGEND

PBI <i>Planning & Building Inspection</i>	WRA <i>Water Resources Agency</i>	EH <i>Environmental Health</i>	AG <i>Ag Commissioner</i>
FD <i>Fire District</i>	PW <i>Public Works</i>	RA <i>Redevelopment Agency</i>	PD <i>Parks Department</i>
CC <i>County Counsel</i>	MMR <i>Mitigation Monitoring Reporting Team</i>	CE <i>Code Enforcement</i>	Other <i>State which agency</i>

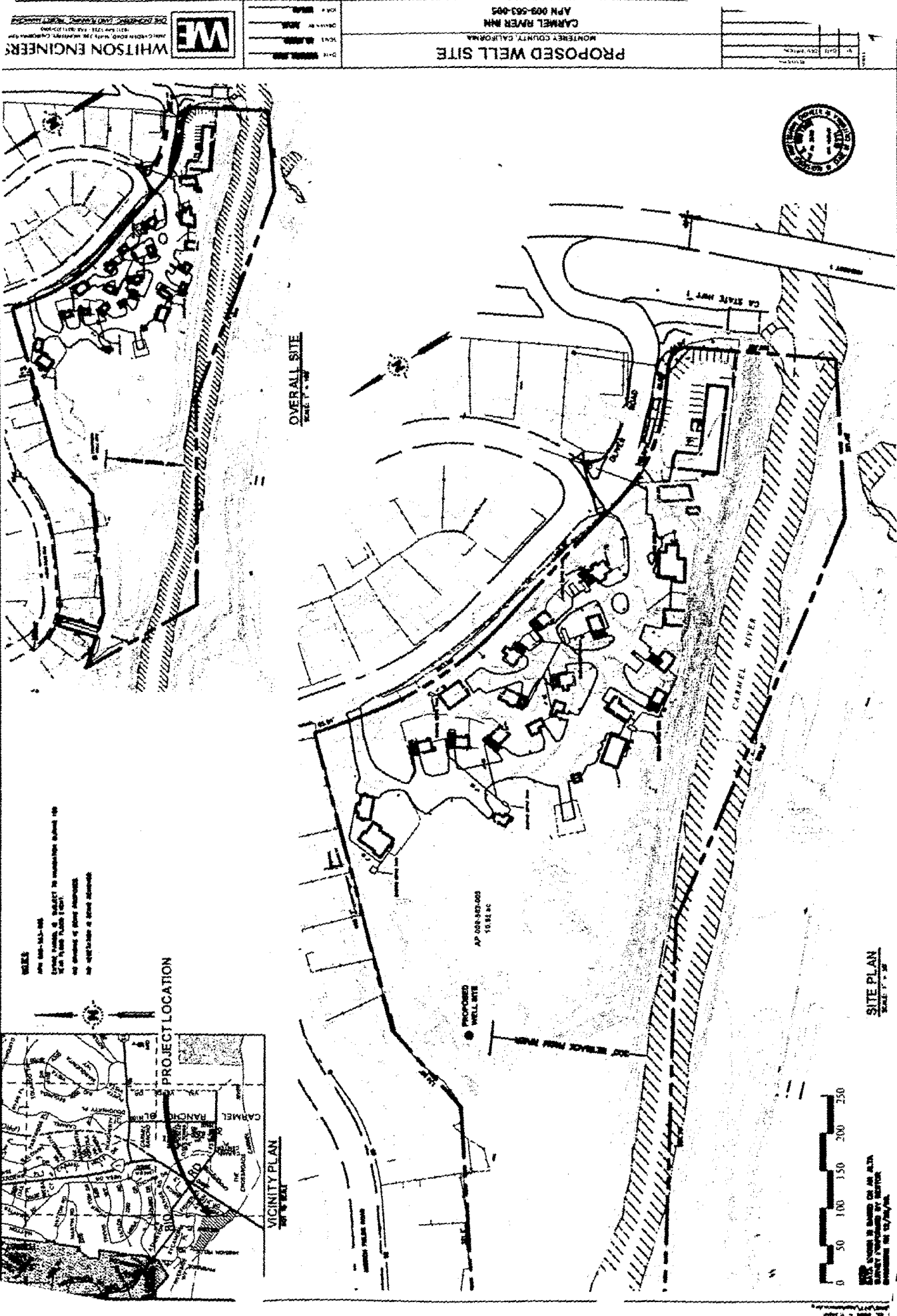
**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code*

