

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 12, 2013 Time: P.M.	Agenda Item No.: 2
Project Description: Use Permit and Design Approval to allow development of water storage facilities for the Buena Vista Water System as follows: <ol style="list-style-type: none"> 1) Demolition of all existing facilities and equipment on the subject site including the destruction of the two groundwater wells per County requirements, removal of six 8,000-gallon plastic water storage tanks and associated piping and pumping equipment and concrete foundations; and 2) Rebuilding of the water storage facility including construction of two above ground, welded steel water storage tanks 150,000 and 170,000 gallons in size respectively (one each on the two existing lots), with concrete ringwall foundations and associated piping and grading (approximately 220 cubic yards of cut and 5 cubic yards of fill); construction of a six-foot high solid wood fence along the perimeter of the property (a chain-link fence was originally proposed), a three-foot high concrete retaining wall located generally between the two tanks, an asphalt drainage apron around the tanks and a 20-foot wide driveway on Pine Canyon Road; installation of a hydro pneumatic tank; and removal of four protected (six inches or greater in diameter) and eight non protected (less than six inches in diameter) Coast Live Oak trees. 	
Project Location: Intersection of Mesa Road and Pine Canyon Road	APN: 415-031-003-000 and 415-031-004-000
Planning File Number: PLN110595	Owner: California Water Service Company Agent: Tim Baldwin
Planning Area: Toro Area Plan	Flagged and staked: Yes
Zoning Designation: : "LDR/B-6-D" [Low Density Residential, with Building Site and Design Control Overlays]	
CEQA Action: Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Adopt a Negative Declaration; and
- 2) Approve PLN110595, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and

PROJECT OVERVIEW:

The project site is owned and operated by the California Water Service Company and is known as "Station 70." The site is part of the Buena Vista Water System operated by the owner/applicant. The site consists of two separate lots (Assessor's Parcel Numbers 415-031-003-000 and 415-031-004-000) and is located in Alta Vista Subdivision No. 1. One lot is vacant and the other one contains two groundwater wells, pumping equipment and buildings and six, 8,000-gallon plastic water storage tanks which are used as part of the Buena Vista Water System; this system provides potable water to the properties within the Alta Vista Subdivision and other properties within the approved service area of the system. The project is proposed to address water quality issues and to provide a reliable water supply for emergency, operational and fire flow needs for the users and area within the system.

The project application was considered at a public hearing by the Zoning Administrator on February 28, 2013. Staff initially considered that the project could be exempt from environmental review and recommended approval of the application accordingly. The Zoning Administrator directed the preparation of the Initial Study and review by the Toro Land Use Advisory Committee. Staff California Water Service Co. (PLN110595)

prepared an Initial Study and circulated a Draft Negative Declaration from June 14, 2013 to July 16, 2013. The Negative Declaration addressed potential impacts to aesthetics, biological resources, hydrology/water quality and land use/planning. All identified potential impacts were determined to be less-than-significant. The project proposed is consistent with the 2010 Monterey County General Plan, Toro Area Plan, and Monterey County Zoning Ordinance, Title 21. Staff recommends that the Zoning Administrator approved the project, as proposed. (See **Exhibit B** for a detailed project discussion)

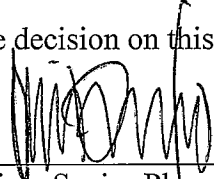
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project and recommended conditions of approval:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey County Regional Fire Protection District

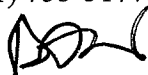
Conditions recommended by each agency and department have been incorporated into the Condition Compliance and Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review per direction from the Zoning Administrator because the application requires review of a discretionary permit that raises potentially significant land use issues. On April 8, 2013, the LUAC recommended approval of the project (5-4 vote). The recommendations of the LUAC are stated under Evidence G, Finding 1 in the Draft Resolution (Exhibit C).

Note: The decision on this project is appealable to the Planning Commission.



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July 18, 2013

cc: Front Counter Copy; Zoning Administrator; Monterey County Regional Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; Luis Osorio, Senior Planner; California Water Services Company, Owner; Tim Baldwin, Agent; Mike Weaver, Neighbor; The Open Monterey Project; LandWatch; Planning File PLN110595

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval
• Site Plan, Floor Plan and Elevations
Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes
Exhibit F Negative Declaration
Exhibit G Comments on Negative Declaration

This report was reviewed by Wanda Hickman, Planning Services Manager.

California Water Service Co. (PLN110595)

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EXHIBIT B DISCUSSION

Project Description

The proposed project consists of the following:

1. The demolition of all existing facilities and equipment existing on the subject site including the destruction of the two groundwater wells per County requirements, removal of the existing plastic water storage tanks and associated piping pumping equipment and concrete foundations; and
2. Rebuilding of the water storage facility including construction of two above ground, welded steel water storage tanks 150,000 and 170,000 gallons in size respectively (one each on the two existing lots), with concrete ringwall foundations and associated piping and grading (approximately 220 cubic yards of cut and 5 cubic yards of fill); construction of a six-foot high solid wood fence along the perimeter of the property (a chain-link fence was originally proposed), a three-foot high concrete retaining wall located generally between the two tanks, an asphalt drainage apron around the tanks and a 20-foot wide driveway on Pine Canyon Road; installation of a hydro pneumatic tank; and removal of four protected (six inches or greater in diameter) and eight non protected (less than six inches in diameter) Coast Live Oak trees.

The project will be completed in two phases as follows:

1. Grading of the site and construction of the 170,000-gallon tank with concrete ringwall foundation, associated piping and the three-foot high retaining wall; this phase is scheduled for completion in 2013.
2. Destruction of the two existing groundwater wells, removal of the six existing plastic water storage tanks and pumping equipment/building, and construction of the 150,000-gallon tank with concrete ringwall foundation and associated piping.

Project Issues

Aesthetics/Visual Impacts: The site is located in a residential area designated as “visually sensitive” in the Toro Scenic Highway Corridors and Visual Sensitivity Map; this visually sensitive area encompasses a large portion of the Toro Area Plan and was designated with the intent of protecting the visual character and remaining visual assets within it. Policy T-3.1 of the Toro Area Plan requires that within these “visually sensitive” areas, landscaping or new development may be permitted if development is located and designed in such a manner that will enhance the scenic value of the area. While the proposed water tanks are not a residential use per se, they are a part of existing facilities for the provision of potable water to residential areas and are the main use on the subject site. One of the parcels is already developed with water storage tanks similar to the proposed project in terms of bulk. In staff’s opinion, based on the location of the site on a sparsely traveled road and, compared to the existing development (baseline), the development of one of the proposed water tanks on this parcel would not result in additional significant visual impacts. The second tank would be located on a vacant parcel. While this tank does not constitute residential development, it would be similar in bulk to a residential dwelling that could be developed on the property and its visibility would be similar to that of a dwelling. The tanks would be painted in a “Tan” color that blends well with the natural state and visual character of the site. A wooden fence will be placed along the site boundaries diminishing the visibility of the tanks. Additional landscaping including the relocation of eight oak trees to the frontage of the property would

reduce the visibility of the project. The proposed project would be consistent with the provisions of Policy T-3.1 of the Toro Area Plan as it would not impact negatively the scenic value of the area.

Land Use/Zoning

The subject site is designated Low Density Residential, One Acre per Unit (LDR/1) in the 2010 General Plan. The proposed water tanks and ancillary facilities are part of a water system which provides potable water to the residential uses within the system's area of service. The project is consistent with Policy LU-2.34.a of the General Plan which states that "Low density residential areas are appropriate for residential (1-5 acres/unit) recreational, public and quasi public and agricultural activities that are incidental and subordinate to the residential use."

The site is zoned "LDR/B-6-D" (Low Density Residential with the Site Plan and Design Control Overlay Districts). The proposed tanks are considered as the "main" structures on the site because there is no residential development; therefore they are subject to the development standards for such structures, including a maximum height of 30 feet. The regulations of the Low Density Residential Zoning District allow construction of water system facilities, including water storage tanks such as the ones proposed, subject to review and approval of a Use Permit. The project is consistent with the Site Development Standards and the regulations of the Low Density Residential Zoning District. Review and approval of the subject use permit makes the project consistent these regulations.

Water Use

The proposed project includes the reconstruction and expansion of existing water storage facilities which are part of a water distribution system regulated by the State of California Department of Public Health. The water supply for the water distribution system is approved and regulated by the State. Per the provisions of Section 1.9 of General Order 103-A of the California Public Utilities Commission (Cited as Reference No. 12 to the Initial Study), the County is "preempted from regulating water production, storage, treatment, transmission, distribution, or other facilities constructed or installed by water or wastewater utilities subject to the Commission's jurisdiction." Therefore, the water use of the water system, including the availability of water to fill the tanks, has not been considered in the Initial Study or as part of the project because the County is preempted from doing so under the provisions of General Order 103-A.

Environmental Review

Per the direction of the Zoning Administrator at the public hearing on February 28, 2013, staff prepared an Initial Study. The Initial Study was circulated for public review, including to the State Clearinghouse, from June 14, 2013 to July 16, 2013. The Initial Study addressed aesthetics, biological resources, land use and planning and hydrology. Based on the analysis and the review of the technical background reports and their recommendations, staff found that there is no evidence that the project would have any potential significant impacts that would require mitigation measures and therefore recommends that a Negative Declaration be adopted for the project.

Correspondence on the Negative Declaration was received from Mr. Mike Weaver on July 16, 2013 (Exhibit G). Several issues are raised in the correspondence which staff has summarized as follows:

1. That the Buena Vista Water System (Water System) has been consolidated with other water systems in the area;
2. That such consolidation removes the System from the regulatory oversight of the Monterey County Environmental Health Bureau;
3. That there are significant land issues arising from the consolidation that were not addressed in the Negative Declaration, including potential impacts from the drawing of additional water from the Salinas River;
4. Why is the consolidation needed?
5. That the customers of the Water System were not notified;
6. Why was a Use Permit not required for the construction of the large storage tank for the Las Palmas Subdivision and what water system is tank related to?
7. Due to the enumerated concerns, Mr. Weaver suggests that an Environmental Impact Report must be prepared.

