



## Zoning Administrator

Legistar File Number: ZA 24-012

March 14, 2024

**Introduced:** 3/5/2024

**Current Status:** Agenda Ready

**Version:** 2

**Matter Type:** Zoning Administrator

### **PLN230207 - FERLINGHETTI LORENZO**

Public hearing to consider approving a test well within 100 feet of a riparian corridor.

**Project Location:** 39350 Coast Road, Monterey

**Proposed CEQA action:** Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303

### RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a resolution to:

1. Find that proposed test well qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303, and there are no exceptions pursuant to Section 15300.2; and
2. Approve the Combined Development Permit consisting of a:
  - a. Coastal Administrative Permit to allow a test well; and
  - b. Coastal Development Permit to allow development within 100 feet of a riparian corridor.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 8 conditions of approval.

### PROJECT INFORMATION

**Agent:** Aaron Bierman

**Property Owner:** Lorenzo Ferlinghetti

**APN:** 418-121-049-000

**Parcel Size:** 2.61 acres

**Zoning:** Rural Density Residential, 40 acres per unit with a Design Control overlay, Coastal Zone or "RDR/40-D(CZ)"

**Plan Area:** Big Sur Coast Land Use Plan

**Flagged and Staked:** No

### SUMMARY

The Ferlinghetti property is a 2.61-acre lot located at 39350 Coast Road, Monterey, in Big Sur. The site is vacant except for a shed and Lorenzo Ferlinghetti's desire is to construct a home on the property in the future. A potable water supply sufficient enough to serve future development must first be secured so construction of a test well on the site is proposed at this time. Therefore, once the test well is installed and adequate water is available, the owners intend to submit an application to convert the test well into a domestic well and construct a single family dwelling.

The project would not require tree removal, but would require some pruning of Monterey cypress and Monterey pine tree limbs (less than 6 inches) to accommodate well drilling equipment, which would also comply with local fire mandates to eliminate potential fire ladders. The construction management plan indicates there is no grading or imported fill need to perform well installation. Silt fencing and hay-wattles will be installed down-slope of well for erosion and sediment control to prevent spoils from entering Bixby Creek (see attached plans in **Exhibit B**). The Biological Assessment recommends for stockpiled soils (estimated at 1-cubic yard) from augering tailings to be staged directly adjacent to the excavated hole along the south side of the hole (away from the creek) then distributed on site in the non-riparian zone around the well head (**Exhibit C**).

The test well would be located approximately 30 feet from the rear setback and 15.14 feet from the top of the bank of Bixby Creek. This location was sited to maintain the required 100 foot radius from existing septic systems in the area as well as the future system to serve the proposed residence. Conceptual building and septic locations on the property have been provided to demonstrate that the property can be developed for residential use while meeting required setbacks from the proposed well. Proposed locations for development avoid impacts to slopes along the northeast property line. Future residential development of the property will be subject to separate permitting.

Based on staff analysis, the proposed project is consistent with all rules and regulations pertaining to zoning uses and any other applicable provisions of the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan, Monterey County Coastal Implementation Plan, Part 3, and Zoning Ordinance (Title 20).

## DISCUSSION

### *Development Standards*

The subject parcel is zoned Rural Density Residential with one unit per 40 acres with a Design Control Overlay in the Coastal Zone or “RDR/40-D(CZ).” The proposed test well is not required to meet setbacks and height restrictions unless a structure is proposed to be constructed over the well head.

### *Health and Safety*

The parcel is currently undeveloped except for a shed and there are currently no small water systems or public water systems that provide service in the Coast Road area. This permit will allow drilling of a test well on the property since this is the only means to provide a water source for future development. Water quality and quantity produced by the well will be tested to ensure safe drinking water standards. If adequate water quality and quantity can be demonstrated, it is likely that the test well will be converted to a one connection (one single family dwelling) water well. If the test well does not meet standards, it will be destroyed in accordance with Environmental Health standards. Future development of the subject property is required to show evidence of adequate areas for on-site wastewater treatment. The Environmental Health Bureau (EHB) reviewed the project site plan for placement of the future building and conceptual OWTS location. EHB concurred that the site could be developed in compliance with well and septic setbacks standards identified in Title 15 of the Monterey County Code.

### *Cultural Resources*

County records identify that the project site is within an area of high sensitivity for cultural resources. The Big Sur Coast Land Use Plan requires that a survey be conducted where development is to occur in areas having a probability of containing archaeological sites. On March 12, 2017, archaeologist Susan Morley conducted records research and a pedestrian survey at the site in areas that would be impacted by construction of the test well and future single family dwelling. The project parcel was surveyed for evidence of prehistoric or historic resources. No indicators were present in the area of the well site. The nearest positive archaeological site is more than one half mile of the project parcel. The report recommended that in the event that unexpected traces of historic or prehistoric materials are encountered during development that a qualified archaeologist should be retained for appropriate archaeological mitigation. A standard condition of approval has been incorporated into this project to assure construction work would be halted if archaeological resources are accidentally uncovered.

### *Biological Resources*

The project parcel lies within the lower Bixby Creek drainage corridor. The Big Sur Land Use Plan section 3.3 specifies riparian corridors as environmentally sensitive habitat to be preserved. As such, a Biological Assessment by Fred Ballerini was submitted with the application. On September 25, 2023, the biologist surveyed the project site for environmentally sensitive habitat. The survey identified riparian vegetation adjacent to the proposed test well area and habitats suitable for supporting wildlife species of special concern. The biologist evaluated the well site and method of drilling and determined that with implementation of his recommendations it is anticipated to have an insignificant level of impact to sensitive resources nearby. Drilling equipment will travel on a truck bed via existing driveway to well site. Understory that is cleared for the auger hole footprint and adjacent soil staging area will self-regenerate. Recommendations for biological monitoring, erosion control, and habitat protection measures to ensure project impacts are restricted to the development area and protect riparian habitats ensure consistency with the Big Sur Coast Land Use Plan Specific Policy 3.3.3.A.3 and Coastal Implementation Plan section 20.145.040.C.1.c. Coastal Implementation Plan section 20.145.040.1.d requires all development set 150 feet back from stream banks unless a biological survey indicates a reduced setback is sufficient to protect against impacts from development. The report concludes that the impacts from the test well will be less than significant due to the limited scope of development and protective measures. In addition, a standard condition of approval has been incorporated requiring the applicant to file a Notice of Report (Condition No. 4) stating that all development shall be done in accordance with the Biological Assessment.

### *Environmental Review*

California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts new construction of small new facilities. The proposed project is to allow a test well for the purpose of determining if a sufficient water supply exists on site to support future development of a single family dwelling. Therefore, the project qualifies for a Class 3 categorical exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

HCD-Planning  
HCD-Engineering Services  
Environmental Health Bureau  
HCD-Environmental Services  
Mid-Coast Fire Brigade  
California Coastal Commission

LAND USE ADVISORY COMMITTEE (LUAC)

Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application does not meet any of the criteria in the guidelines requiring LUAC review because the project is for a test well and does not propose to build any new structures at this time.

Prepared by: Benjamin Moulton, Assistant Planner, x5240

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner, x5175

The following attachments are on file with HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plan and Construction Management Plan

Exhibit C - Biological Assessment

Exhibit D - Vicinity Map

cc: Front Counter Copy; Mid-Coast Fire Brigade; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Benjamin Moulton, Planner; Anna Ginette Quenga, Principal Planner; Lorenzo Ferlinghetti, Property Owner; Aaron Bierman, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230207