Proj. Cond. No.	Mitigation Measure	Originating Department or Agency	Regulation, Ordinance or Standard	Schedule (Prior to Continuous) (Report due?) Fill in timeframe ↓		Person or Agency responsible for Inspection/Monitoring/Review 1) What is to be reviewed 2) Who is the preparer
7.	Remove the non-native invasives: Giant Reed, <i>Arundo donax</i> , Genista, <i>Genista monspessulana</i> , French Broom and Sweet Fennel, <i>Foeniculum vulgare</i> , that occur near the well site before beginning construction to prevent them from escaping into the river flood plain.	PBI	Carmel Area LUP	Prior to beginning construction		1) Removal of non-native invasive plants. 2) Applicant

A-3-MCO-01-100
Carmel River Inn Well

Exhibit D
§ of 10

[illegible]



Attachment A
Reasons for Appeal of Carmel River Inn Permit PLN000400

The Monterey County Planning Commission approved Resolution #01-052 (PLN000400) for a Coastal Development Permit to the Boutique Hotel Group, to allow a non-potable well to be drilled on APN 009-563-005. The well would provide 2.5 acre feet of water per year to irrigate approximately 2.25 acres of landscaping that is currently irrigated with public utility water provided by California-American Water Company (Cal-Am). The project involves construction of a well in the northwest portion of the property to provide landscaping irrigation, and purportedly to reduce the amount of water being used by the Carmel River Inn from Cal-Am.

The Coastal Act contains a policy, § 30250, to direct urban development into urban areas that have adequate infrastructure to support it. The LCP's must also include policies consistent with those of the Coastal Act, in this case the Monterey County LCP. Thus one of the functions of an LCP is to direct rural land uses to rural areas and urban-type development into more urban areas that have the public service infrastructure to support additional uses. The incorporation of this planning principle into the LCP allows denser levels of development in urban areas, where services such as water and sewer can accommodate them, and retains sparser levels of development in rural areas where these services do not exist. While the Carmel Area LUP does not specifically state this principle in one succinct policy, it is implicit when the policies are read together and interpreted.

The project site is located to the north of the Carmel River, in an area designated by the LCP as being urban, and the site is currently serviced by municipal amenities such as water and sewer. This is supported by Land Use Plan policy 4.4.2.1 which establishes the Carmel River as the dividing line between the urban and rural areas.

"...The river shall provide the natural boundary between urban and higher intensity uses to the north and rural, lower intensity uses to the south."

I am appealing this project because approval of a well in this area would conflict with Carmel Area LUP policy 4.4.3.D.4 regarding new development in recreation and visitor-serving facilities, which states in part that *"...All proposals must demonstrate consistency with the land use plan... and environmental ... constraints..."* The Carmel Area Land Use Plan, in policy 4.4.3.E.2, directs medium density residential development *"... to existing residential areas where urban services – water, sewers, roads, public transit fire protection, etc. – are available..."*. Clearly the intent of the LCP is to limit urban uses to urban areas. Limiting this restriction to medium-density residentially zoned areas and not including other zoning designations located within the urban area would not satisfy the intent of the LCP.

The project site is within the Cal-Am service area and zoned for recreation and visitor serving commercial uses. Normally, Cal-Am supplies water to the designated urban area, which lies north of the Carmel River, including this parcel, and on-site wells are both unnecessary and prohibited by the LCP.

Carmel Area CIP section 20.146.110.A.3 and LUP policy 3.2.3.4 state that:

20.146.110.A.3 Wells or other measures for monitoring salt-water intrusion are permitted. If salt-water intrusion is found to adversely affect agricultural irrigation, an additional amount of Cal-Am water or reclaimed water equal to that necessary to maintain irrigation shall be allocated to agriculture (Ref. Policy 3.2.3.4).

3.2.3.4 Wells or other measures for monitoring salt-water intrusion are permitted. If salt-water intrusion is found to adversely affect agricultural irrigation, an additional amount of Cal-Am water or reclaimed water equal to that necessary to maintain irrigation shall be allocated to agriculture.