The following are staff responses to the issues raised by Mr. Weaver:

1. As stated in the discussion above under Water Use, the Buena Vista Water System (Water System) is regulated by the State of California Department of Public Health (CDPH) and the water supply for the Water System is approved and regulated by the State. The system operates under the rules of the California Public Utilities Commission (Commission). The Negative Declaration/Initial Study (Page 10 of the Initial Study) referred to General Order 103-A of the Commission, "Rules Governing Water Service, Including Minimum Standards for Operation, Maintenance, Design and Construction;" specifically to the provisions of Section I.9 of the Order under which the County is "preempted from regulating water production, storage, treatment, transmission, distribution, or other facilities constructed or installed by water or wastewater utilities subject to the Commission's jurisdiction."

Staff believes that the issues raised by Mr. Weaver related to the consolidation of the Water Systems, Items 1-5 above, fall under the regulatory oversight of the Commission and the CDPH. Staff believes that the Initial Study appropriately disclosed the preemption under the pertaining rule. Further, the Initial Study did not address the water system consolidation issues because the application is for water storage tanks required by the CDPH and does not include any changes to the water system. The water production and number of connections of the Water System are regulated by the CDPH.

2. In response to Item 6, staff believes that the water storage tank for the Las Palmas Subdivision did not require a Use Permit because it was approved as part of the permits for the subdivision.
3. Lastly, based on the project description, the analysis contained in the Negative Declaration, the regulatory limitations imposed on the County under General Order 103-A, and the record as a whole, staff believes that there is no evidence for the preparation of environmental impact report for the project.

Exhibit C

Draft Resolution, Including:

- *Conditions of Approval*
- *Site Plan, Floor Plan and Elevations*

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:

California Water Services Company (PLN110595)

RESOLUTION NO. _____

Resolution by the Monterey County Zoning
Administrator:

- 1) Adopting a Negative Declaration; and
- 2) Approving a Use Permit and Design Approval to allow the following: (a) Demolition of all existing facilities and equipment on the subject site including the destruction of the two groundwater wells per County requirements, removal of six 8,000-gallon plastic water storage tanks and associated piping and pumping equipment and concrete foundations; and (b) Rebuilding of the water storage facility including construction of two above ground, welded steel water storage tanks 150,000 and 170,000 gallons in size respectively (one each on the two existing lots), with concrete ringwall foundations and associated piping and grading (approximately 220 cubic yards of cut and 5 cubic yards of fill); construction of a six-foot high solid wood fence along the perimeter of the property, a three-foot high concrete retaining wall located generally between the two tanks, an asphalt drainage apron around the tanks and a 20-foot wide driveway on Pine Canyon Road; installation of a hydro pneumatic tank; and removal of four protected (six inches or greater in diameter) and eight non protected (less than six inches in diameter) Coast Live Oak trees. [PLN110595 – California Water Service Company, located between the intersection of Mesa Road and Pine Canyon Road, Toro Area Plan (APN: 415-031-003-000 and 415-031-004-000)]

The California Water Service Company application (PLN110595) came on for public hearing before the Monterey County Zoning Administrator on September 12, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Toro Area Plan;
 - Monterey County Zoning Ordinance (Title 21);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The properties are located at the intersection of Mesa Road and Pine Canyon Road (Assessor’s Parcel Numbers 415-031-003-000 and 415-031-004-000) Toro Area Plan. The parcels are zoned “LDR/B-6-D” (Low Density Residential with the Site Plan and Design Control Overlay Districts). The regulations of the Low Density Residential Zoning District allow construction of water system facilities, including water storage tanks such as the ones proposed, subject to review and approval of a Use Permit. Approval of the subject use permit makes the project consistent these regulations. In addition, the subject project is consistent with the Development Standards of the Low Density Residential Zoning District.
 - c) The subject site is designated Low Density Residential, One Acre per Unit (LDR/1) in the 2010 General Plan. The proposed water tanks and ancillary facilities are part of a water system which provides potable water to the residential uses within the system’s area of service. The project is consistent with Policy LU-2.34.a of the General Plan which states that “Low density residential areas are appropriate for residential (1-5 acres/unit) recreational, public and quasi public and agricultural activities that are incidental and subordinate to the residential use.”
 - d) The proposed project, as conditioned, is consistent with the provisions of the “D” or Design Control Overlay District. The purpose of this District is to provide regulations for the location, size, configuration, materials and colors of structures and fences in those areas of the County where the design review of structures is appropriate to assure the protection of the public viewshed, neighborhood character, and to assure the visual integrity of development without imposing undue restrictions on private property. The project site consists of two parcels one of which is already developed with facilities ancillary to the Buena Vista Water System. Facilities for the provision of potable water, including water tanks, are part of residential neighborhoods as they are needed utilities. Impacts from water tanks such as the proposed are addressed through the application of standard conditions regarding landscaping, colors and lighting. The colors of the tanks would blend well with the condition of the site and surrounding areas. Additional landscape buffering and non obtrusive lighting are required as conditions of project approval.
 - e) Development of the project would result in the generation of stormwater runoff. The stormwater would be collected through on-site catch basins

and directed to off-site, on-street stormwater collection facilities. The review of the application by the Water Resources Agency does not indicate that these facilities are insufficient to accommodate the stormwater. The Water Resources Agency has stated through its review of the project, that a drainage plan is not required. A grading permit would be required which would contain standard erosion control measures during and after grading. No other impacts from the grading on stormwater drainage have been identified by the Water Resources Agency or other agencies that would require additional conditions. There are no streams or natural drainage areas on the site.

- f) The project planner conducted a site inspection on November 14, 2012 and January 25, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the application requires review of a discretionary permit that raises significant land use issues. On April 8, 2013, the LUAC approved the project (5 ayes, 4 noes) with recommendation that the height of the tanks do not exceed the allowable Toro visually sensitive height limit and that the fence be constructed of wood or redwood, not chain link. The project meets the allowable height and a solid wood fence has substituted the originally proposed chain link fence.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110595.

2. FINDING:

VISUAL RESOURCES – The proposed project would be consistent with the provisions of Policy T-3.1 of the Toro Area Plan which require that within areas designated as “visually sensitive” in the Toro Scenic Highway Corridors and Visual Sensitivity Map, landscaping or new development may be permitted if development is located and designed in such a manner that will enhance the scenic value of the area.

EVIDENCE:

- a) The subject site consists of two separate lots located at the intersection of Mesa Road and Pine Canyon Road within an area designated as “visually sensitive” in the Toro Scenic Highway Corridors and Visual Sensitivity Map. The site is buffered by sizeable Coast Live Oak trees on both street sides. One of the parcels is already developed with facilities (including water tanks) similar to the proposed project in terms of bulk. The second tank would be located on a vacant parcel. The tank would be similar in bulk to a residential dwelling that could be developed on the property, and its visibility would be similar to that of a dwelling. The tank would be painted in a “Tan” color that blends well with the natural state and visual character of the site. An originally proposed chain-link fence along the site boundary would be substituted with a wooden fence, which would blend better with the character of the neighborhood and would diminish the visibility of the tanks. A condition of approval is required to provide substantial additional

landscape buffering which, along with existing natural vegetation, would reduce the visibility of both tanks from the public viewing areas (streets). Therefore, the project would not result in significant visual impact on the visual resources of the site or surroundings and would be consistent with the provisions of the policy.

- b) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110595.

3. FINDING:

TREE REMOVAL - The proposed project is consistent with the provisions of Policy T-3.7 of the Toro Area Plan which states that the removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. The project is also consistent with the provisions of Chapter 21. 64.260 (Preservation of Oak and Other Protected Trees) of the Zoning Ordinance.

EVIDENCE:

- a) The original project proposal included the removal of four Coast Live Oak trees greater than six inches in diameter as well as the removal of eight Coast Live Oaks less than six inches in diameter. Through the review of the application staff recommended and the Zoning Administrator required that minor adjustments be made to the Site Plan to avoid the removal of one of the larger trees proposed for removal (Tree No. 15 on the Site Plan). Planting of replacement trees is required as a condition of project approval.
- b) Through the review of the application, in consultation with the project Arborist, it was determined that the replanting on the site of the eight oak trees less than six inches in diameter is a preferable option than their removal consistent with the provisions of Policy T-3.7 of the Toro Area Plan. The replanting is also consistent with the provisions of Section 21.64.260 D 4 of the Zoning Ordinance which requires potential relocation/replanting of trees as a consideration of project approval. A condition of approval (Condition No. 10) has been applied to the project which requires the preparation of a tree replanting plan to identify replanting locations and monitoring actions to assure the long-term survivability of the replanted trees.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110595.

4. FINDING:

SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE:

- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey County Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated into the project design and will also be implemented as conditions of approval.
- b) The following reports have been prepared for the project:
 - “Geotechnical Investigation” (LIB120382) prepared by Cotton,

Shires and Associates, Inc., Los Gatos, CA, May, 2012.

- “Biological Assessment – Station 70 Rebuild, Proposed Tanks 4 and 5, Pine Canyon Road, Monterey County” (LIB120381) prepared by Bryan Mori Biological Consulting Services, Watsonville, CA, June 26, 2012.
- “Arborist Report” (LIB120380) prepared by KIELTY Arborist Services, San Mateo, CA, May 7, 2012.

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

- c) Staff conducted a site inspection on November 14, 2012 and January 25, 2013 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110595.