Construction of this well is not in compliance with these LCP policies because the only wells allowed in urban service areas are for monitoring salt-water intrusion. The proposed well is intended to provide water to a parcel in an urban segment that is currently serviced by Cal-Am.

Also, this project has potential for cumulative impacts on groundwater in the area, and on the Carmel River, from this and other such wells that the County might approve. The County fails to prove that this application involves no intensification of water usage. The use of water from such wells, coupled with the amount allocated to Cal-Am could have an adverse impact on groundwater levels and rates of salt-water intrusion. Furthermore, there is no indication in the Initial Study or staff report as to why an on-site well is necessary.

If, however, for some reason a well was potentially appropriate for the site, the following policies would also have to be satisfied:

Carmel Area Land Use Plan policy 2.4.4.A.2 states in part that "...*The County will request that the Department of Fish and Game provide a written recommendation on each application.*" Land Use Plan policy 2.3.4 Riparian Corridors and Other Terrestrial Wildlife Habitats policy #2 states in part that "*The State Water Quality Control Board and the California Department of Fish and Game, in coordination with the County of Monterey, should establish and reserve instream flows sufficient to protect and maintain riparian vegetation, fishery resources and adequate recharge levels for Protection [sic] of groundwater supplies...*"

There is no indication in the County's findings that this analysis has been performed. Without proper review by the Department of Fish and Game (DFG), it is impossible to know if the project is free of adverse environmental impact and meets LCP policies. Additionally, there is no evidence that either a Statement of Diversion and Water Use form or an application to appropriate water have been filed with the State Water Resources Control Board.

Lastly, CIP section 20.146.050.A details the necessary items to be addressed in a hydrology report. If wells were permitted in the urban services area, the submitted hydrology report would be insufficient due to the absence of:

20.146.050.A.1.e assessment of existing and proposed water usage, including water usage for landscaped and other vegetated areas;

20.146.050.A.1.g *description of investigation methods- including review of test logs, on-site and off-site testing and contacts with Health Department and Flood Control District staff;*

20.146.050.A.h *description of other development activity in the area, both proposed and under construction;*

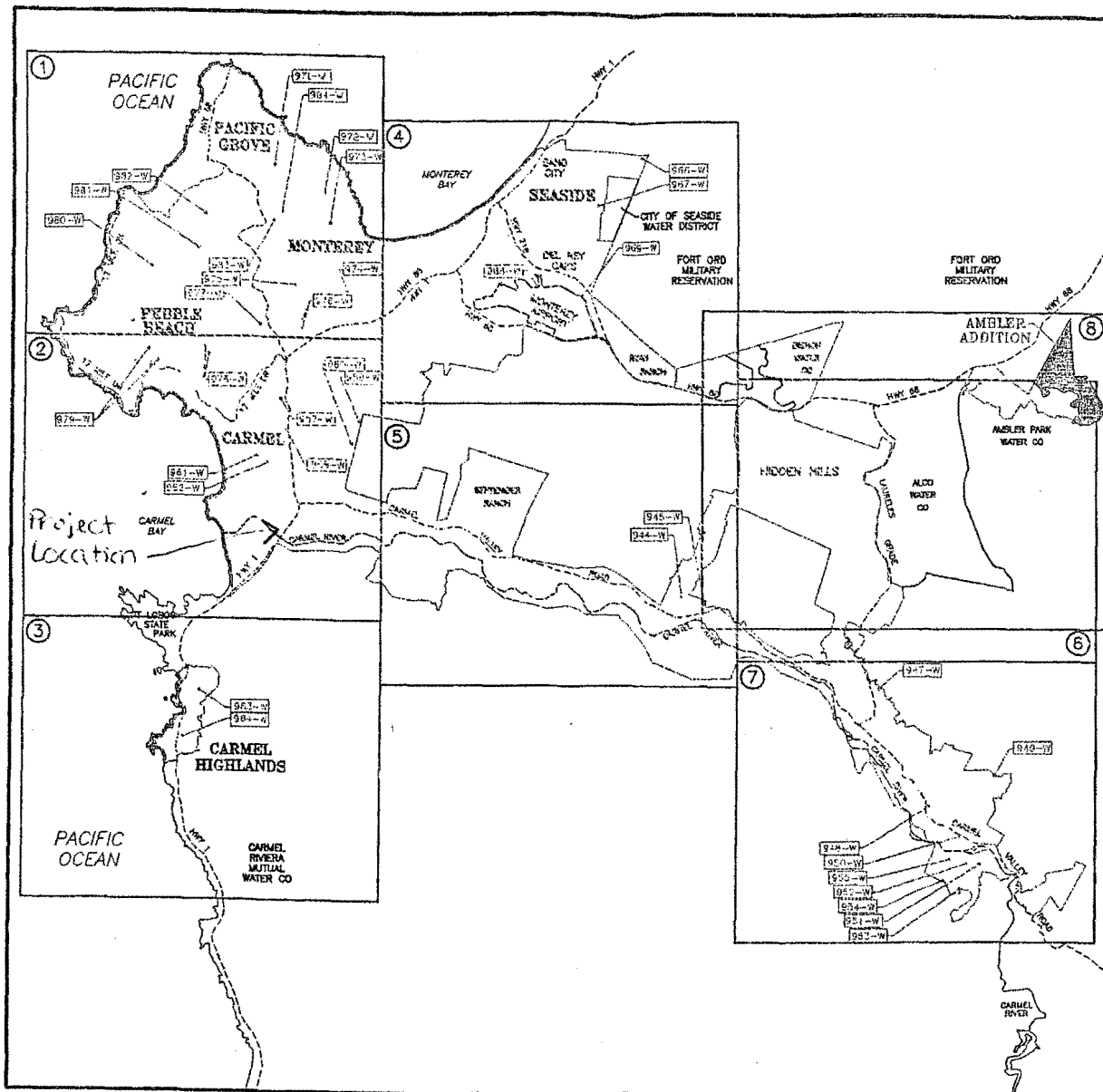
20.146.050.A.i *assessment of the individual and cumulative impacts of the proposed development on the quantity and quality of the groundwater table and local aquifer;*