5. FINDING:

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

EVIDENCE:

- a) The project was reviewed by the RMA - Planning Department, Monterey County Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) The proposed project is related to an existing utility (water distribution system) approved and regulated by the State of California Department of Public Health (CDPH). Water for the project is provided by the California Water Service Company and will be used to provide a more reliable potable water source for properties already receiving this service and added capacity for fire suppression in the area. The proposed project does not include any changes in the amount of water use or number of water connections, which are already approved and regulated by the CDPH under existing permits for the utility. Staff from the Environmental Health Bureau has contacted the CDPH regarding the proposed project; per e-mail communication from the CDPH dated 10/31/2012, “the storage tanks have to meet the requirements of the California Waterworks Standards in Title 22 of the California Code of Regulations” and the applicant “will need to apply for an amendment to their water system permit.” A condition of approval has been applied to the project (Condition No. 12) which requires the applicant to provide evidence of compliance with California Waterworks Standards for the

construction of the tanks and compliance with CEQA environmental review requirements for any permit amendments required by the CDPH.

- c) Staff conducted a site inspection on November 14, 2012 and January 25, 2013 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110595.

6. FINDING:

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

EVIDENCE:

- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN110595). The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
- c) The Draft Negative Declaration (“ND”) for PLN110595 was prepared in accordance with CEQA and circulated for public review, including to the State Clearinghouse and the California Department of Public Health, from June 14, 2013 through July 16, 2013 (SCH#: 2013-061030).
- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
- e) The proposed project includes the expansion of existing water storage facilities which are part of a water distribution system regulated by the State of California Department of Public Health. The water supply for the water distribution system is regulated and has been approved by the State. Per the provisions of Section 1.9 of General Order 103-A of the California Public Utilities Commission (Cited as Reference No. 12 to the Initial Study), the County is “preempted from regulating water production, storage, treatment, transmission, distribution, or other facilities constructed or installed by water or wastewater utilities subject to the Commission’s jurisdiction.” Therefore, the water use of the water system, including the availability of water to fill the tanks, has not been considered in the Initial Study or as part of the project because the

County is preempted from doing so under the provisions of General Order 103-A.

f) Issues that were analyzed in the Negative Declaration include: aesthetics, biological resources, hydrology/water quality, land use/planning. The analysis of these issues in the Negative Declaration is summarized as follows:

i) **Aesthetics:** The site is located in an area designated as “visually sensitive” in the Toro Scenic Highway Corridors and Visual Sensitivity Map; this visually sensitive area encompasses a large portion of the Toro Area Plan and was designated with the intent of protecting the visual character and remaining visual assets within it. The area is residential in nature. While the proposed water tanks are not residential per se, they are a part of needed water provision facilities for residential areas. One of the parcels is already developed with facilities (water tanks) similar to the proposed project in terms of bulk. Development of one of the proposed water tanks on this parcel would not result in additional significant visual impacts compared to the existing development (baseline). The second tank would be located on a vacant parcel. While this tank does not constitute residential development, it would be similar in bulk to a residential dwelling that could be developed on the property and its visibility would be similar to that of a dwelling. The tanks would be painted in a “Tan” color that blends well with the natural state and visual character of the site. The wooden fence will be placed along the site boundaries diminishing the visibility of the tanks. A condition of approval is required to provide substantial additional landscape buffering which, along with existing natural vegetation, would reduce the visibility of both tanks from the public viewing areas (streets). Therefore, the project would not result in significant visual impact on the visual resources of the site or surroundings.

ii) **Biological Resources:** The project includes the removal of four (4) Coast Live Oaks exceeding six inches in diameter including one 24-inch diameter Oak and the removal of an additional number of Coast Live Oak trees less than six inches in diameter. Policy T-3.7 of the Toro Area Plan discourages the removal of healthy, native oak trees. The arborist report was prepared analyzing all 23 trees on the properties. Of the 23 trees, 17 were Coastal Live Oaks. The project proposes to remove 12 Coast Live Oak trees which are a protected tree species and a number of non-protected trees. Of the 12 Oaks proposed for removal, four are six inches or larger in diameter and eight are less than six inches in diameter. A minor adjustments has been made to the Site Plan to avoid the removal of one of the larger trees proposed for removal; this would result in the removal of only three Oak trees larger than six inches in diameter. Planting of replacement of the other trees larger than six inches in diameter is required as a condition of project approval. In addition, in consultation with the project Arborist, staff determined that the replanting on the site of the eight oak trees less than six inches in diameter is a preferable option than their removal

consistent with the provisions of Policy T-3.7 of the Toro Area Plan. A condition of approval will be applied to the project requiring the preparation of a tree relocation and replacement plan to identify replanting locations and monitoring actions to assure the long-term survivability of the relocated trees. With the recommended conditions only tree protected Oak trees would be removed all which are in poor condition. Therefore, the impacts from the removal would be less than significant.

iii) Hydrology and Water Quality: The proposed water tanks are part of the Buena Vista Water System. The system is a public community water system regulated by the California Department of Public Health (CDPH). Development of the project would include approximately 220 cubic yards of excavation and approximately 5 cubic yard of engineered fill to level the site for the installation of the water tanks. Most of the excavation would take place on the vacant parcel. Development of the project would result in the generation of additional stormwater runoff. The stormwater would be collected through on-site catch basins and directed to off-site, on-street stormwater collection facilities. The Initial Study (Section 9, p.28) identified that a storm drainage plan would be required as a condition of project approval to be reviewed and approved by the Water Resources Agency. However, the Water Resources Agency has determined that the project does not require such drainage plan. A grading permit would be required which would contain standard erosion control measures during and after grading. No other impacts from the grading on stormwater drainage have been identified by the Water Resources Agency or other agencies that would require additional conditions.

- g) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN110595) and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports Coastal Live Oaks, a species native to Monterey County. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- i) The County has considered the comments received during the public review period and they do not alter the conclusions in the Initial Study and Negative Declaration.
- j) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and

other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

7. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 14, 2012 and January 25, 2013 and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110595.
8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission/Board of Supervisors.
- EVIDENCE:**
- a) Section 21.80.040 (B) of the Monterey County Zoning Ordinance states that the Planning Commission is the Appeal Authority to consider appeals from the discretionary actions of the Zoning Administrator.

DECISION

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

1. Adopt a Negative Declaration; and
2. Approve a Use Permit and Design Approval to allow the following: (a) Demolition of all existing facilities and equipment including the destruction of the two groundwater wells per County requirements, removal of the existing plastic water storage tanks and associated piping pumping equipment and concrete foundations; and (b) Rebuilding of the water storage facility including construction of two above ground, welded steel water storage tanks 150,000 and 170,000 gallons in size respectively (one each on the two existing lots), with concrete ringwall foundations and associated piping and grading (approximately 220 cubic yards of cut and 5 cubic yards of fill); construction of a six-foot high solid wood fence along the perimeter of the property (a chain-link fence was originally proposed), a three-foot high concrete retaining wall located generally between the two tanks, an asphalt drainage apron around the tanks and a 20-foot wide driveway on Pine Canyon Road; installation of a hydro pneumatic tank; and removal of four protected and eight non protected Coast Live Oak trees, subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of September 2013.

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

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 Department and Building Services Department office in Salinas.

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

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN110595

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This project (PLN110595) consists of a Use Permit and Design Approval to allow the following:

- 1) Demolition of all existing facilities on the subject site and equipment including the destruction of the two groundwater wells per County requirements, removal of six, 8,000 gallon plastic water storage tanks and associated piping pumping equipment and concrete foundations; and
- 2) Rebuilding of the water storage facility including construction of two above ground, welded steel water storage tanks 150,000 and 170,000 gallons in size respectively (one each on the two existing lots), with concrete ringwall foundations and associated piping and grading (approximately 220 cubic yards of cut and 5 cubic yards of fill); construction of a six-foot high solid wood fence along the perimeter of the property, a three-foot high concrete retaining wall located generally between the two tanks, an asphalt drainage apron around the tanks and a 20-foot wide driveway on Pine Canyon Road; installation of a hydro pneumatic tank; and removal of four protected (six inches or greater in diameter) and eight non protected (less than six inches in diameter) Coast Live Oak trees. The project will be completed in two phases: 1) Grading of the site and construction of the 170,000-gallon tank with concrete ringwall foundation, associated piping and the three-foot high retaining wall; this phase is scheduled for completion in 2013. 2) Destruction of the two existing groundwater wells, removal of the six existing plastic water storage tanks and pumping equipment/building, and construction of the 150,00-gallon tank with concrete ringwall foundation and associated piping. The project is located between the intersection of Mesa Road and Pine Canyon Road, Toro Area Plan (Assessor's Parcel Numbers: 415-031-003-000 and 415-031-004-000). The permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.

(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Use Permit and Design Approval (Resolution Number _____) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Numbers 415-031-003-000 and 415-031-004-000 on September 12, 2013. The permit was granted subject to 13 conditions which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

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

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

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

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on September 12, 2016 unless use of the property or actual construction has begun within this period. (RMA-Planning)

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

7. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A grading permit is required for development of the project. The grading permit shall include a erosion control plan and measures and the development of the project shall incorporate those measures throughout its development. The Erosion Control Plan shall be reviewed by the Director of RMA - Planning and Director of Building Services prior to issuance of the grading permit. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building and grading permits, the Owner/Applicant shall submit a Grading Permit application/Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval. The grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

8. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

9. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall include buffering plant species along Mesa and Pine Canyon Roads and along the northwestern boundary of the property to buffer the visibility of the water tanks. The plan shall include the replanting of eight Coast Live Oak trees originally proposed for removal; those trees are identified as Tree Numbers 3, 4, 5, 6, 7, 13, 14 and 22 on the Tree Survey prepared for the project and contained in the project file. The plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits a landscaping plan shall be prepared by a Licensed Landscape Architect and submitted with a contractor's estimate for the installation to the RMA - Planning Department for review and approval. Landscaping plans shall include buffering plant species along Mesa and Pine Canyon Roads and along the northwestern boundary of the property to buffer the visibility of the water tanks. The plan shall include the replanting of eight Coast Live Oak trees originally proposed for removal; those trees are identified as Tree Numbers 3, 4, 5, 6, 7, 13, 14 and 22 on the Tree Survey prepared for the project. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to issuance of a final building permit, the Owner/Applicant shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

10. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:

"The following technical reports have been prepared for the subject project and are on file in the Monterey County RMA - Planning Department :

•"Geotechnical Investigation" (LIB120382) prepared by Cotton, Shires and Associates, Inc., Los Gatos, CA, May, 2012.