20.146.050.A.k *assessment of the proposed development's individual and cumulative impact on the aquifer's safe long-term yield level, saltwater intrusion and long-term maintenance of local water supplies;*

20.146.050.A.l *demonstration that the new water use or use intensification will not adversely affect either the natural supply necessary to maintain the environment, including wildlife, fish and plant communities or the supply available to existing users during the driest year.*

20.146.050.A.m *description and assessment of project alternatives including reduced density, if needed to mitigate the proposed development's adverse impacts as identified above and;*

20.146.050.A.n *recommendations for water conservation measures, addressing siting, construction and landscaping and including retention of water on-site to maximize groundwater recharge and reclamation of water*



MONTEREY DIVISION SERVICE AREA INDEX MAP AMBLER ADDITION

California-American
Water Company
Monterey Division
50 Ragsdale Dr., Monterey, CA. 93940

- EXISTING SERVICE AREA
- ADDITION TO SERVICE AREA
- DELETION FROM SERVICE AREA
- DETAILED SERVICE AREA MAPS
- G.O. 103 LOW PRESSURE AREAS
- SERVICE AREA BOUNDARY

0 1/4 1/2 1
Original Plot Scale 1"=1/2 MI
Revised: 7-18-00

A-3-MCO-01-100
Carmel River Inn Well

Exhibit
1 of 2

(TO BE INSERTED BY UTILITY)

ADVICE LETTER NO. 545

DECISION NO.

ISSUED BY

D.P. STEPHENSON

NAME

DIRECTOR - RATES & REVENUES

TITLE

(TO BE INSERTED BY C.P.U.C.)

DATE FILED AUG 14 2000

EFFECTIVE SEP 22 2000

RESOLUTION NO.

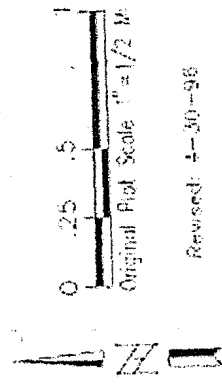
MONTEREY DIVISION
SERVICE AREA
DETAIL MAP 2

CARMEL

California-American
Water Company

Monterey Division
50 Ragsdale Ct.
Monterey, CA 93940

- GRAVITY LIFT
- FIRST LIFT ZONE
- SECOND LIFT ZONE
- HIDDEN HILLS TAHOE ZONE
- SERVICE AREA BOUNDARY
- NEW SERVICE TERRITORY
- DELETION FROM SERVICE AREA
- D.O. 105 LOW PRESSURE AREAS