•"Biological Assessment – Station 70 Rebuild, Proposed Tanks 4 and 5, Pine Canyon Road, Monterey County" (LIB120381) prepared by Bryan Mori Biological Consulting Services, Watsonville, CA, June 26, 2012.

•"Arborist Report" (LIB120380) prepared by Kieilty Arborist Services, San Mateo, CA, May 7, 2012.

All development shall be in accordance with these reports."

(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

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

11. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall relocate/replant on the property the Coast Live Oak trees identified on the Tree Survey as Tree Nos. 3, 4, 5, 6, 7, 13, 14, and 22. The locations of the replanted trees and the timing of the relocation/planting shall be determined as recommended by the project arborist.

Compliance or Monitoring Action to be Performed: The project arborist shall recommend the appropriate locations for the relocation/replanting of the trees. The relocated/replanted trees shall be included in the landscaping plan.

The Owner/Applicant shall submit a statement by the project arborist and photographs to the RMA-Planning Department for review and approval demonstrating that the trees have been relocated/replanted as recommended by the arborist.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit a statement prepared by the project arborist addressing the state of the replanted trees. The statement shall contain a statement the overall health and growing condition of the replacement trees and whether or not the tree replacement was successful or if follow-up remediation measures are necessary to assure their survival.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by the tree arborist or another County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

12. EHSP01 - CDPH Permit Amendment (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant (Cal-AM) shall submit a permit amendment application to California Department of Public Health (CDPH) including plans and specifications demonstrating compliance with California Waterworks Standards and documentation on CEQA compliance. CDPH must review plans before issuance of building permits.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit
- Submit a permit amendment application including plans and specifications to CDPH.
- Obtain CDPH approval of construction plans
- Submit proof of CDPH review to Environmental Health Bureau

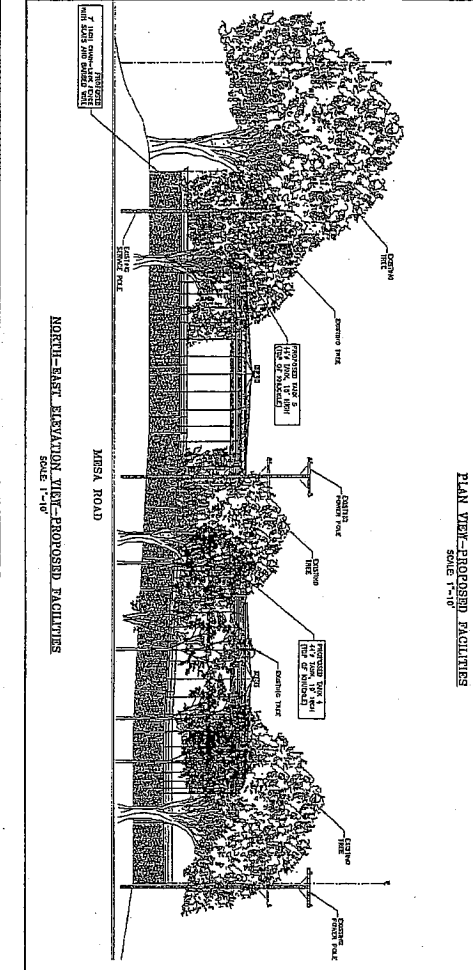
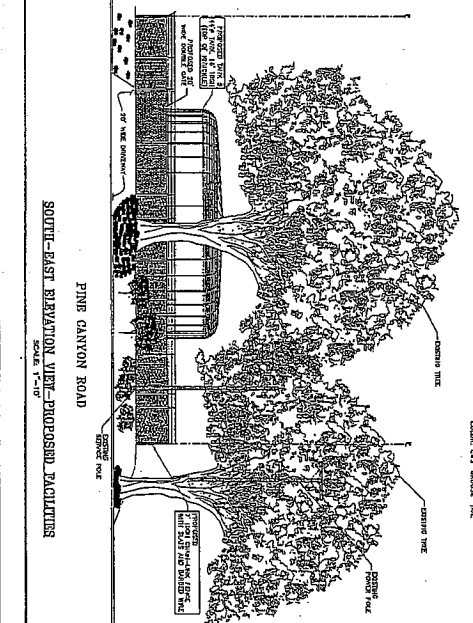
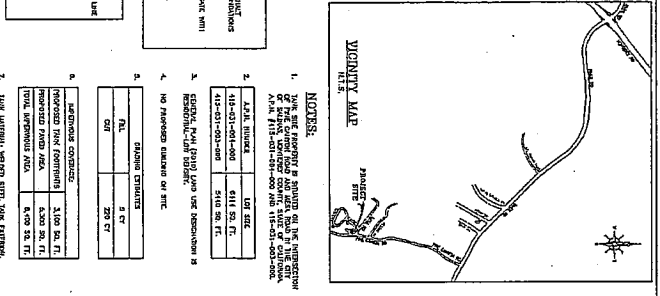
13. EHSP02 - Well Destruction Permit (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain well destruction permits for the two wells to be destroyed. Destroy the wells which according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of a building permit:
A CA licensed well drilling contractor shall obtain a well destruction permit from the Environmental Health Bureau.
Complete well destruction according to the well destruction permit.
After destruction the CA licensed well drilling contractor shall submit the Well Drillers Report to the Environmental Health Bureau

DATE: 7/19/2011
 DRAWN BY: BUENA VISTA
 CHECKED BY: [Signature]
 PROJECT NO: 00003397
 SHEET NO: SIX-6148H
 OF: 1 OF 1



SUMMARY OF WORK

CONSTRUCTION OF TWO (2) TANKS (TANKS 4 AND 5) WITH A TOTAL CAPACITY OF 1,000,000 GALLONS. THE TANKS WILL BE CONSTRUCTED WITH A CONCRETE FRAME AND A STEEL LINING. THE TANKS WILL BE SITUATED ON A 2.77 ACRE TRACT WITHIN THE STATION 70 REBUILD PROJECT. THE TANKS WILL BE CONSTRUCTED WITH A CONCRETE FRAME AND A STEEL LINING. THE TANKS WILL BE SITUATED ON A 2.77 ACRE TRACT WITHIN THE STATION 70 REBUILD PROJECT.

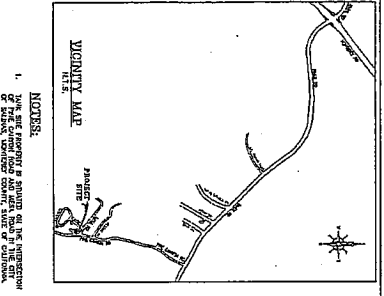
LEGEND:

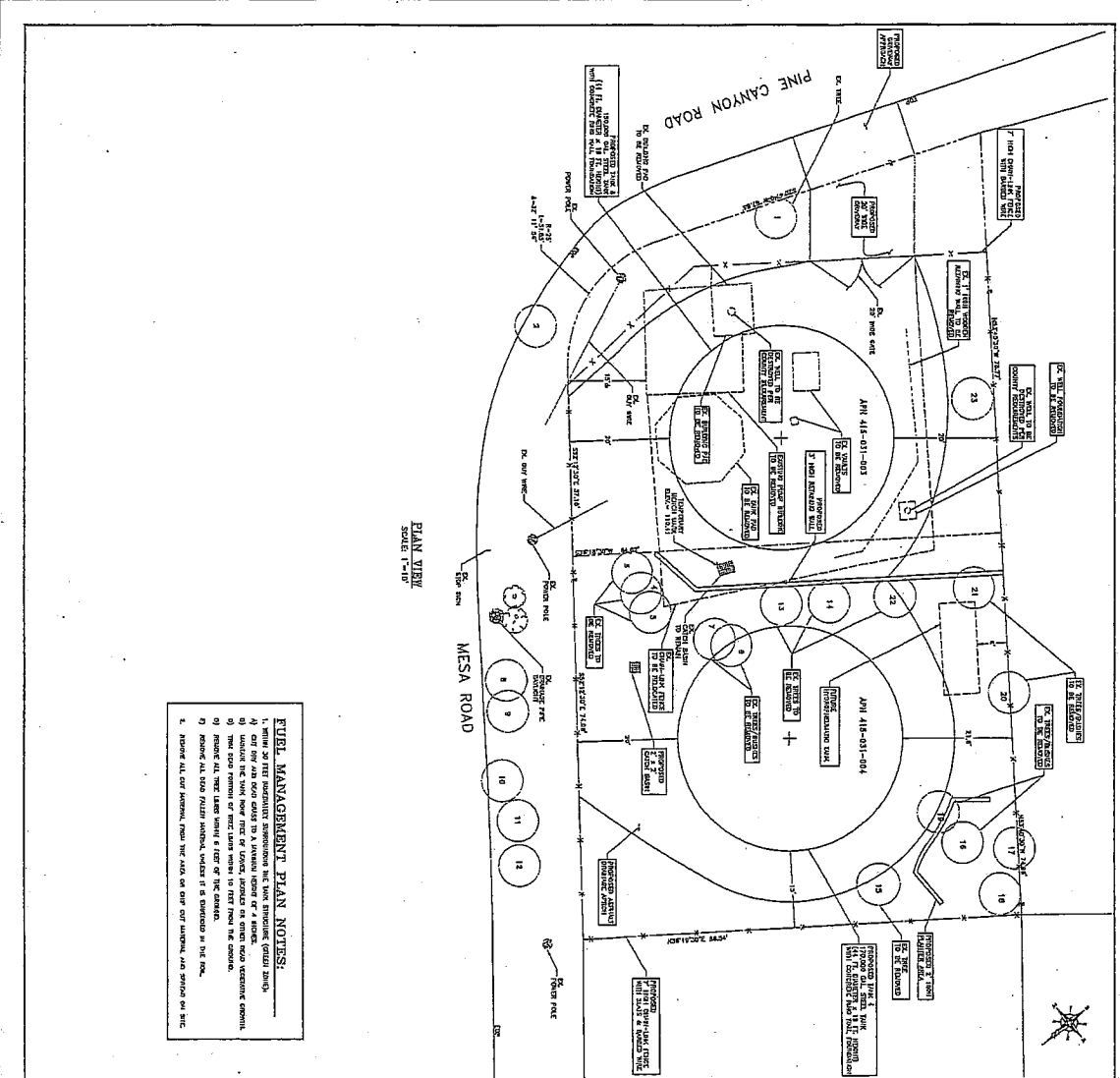
- CHANGING EXISTING COMMON LINE
- PROPOSED FACILITIES
- EXISTING FACILITIES
- CONCRETE TANKS

NOTES:

1. THE SITE ELEVATION IS SHOWN ON THE IMPROVEMENT PLAN. THE ELEVATION OF THE TANKS WILL BE AS SHOWN ON THE IMPROVEMENT PLAN. THE ELEVATION OF THE TANKS WILL BE AS SHOWN ON THE IMPROVEMENT PLAN.
2. ALL TANKS SHALL BE CONSTRUCTED WITH A CONCRETE FRAME AND A STEEL LINING. THE TANKS SHALL BE CONSTRUCTED WITH A CONCRETE FRAME AND A STEEL LINING.
3. THE TANKS SHALL BE CONSTRUCTED WITH A CONCRETE FRAME AND A STEEL LINING. THE TANKS SHALL BE CONSTRUCTED WITH A CONCRETE FRAME AND A STEEL LINING.
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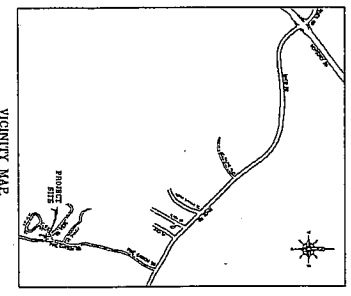
NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	7/19/2011	BUENA VISTA	[Signature]





FUEL MANAGEMENT PLAN NOTES:

1. WITHIN 20 FEET IMMEDIATE SURROUNDINGS THE TANKS PROVIDING (GASOLINE) SHALL BE PROTECTED BY THE FOLLOWING MEASURES:
2. THE TANKS SHALL BE PROTECTED BY A 1/2" THICK CONCRETE SLAB WITH REINFORCING BARS AND A 4" THICK CONCRETE CURB WITH REINFORCING BARS.
3. THE TANKS SHALL BE PROTECTED BY A 1/2" THICK CONCRETE SLAB WITH REINFORCING BARS AND A 4" THICK CONCRETE CURB WITH REINFORCING BARS.
4. THE TANKS SHALL BE PROTECTED BY A 1/2" THICK CONCRETE SLAB WITH REINFORCING BARS AND A 4" THICK CONCRETE CURB WITH REINFORCING BARS.
5. THE TANKS SHALL BE PROTECTED BY A 1/2" THICK CONCRETE SLAB WITH REINFORCING BARS AND A 4" THICK CONCRETE CURB WITH REINFORCING BARS.



EXISTING TREE SURVEY

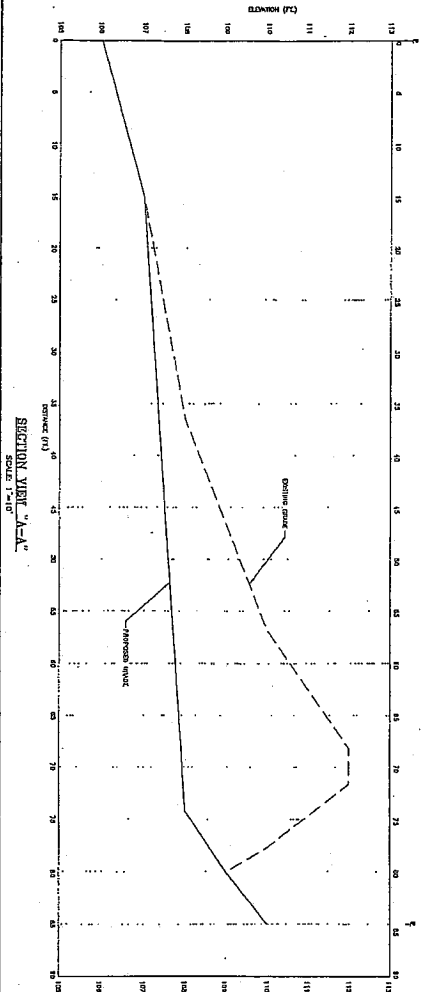
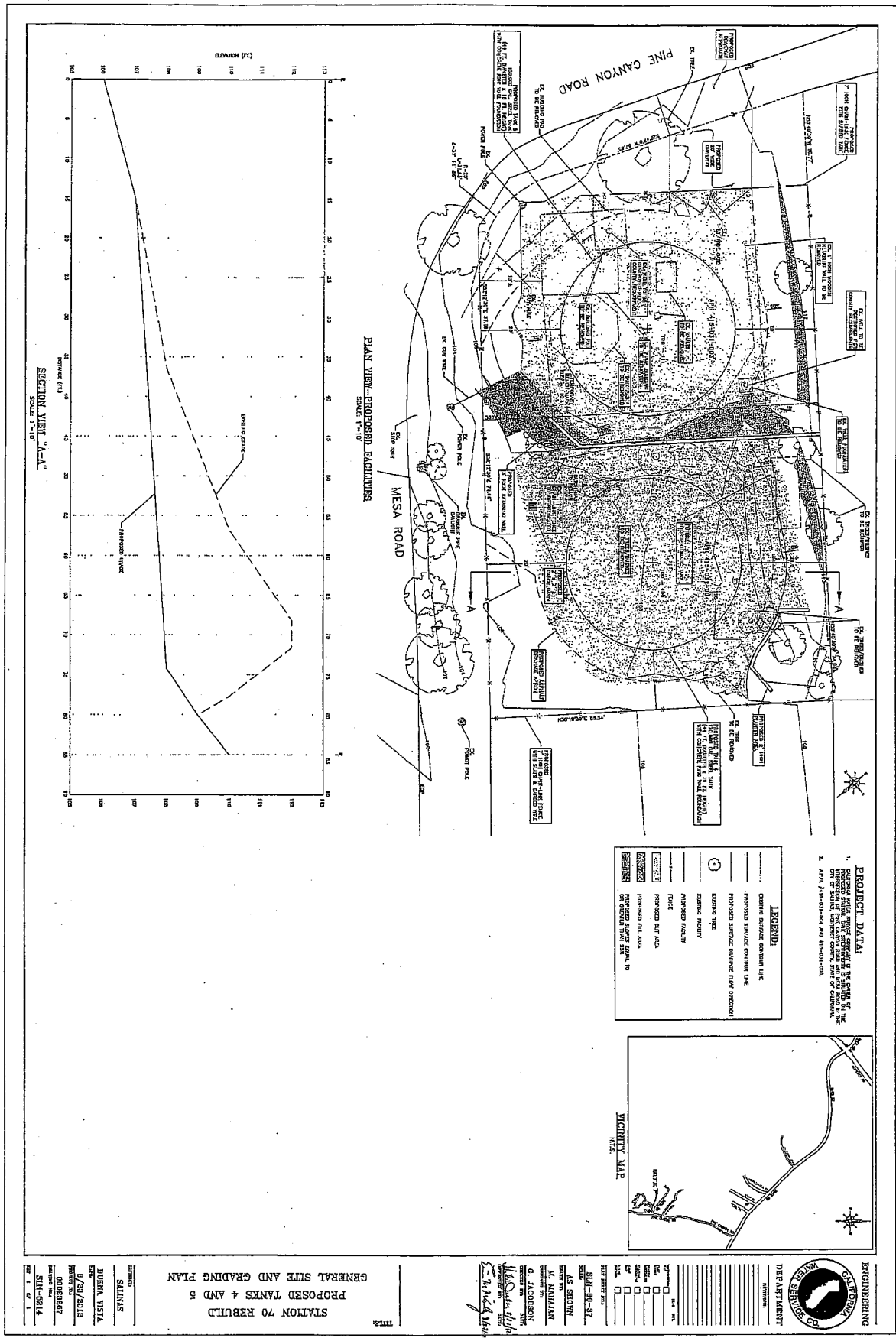
TREE #	SPECIES	DIAMETER AT BREAST HEIGHT (DBH) (INCHES)	HEIGHT (FEET)	HEALTH/RISK	COMMENTS
1	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
2	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
3	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
4	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
5	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
6	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
7	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
8	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
9	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
10	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
11	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
12	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
13	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
14	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
15	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
16	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
17	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
18	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
19	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
20	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
21	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
22	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
23	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
24	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
25	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
26	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
27	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
28	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
29	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK
30	SPRING OAK	14	10	20/20	GOOD WORK, TAN TRUNK, LEAVY NATURAL LEAF WORK

STA 70 REBUILD
 PROPOSED TANKS & R O
 LANDSCAPE AND FUEL MANAGEMENT PLAN

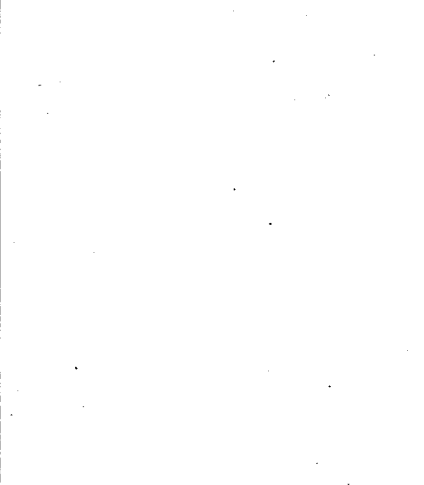
DESIGNED BY: DIBENA VIEIRA
 DATE: 4/22/2018
 DRAWING NO: 00023287
 SHEET NO: 1 OF 1