Revised: 4-30-96

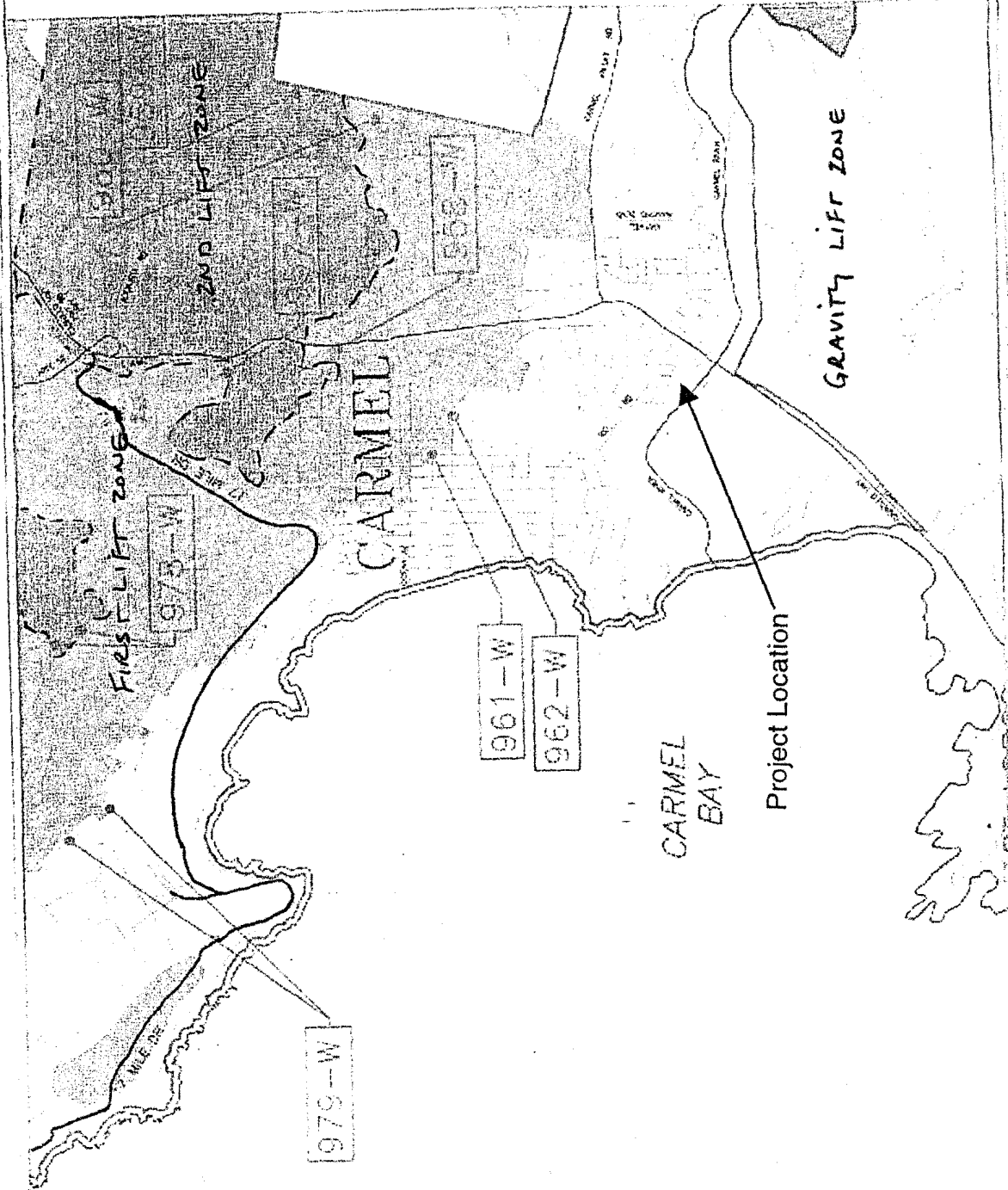




Photo 1. View of main lodge from Highway 1.