ENGINEERING
 CONSULTING
 DEPARTMENT

APPROVED BY:
 G. JACOBSON
 L. WALKER
 AS SHOWN
 SRN-00-07



PLAN VIEW-PROPOSED FACILITIES
SCALE: 1"=10'

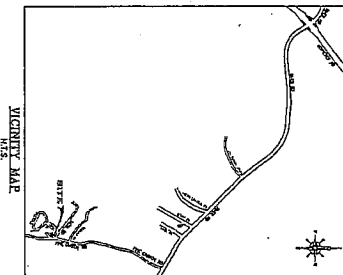


PROJECT DATA:

1. PROPOSED TANKS, TOWER, AND GRADING FOR STATION 70, THE
 2. APR. 1948-01-04 AND 1950-01-04.

LEGEND:

- EXISTING SURFACE CONTOUR LINE
- PROPOSED SURFACE CONTOUR LINE
- EXISTING TANK
- PROPOSED TANK
- EXISTING FACILITY
- PROPOSED FACILITY
- EXISTING FILL AREA
- PROPOSED FILL AREA
- EXISTING GRADE
- PROPOSED GRADE
- EXISTING ROAD
- PROPOSED ROAD
- EXISTING UTILITY
- PROPOSED UTILITY



ENGINEERING
DEPARTMENT
STATION
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BY
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PROJECT NO.
DATE

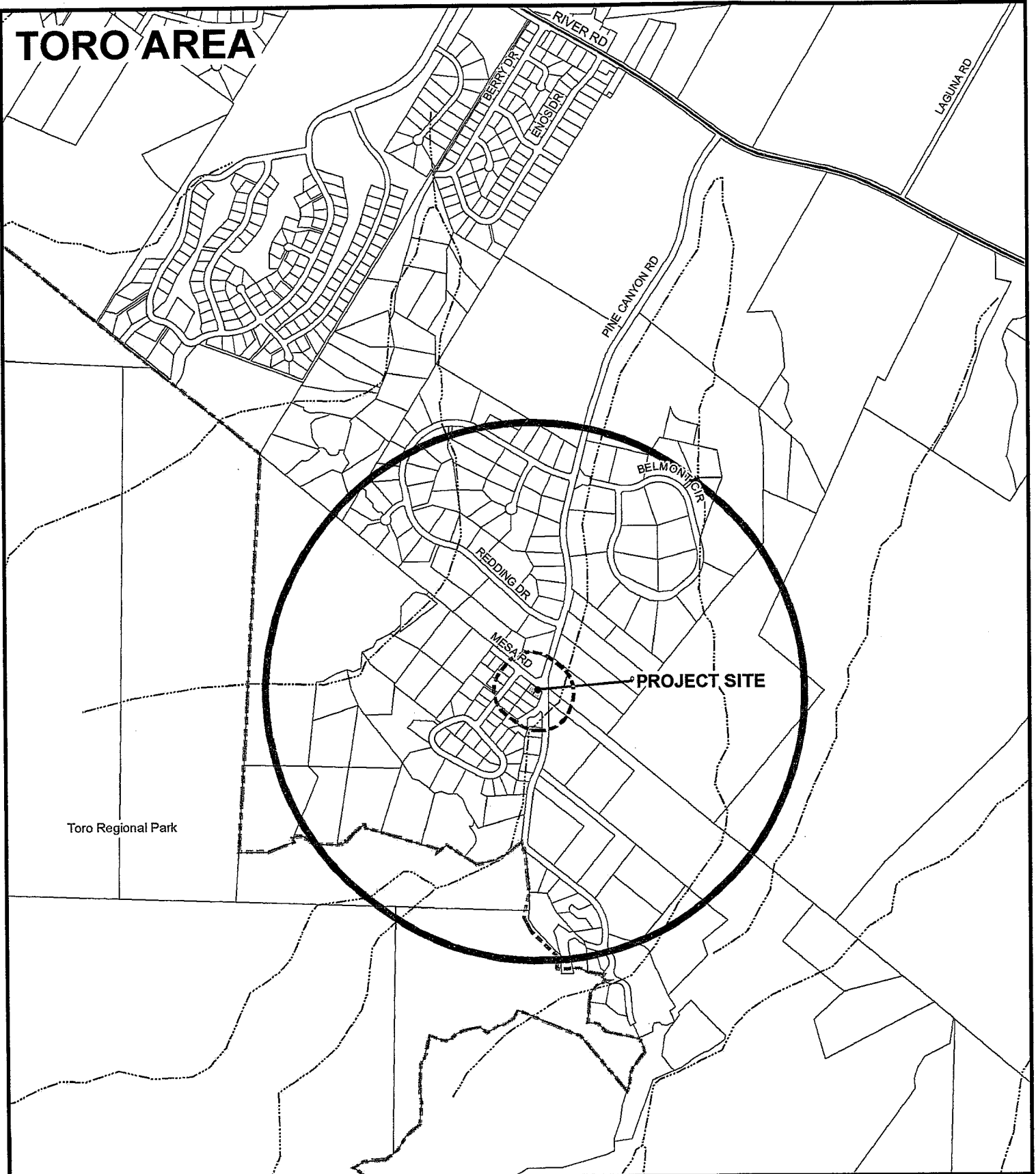
GENERAL SITE AND GRADING PLAN
PROPOSED TANKS 4 AND 5
STATION 70 REBUILD

DESIGNED BY
CHECKED BY
APPROVED BY
DATE
PROJECT NO.
DATE

ENGINEERING
DEPARTMENT
STATION
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DATE

Exhibit D
Vicinity Map

TORO AREA

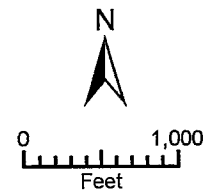


APPLICANT: CALIFORNIA WATER SERVICE CO

APN: 415-031-003-000 & 415-031-004-000

FILE # PLN120595

Water 2500' Limit 300' Limit City Limits



PLANNER: OSORIO

Exhibit E

Advisory Committee Minutes

MINUTES
Toro Land Use Advisory Committee
Monday, April 8, 2013

1. **Site visit at 3:30 PM at the INTERSECTION OF MESA ROAD & PINE CANYON ROAD, SALINAS (CALIFORNIA WATER SERVICE CO)**

ATTENDEES: Public: Jeanette Hobbs, Doreen DeCarli, Al Mulholland, Vince and Connie Christian

California Water: Mike Jones, Steve Vasquez, Marc Bloom, Girlie Jacobson, and Tim Baldwin.

Attorney for Cal Water

Toro LUAC: Mike Mueller, Kerry Varney, Lauren Keenan, Bonnie Baker, Mike Weaver.

Mark Kennedy, Ron Vandergrift (at 3 p.m.)

Monterey County Project Planner: Luis Osorio

Mike Weaver took some photographs of the site and flagging for the record, to be submitted with meeting minutes:

The public members, LUAC members, and CalWater representatives noted above, gathered at the site and asked various questions and had comments.

Why are two water wells being destroyed? Is it quantity or quality problems?

CalWater's Mike Jones said it was because of the iron content of the water.

Is there arsenic contamination?

CalWater's Mike Jones said no, it was a high iron content, so it isn't a quantity issue, it is a quality issue, He continued and pointed out that this water system called Buena Vista has already been connected to CalWater's larger area system, that includes the Las Palmas Ranch subdivision and Indian Springs. The systems have already been tied together. The water source is a well near the Pedrazzi Subdivision. We would have passed that on the way here today.

The Buena Vista water system was formerly ALCO, owned by the Adcock's. It was put into receivership by a Federal Court order. CalWater purchased the system out of receivership. Mike Jones reported it needed maintenance and some upgrades because the Adcock's had left it poor condition.

LUAC Mark Kennedy arrived and greeted CalWater representatives, How come you guys haven't called me for tanks and such? Have you forgotten about me?

CalWater response, No we haven't forgotten about you. How've you been?

Apparently they have done business together.

Neighbors asked about the noise of the booster pumps that run at all hours. They are noisy. Mike Jones said the plan was to move the booster pumps offsite, to other existing locations that Calwater owned. The specific location(s) were not identified.

Calwater representatives told the LUAC that they have been meeting with area neighbors on site, to listen to their concerns.

Calwater representatives explained to the gathered neighbors and LUAC members present, the following: The 5 or 6 existing smaller green water storage tanks on site would go away. The existing building on site containing the pumps was to be demolished.

There was a plan for two new tanks, one 16 ft high, one 19 ft high, with fencing on the property line. It was to be a chain link fence with slats.

A neighbor asked how fencing in front of existing houses was to work.

The response was maybe it could be fenced on three sides.

Site visit continued:

Calwater continued their explanation. A new survey report was done. Two trees next to a house would be moved, one tree was diseased, and/or not considered healthy. Calwater was to relocate three Oak trees.

Neighbor Al Mulholland, who lives close by asked if the trees were to be moved to the other side? He was concerned relocated trees would block his patio and living room windows view.

Calwater engineer Girlie Jacobsen responded they could screen it somehow.

Calwater attorney Tim Baldwin said they would do a landscape plan as it was required by the County.

LUAC Bonnie Baker asked who was the arborist?

Calwater response was, Kevin Fealty (?)

Calwater explained they had a plan for phased construction:

- 1) install 16' high tank on their now empty lot
- 2) relocate the booster pumps offsite to other Calwater locations. Remove pump shed.
- 3) replace the existing green tanks with one new 19 ft high larger tank on the existing tank parcel

Calwater Mike Jones explained the total project would take about one year to complete.

Calwater said there was an existing elevation difference between the two lots, and it was about 3 feet.

The plan was to put a retaining wall between the two lots, about 3 ft tall, instead of excavating soil.

The large 19 ft tall tank would go on the existing lot next to Pine Canyon Road. The 16-foot tall tank would go on the current empty lot, because of elevations.

Neighbors commented about the size of the tanks, and that they are considerably larger.

Neighbors asked about how this might be accomplished.

Mike Jones said the existing berm behind the residential on the empty lot would be removed. He said Calwater owned the property that berm was on, and also some of the property behind the berm next to the existing house.