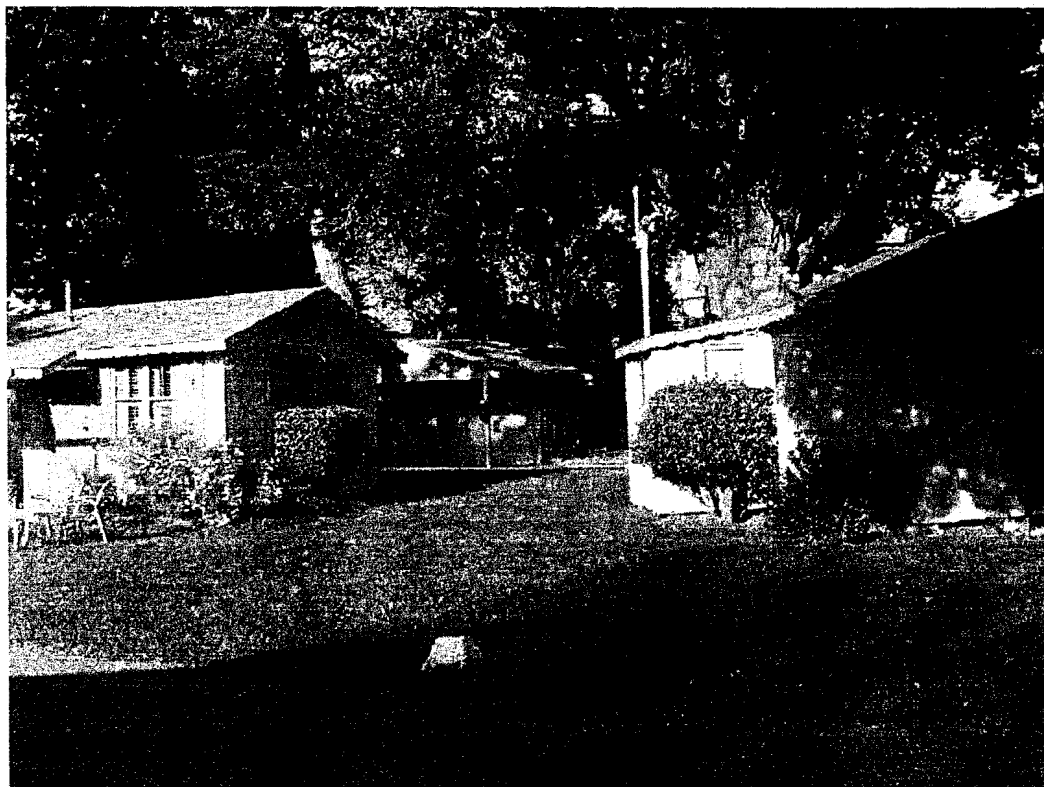


Photo 2. View of cottages with grass/landscaping surrounding them.