The berm appeared to have been put there in the event of a water storage tank rupture, water would not run into this adjacent house.

Neighbors commented that the existing house behind this empty lot had tall view windows that looked out over Pine Canyon. They asked wouldn't these people object to a huge water tank sitting directly in front of their tall living room view windows?

CalWater staff stated that 300-foot notices, as determined by the County, had been sent to the surrounding neighbors, two weeks or more ago. Because no one had heard from the people at this address, it was assumed they had no objections.

A neighbor asked if anyone from Calwater or the County had bothered to knock on this neighbors door to explain what it was they were wanting to do directly next to their home?

The answer to this was non-specific, and non-committal. It was pointed out that Calwater had done what was required by the County in sending notice, and there was no response.

Mike Weaver asked if the home owners might be away on an extended vacation, or possibly ill, and away for awhile?

The response was that could be a possibility.

Another neighbor asked if maybe the tanks could be swapped, with the 16-foot one being closer to the road and the 19-foot one being next to it on the empty lot. The concern was the visibility of the tanks as one drove up Pine Canyon Road.

Answer: That wasn't the plan.

LUAC members asked about trees? How many Oaks would be removed?

Answer: Three Oaks are to be relocated on the site. A fourth Oak is to be trimmed.

A neighbor asked if replanted Oak trees might just die, and not make it? What then?

LUAC member Mark Kennedy commented that Oak trees had been transplanted near the entrance to Pasadera and that seemed to work out alright.

Site visit continued:

Someone pointed out that the Oak trees transplanted at Pasadera involved huge wooden boxes that contained and moved their root systems

Calwater representatives assured the neighbors that experts would be transplanting Oaks at this site.. These trees weren't that large.

A neighbor said he was glad Calwater was going to be spending some money on the site because the Adcock's had let things deteriorate so badly.

Mike Jones reported some houses at the top of Pine Canyon served by this system were on a boil water order from the California Dept. of Public Health. Calwater was trying to take care of issues like this.

It was asked if the new tanks, and relocating booster pumps offsite, with this project, would take care of this issue of these homes having to boil water?

Answer: No, but improvements assist in getting to that. It's incremental.

Chair Kerry Varney asked if there were any additional questions? He said the LUAC was heading to the fire station for the meeting. He asked again if there were any additional questions by anyone who would not be at the LUAC meeting.

A couple neighbors commented that they didn't think they could be at the meeting.

Calwater thanked the neighbors there and repeated they would work with the neighbors.

2. Meeting called to order by Kerry Varney at 4:00 pm

3. Roll Call

Members Present: Mike Mueller, Kerry Varney, Lauren Keenan, Bonnie Baker, Beverly Bean.

Ron Vandergrift, Mark Kennedy, Bob Rieger, Mike Weaver (9)

Members Absent: None

4. Approval of Minutes:

A. March 26, 2012 minutes

Mike Weaver asked to give the LUAC an update of the March 26, 2012 meeting regarding the Badger Hills parking lot and new entrance off Highway 68, as it was the last time the LUAC met and it has been over one year since the LUAC met on this issue. This March 26, 2012 LUAC meeting was referred to the LUAC, as a Preliminary Courtesy Presentation. The project was processed by the local Hollister office of BLM. Subsequent to the LUAC preliminary courtesy presentation, BLM received a study, including traffic, from a consulting company out of Colorado. This company, using a small AMBAG map, determined existing traffic level of service was LOS "B" on the stretch of SR 68 across from the Toro Café. A former Monterey County Planner was at this March 26, 2012 Preliminary Courtesy Presentation for the LUAC and asked about the BLM timeline and if a Notice of Preparation was to be done? This is in the meeting minutes.

Approval of minutes continued:

The response from BLM Manager, Eric Morgan, on March 26, 2012, was that they were working on an Environmental Assessment of no significant impact. Cal Trans was to use this Assessment to produce a Mitigated Negative Declaration.

However, Weaver reports, this scenario did not happen. There was no Mitigated Negative Declaration. There were no public hearings regarding this project, only a Preliminary Courtesy Presentation to the LUAC. Instead BLM filed a Statement of No Significant Impact with the State Clearinghouse. They then asked CalTrans for an Encroachment Permit, which CalTrans issued to them. The \$1.7 Million project then proceeded, surprising many people in the community when construction began.

Beverly Bean asked if this summary could be in today's meeting minutes? She surmised this may be the only County public record of the BLM Badger Hills project.

Motion to call for approval of the March 26, 2012 Minutes

Motion: Kerry Varney (LUAC Member's Name)

Second: Mark Kennedy (LUAC Member's Name)

Ayes: Varney, Keenan, Baker, Kennedy, Rieger, Weaver (6)

Noes: None

Absent: None

Abstain: Mike Mueller, Beverly Bean, Ron Vandergrift (not at March 26, 2012 meeting)

5. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

6. **Scheduled Item(s)**

7. **Other Items:**

A) Election of Officers:

LUAC member nominated for Chairperson: Kerry Varney

Motion: Ron Vandergrift (LUAC Member's Name)

Second: Mike Mueller (LUAC Member's Name)

Ayes: Vandergrift, Mueller, Kennedy, Baker, Keenan, Rieger, Bean, Weaver, Varney (9)

Noes: None

Absent: None

Abstain: None

LUAC member nominated for Secretary: Mike Weaver

Motion: Kerry Varney (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Vandergrift, Mueller, Kennedy, Baker, Keenan, Rieger, Bean, Varney, Weaver (9)

Noes: None

Absent: None

Abstain: None

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects (Refer to pages below)
None

C) Announcements

The historic Corral de Tierra Market has just reopened under new ownership.

8. Meeting Adjourned: 5:30 pm

Minutes taken by: Mike Weaver

Minutes received via email April 22, 2013

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **Toro**

Please submit your recommendations for this application by: **April 8, 2013**

Project Title: CALIFORNIA WATER SERVICE CO

File Number: PLN110595

Planner: OSORIO

Location: INTERSECTION OF MESA RD & PINE CANYON RD SALINAS

Project Description:

Use Permit and Design Approval for: 1) the construction of two water tanks 150,000 and 170,000 gallons in size respectively and associated grading (220 cubic yards of cut and 5 cubic yards of fill); 2) construction of a six-foot high chain link fence along the perimeter of the property, a three-foot high concrete retaining wall and a 20-foot wide driveway on Pine Canyon Road; 3) the future development of a hydropneumatic tank; and 4) removal of four Coast Live Oak trees in excess of six inches in diameter. The project includes the removal six existing 8,000-gallon plastic water tanks and associated piping and concrete foundations; demolition of an existing wooden pump building and concrete foundation; and the destruction of two water wells. The properties are located at the intersection of Mesa Road and Pine Canyon, Salinas (Assessor's Parcels Numbers 415-031-003-000 & 415-031-004-000, River Road area, Toro Area Plan.

Was the Owner/Applicant/Representative present at meeting? Yes X No _____

California Water Service Attorney Tim Baldwin spoke for CalWater. Also in attendance from CalWater were CalWater's Salinas General Manager Mike Jones, Steve Vasquez, Girlie Jacobson,

Was a County Staff/Representative present at meeting? Project Planner Luis Osorio

Chair Kerry Varney read the project description. Calwater attorney Tim Baldwin offered to explain the project. It was formerly an ALCO water system owned by the Adcocks. This system was one of the ones put into receivership. Prior to ALCO, it was the WILDWOOD water company. The lots have always been for water system, no other use. The original tanks were replaced in 2008-2009 because they were rusty and needed replacing (photos passed around). CalWater purchased ALCO in 2007. There were issues with lack of maintenance, inadequate supply, under sized pipes. The boil water at the top is existing.

CalWater's Baldwin continued, and says the project is part of phased development, needed because of fire flow standards and California Department of Public Health requirements. He said it is not growth inducing.

Calwater's Baldwin tells of the previous Monterey County Zoning Administrator (ZA) Hearing on this water tank application and issues.

LUAC member Mike Weaver states he attended that ZA hearing and participated, but not as a representative of the LUAC. He explains there were some issues regarding the project description related to the number of lots, either one or two, the number of Oaks trees to be removed, need for such large tanks?, Is it growth inducing? And other issues including visual.

Monterey County Planner Luis Osorio explains that Oak trees over 6 inches in diameter are counted, meaning there are three Oak trees being removed.

There is a question asked by a LUAC member about the number of Oak trees?

Luis says the record number is three, not four. He explains the fourth Oak tree will be trimmed.

The findings of the ZA at the hearing were to: do a CEQA Initial Study and refer the matter to the Toro LUAC for review.

LUAC Kerry Varney asks if that is the reason this project referral is before the LUAC today?

Mike Weaver responds yes, most likely.

LUAC Mike Weaver asks if the Buena Vista area is a County and Toro Visually Scenic Area?

Luis Osorio explains that it is, and that Visually Scenic Areas are considered the same throughout the Toro Area.

LUAC Ron Vandergrift asks how many service connections are currently being served by the Buena Vista water system owned by CalWater?

CalWater answers 183 now.

Ron Vandergrift asks a follow up question. How many unbuilt legal lots are there in the system service area?

CalWater attorney Baldwin answers "That is an unknown." He states, "I don't have that information.."

Baldwin continues that Calwater is required to serve everybody in this area. CalWater is obligated to serve everybody in their service area.

Baldwin passes around an 8 ½ X 11 depiction of the Service Area. There isn't much explanation given.

There are lines that look like lots. There are other areas blank.

LUAC Mike Weaver asks if fire flow requirements aren't 120,000 gallons of storage for a residential area?

Baldwin responds. The tank sizes are based on fireflow requirements and maximum daily demand.

So, the 340,000 gallons of water storage tanks here are for operational peak demand, one average day supply for emergency, and fire flow. It is not growth inducing.

Baldwin passes around the room color chips of acceptable colors for storage tanks. The colors are earth tones, in subtle greens and tans. Color chips get passed around the room. No one objects to the color chips displayed.