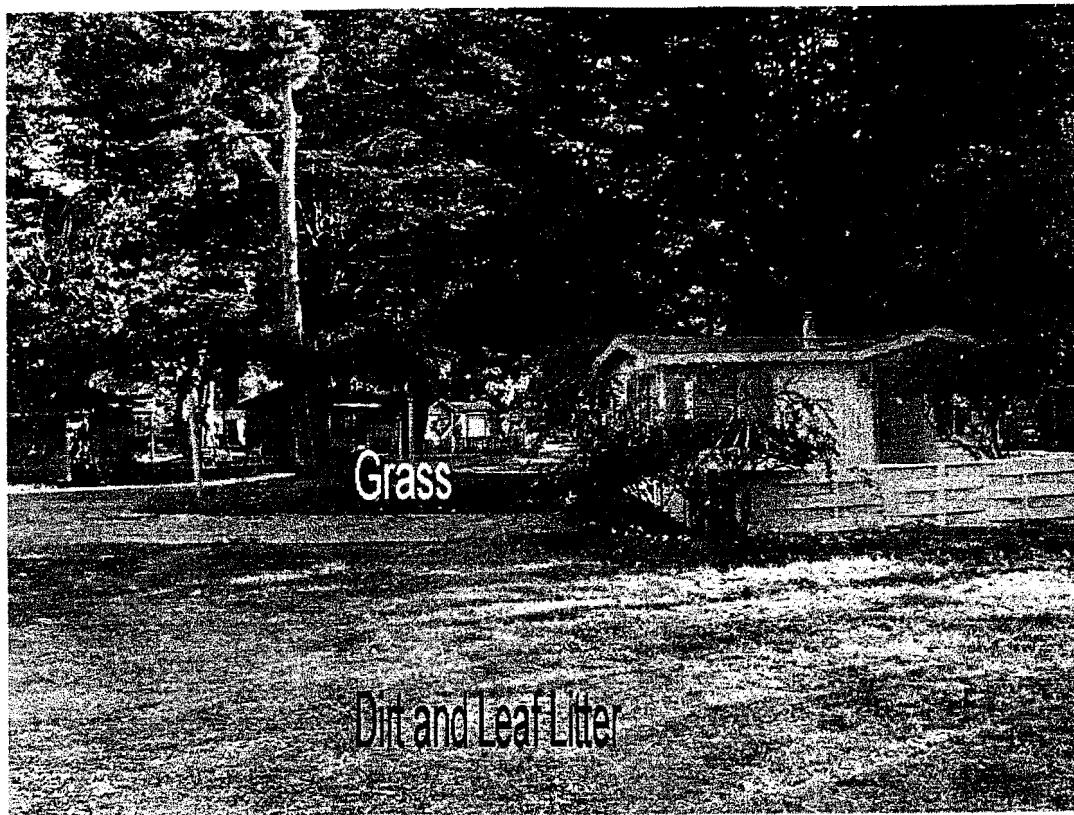


Photo 3. View of cottages from western end of property showing landscaping.



Photo 4. View of open area at western end of property showing landscaping.

CENTRAL COAST
REGIONAL COASTAL ZONE CONSERVATION COMMISSION501 OCEAN STREET, ROOM 310
SANTA CRUZ, CALIFORNIA 95060
PHONE: (408) 426-7390**DENIAL**

April 12, 1977

Carmel River Inn
2660 Oliver Rd.
Carmel, CA 93921

Attn: Mr. Fonseca

Dear Applicant:

Re: Regional Coastal Commission
Permit Application No. A-77-87

Please be advised that the Executive Director of the Regional Coastal Commission has denied your application for an Administrative Permit as described in the above numbered application.

My reasons are attached. You may apply for a regular permit (public hearing) by submitting a letter, new stamped envelopes, application fee (less \$25.00 already paid), and any additional information requested on the attached sheet.

Very truly yours,

Edward Y. Brown
Executive Director

To: Carmel River Inn A-77-87

April 12, 1977

REASONS FOR DENIAL:

1. Adverse precedent (circumvention of water rationing in Cal-Am service area for sole purpose of landscaping maintenance).
2. Concerns regarding cumulative impact of multiple wells in lower Carmel Valley, including but not limited to:
 - a. salt water intrusion
 - b. competition with nearby agricultural wells
 - c. depletion of water levels in the Carmel River Lagoon bird sanctuary.

RECEIVED

OCT 25 2001 GRAY DAVIS, Governor

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSIONCENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
Fax: (831) 427-4877CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**Waiver of 49 Day Rule for Coastal Development Appeal**

Application:

A-3-MCO-01-100

Appeal Filing Date:

10/10/01

Waiver Date:

10/25/01

I hereby waive my right to a hearing of the above referenced Coastal Development Permit Appeal within 49 days after the appeal has been filed as established by Public Resources Code Sections 30621 and 30625(a). I understand that the local decision approving my coastal development permit application has been stayed and that I have no authorized permit to proceed with my project until the California Coastal Commission takes a final action on the project or the appeal is withdrawn. I also understand that the first Coastal Commission hearing on my item may only be to open and continue the matter pending receipt of the full local record by the Coastal Commission or a determination as to whether the appeal raises a "substantial issue." If substantial issue is found, the *de novo* hearing on the merits of the permit may be continued to a subsequent meeting. Although I understand that the Commission may not be able to honor my scheduling requests, I request that the referenced application be scheduled for _____.

[Applicant or Applicant's Authorized Representative must sign below.]

Applicant's Signature:

Date:

Applicant's Representative:

Nancy Isakson

Date:

10/24/01

G:\Central Coast\Reference Materials\Forms and Sample Documents\Forms\49 Day appeal waiver.doc

A 3-MCO-01-100

Exhibit J

Carmel River Inn Well

8408 3728865

11:05

10/25/01

From: Nancy Isakson To: Stephanie Mattraw

Date: 10/25/01 Time: 11:59:32 AM

1000

Page 2 of 2