LUAC Ron Vandergrift asks what is the average consumption of the 183 current service connections?

CalWater Mike Jones answers: It is 100-gallons per day per capita. There are calculated to be 3.3 people per house.

LUAC Kerry Varney asks if the calculation is formula driven?

CalWater attorney Tim Baldwin answers, Yes.

LUAC Mike Weaver asks how many small mutual water systems or individual water wells are located in the Buena Vista or CalWater Service Area?

CalWater atty. Tim Baldwin answers that there are no small water systems and there are no private wells in Buena Vista.

LUAC Mike Weaver asks about the significant size of the proposed storage tanks in an area designated as visually sensitive?

LUAC Mark Kennedy says regarding the size and the viewshed, that the LUAC's purview is to comment on the landscaping and the color of the tanks. That is our only purview.

LUAC Bonnie Baker asks about size needed for fire protection?

Calwater Mike Jones says it is 120,000 gallons. Plus peak use and one days supply.

LUAC Bob Rieger asks about the adjacent home in the back? Did they not get a notice? They haven't been heard?

CalWater Tim Baldwin said they got a notice as did others within 300 feet.

Bob Rieger asked if they tried other ways to contact them? He notes they have bamboo planted behind their house for privacy. The tanks would be very visual. Their house has big windows that would look right out at a big tank.

There is no tank there now.

Tim Baldwin says they have had flagging there to show for several weeks. There has been no contact to CalWater from this address.

Bob Rieger says he saw the flagging when he first drove up Pine Canyon Road. He asks if the front can be landscaped also, to help screen this frontal view from Pine Canyon Road?

CalWater Mike Jones answers: The back can be landscaped but not the front. The outflow from the tanks runs in that area. Tim Baldwin says, if possible, can't plant on top of a pipeline. The roots conflict with the pipes

Luis Osorio says it is a visually sensitive area.

LUAC Lauren Keenan asks about the requirements for height limit of tanks?

Planner Luis Osorio says he'll have to check on it. He does not know at this time. Houses have a height limit of 30- feet.

LUAC Kerry Varney asks if the old tanks were taller than the newer green tanks there now?

CalWater Girlie Jacobson answers that the green tanks (5 or 6) there now are 12 feet tall. The old tanks were 16-18 feet tall.

LUAC Beverly Bean asks if these proposed tanks would require a variance for height and/or setback?

CalWater atty. Tim Baldwin says the County has not always enforced this.

Discussion reveals a top of the knuckle, a 2 to 3 feet more height on top of the proposed 16 feet and 19 feet.

LUAC Ron Vandergrift asks about this. So the two tanks in reality could be 19 and 22 ft tall?

Calwater Girlie Jacobson says there is venting on top. A smaller portion will stick up 2-3 feet taller. She says they are about 2 feet tall and in the center of the top of the tank. The vents are 2 to 3 feet wide.

LUAC Mike Weaver asks about the proposed chain link fence on the property line with slats. That doesn't seem to be of rural character.

LUAC Kerry Varney asked if anyone heard neighbors concern with the fence?

LUAC Mark Kennedy says some neighbors have lived here for 12 years. Couldn't there be a better fence?

LUAC Mike Weaver has a question. Regarding property values, the assessors parcel information for the proposed two lots, lists the lot currently being used by CalWater as having a value of over \$2 million. Where did this number come from and might this assessed value be used by Chair Varney as a comparable for his property in Las Palmas?

This news brought some chuckles all around. LUAC Varney says that IS interesting.

CalWater atty Tim Baldwin explains about the assessment, that it is fee title and the value is the entire Buena Vista system, including the pipes.

LUAC Beverly Bean asks for clarification on Oak trees and width. It has been unclear. How many are proposed to be removed, or moved?

LUAC Mike Weaver relays additional concern about chain link fencing in a rural area.. He says the LUAC reviewed the CalAm Toro Water Treatment facility off Scenic Highway 68. The LUAC site visit and review included the existing wooden gate and fence that helped to screen the project. After review the fence and gate were removed and replaced with a chain link fence and gate. Weaver reports he called the County about this and was told the project had not been finalized so there was nothing they could do. However, someday when it was finalized they could look into this. Weaver was asked to call back at that time.

LUAC Ron Vandergrift reports that his experiences are that Oak trees that are moved do not do well.

LUAC Lauren Keenan asks who would replace the Oak trees if they die?

Luis Osorio says the 6-inch trees provide buffering. Trees act as screening. Trees removed will be replanted on a multiple basis.

Luis Osorio says an arborist will be used to ok it.

LUAC Mike Weaver asks about under-grounding or partially under-grounding water storage tanks?

It's been done other places in the Toro Area and in Monterey County. Then the tanks are not visible.

CalWater Girlie Jacobson says that can create a head problem. Mike Jones says there are issues with underground pipes and the connection above ground can be flexible but underground not so much then there is the expense.

LUAC Mike Weaver points out he under-grounded the storage tank and pressure tank on his water system. He paid to do it. He hasn't encountered any problems.

LUAC Kerry Varney says the neighbors may be happy with the system otherwise they would be here asking questions.

One neighbor asked about the possibility of the water flooding the property?

CalWater says they don't fill the tanks to capacity. They leave some room.

LUAC Kerry Varney said one neighbor told him he was glad Calwater was making the investment.

A question comes up as to how long neighbors have had to see the orange flagging? Are there any new neighbors?

The response is that the flagging has been up about two weeks.

LUAC Ron Vandergrift says these are large steel tanks. Where is the need? The capacity is to go to about 6 times greater?

CalWater Mike Jones says the size offers assurance in case of a problem of the system going dry.

Ron Vandergrift asks if the large size tanks will solve the boil water issue?

Answer: No, it won't solve the boil water issue at the top. There's five phases to solve it. It's based on pressure on Tremble Lane. They are allowed to go down to no less than 5 pounds pressure per the California Department of Public Health.

CalWater has been supplying bottled water there. A larger booster pump is needed.

LUAC Mike Weaver asks if CalWater has a letter from the California Department of Public Health regarding these issues, substantiating this tank size need?

CalWater attorney Tim Baldwin responds that they have no letter from the CDPH.

LUAC Beverly Bean asks for clarification. Is there a variance needed for the height and/or set back

on this project proposal or not? Luis Osorio previously said he is unsure of the storage tank height limits.

Planner Luis Osorio again says he is not sure at this time. He is unsure of the tank height limits.

Beverly Bean states we need an answer to this question.

Mike Weaver asks if the tank height limits would be different for different places in Toro?

Planner Luis Osorio answers no. Mike Weaver states the height limit for storage tanks has been listed as 15 feet elsewhere in Toro.

LUAC Ron Vandergrift says the problems seem to be a pressure issue requiring a larger booster pump.

The water is not flowing at 40 psi.

LUAC Kerry Varney says he'd like to make a motion to approve the tank project with landscape and screening and higher fences.

LUAC Mike Mueller says he'd like to see redwood fencing used. He asks about the pipe "stacks" on top of the tanks. Is this additional height allowed?

Luis Osorio answers that the Zoning Code allows appurtenances to be higher. For example chimneys on houses are not subject to the maximum height limit.

LUAC Beverly Bean states appurtenances have visual impacts. She still wants to know if these proposed tanks require a variance? Yes or no? Until the LUAC knows she feels uncomfortable with a motion for approval because it affects the neighbors and their view shed, some 19 feet.

LUAC Mark Kennedy says he thinks the motion to approve it could be conditioned. If the height limit is 30-feet then it has been met. He'd like to approve the project if it is at, or falls below, the legal tank height limit.

LUAC Lauren Keenan asks about a future hydropneumatic water tank? How high is that? Where would that go? CalWater Girlie Jacobson answers it would be a horizontal tank and would be installed to provide more pressure. It would be a pressure tank.

LUAC Mark Kennedy says screening is the issue. Would it be adequately screened?

LUAC Lauren Keenan says Oak trees, some transplanted, die. Then what?

Luis Osorio says referring to the screening, it would have to be appropriate.

LUAC Mike Weaver says he knows of other tank applications in Toro are being processed as 15 feet height limit. If Visually Sensitive is the same throughout the Toro zone, than the limit here is 15 feet, unless some variance is being requested.

CalWater atty Tim Baldwin replies it's not zoning. There is no determination. There is no variance requested. It is County staff's job to interpret the Codes.

Luis Osorio says regarding purview, it is consider the location, the bulk colors, the impacts on a visually sensitive area.

LUAC Kerry Varney says regarding the fence, perhaps PVC or redwood? He states he trusts the engineer. Regarding colors he didn't think the neighbors had a problem with the project. If the heights are correct than He supports it.

LUAC Beverly Bean says trust is important but it's also important to verify! The LUAC has no letter from the California Department of Public Health substantiating need. There is uncertainty about the height limit. There are other and too many loose ends. She would like the facts. The process needs it, not trust.

LUAC Ron Vandergrift says people that live there need to be satisfied. There are questions about the stacks and the height. Two or three feet more can make a difference to approve or not. Additionally it should be assured of remaining landscaped, and with a redwood fence.

PUBLIC COMMENT at Site Visit:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
	X		Views from their home windows One lot now has tanks. Now there are two lots proposed for tanks CalWater assurances. CalWater owns both lots. No previous use on the empty lot.
	X		Noise from booster pumps CalWater to remove building and booster pumps and move to another location they have. Location not revealed.
	X		Fencing next to their homes No fencing immediately next to their homes. Three sides only.

PUBLIC COMMENT at Site Visit (Continued):

	X		<p>Oak trees and screening. Retaining wall and 20' wide driveway</p> <p>Replant existing trees and/or replace Oak trees on undetermined multiple ratio. Carefully prune one tree.. Retaining wall to be onsite behind fencing, won't see it. Driveway access, view is undetermined Flagged?</p>
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LUAC AREAS OF CONCERN:

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Allowed height of tanks in Toro Visually Sensitive Areas		Not determined at time of hearing
Substantiated need for significantly larger tanks. Future booster pump tank		Not determined at time of hearing
Landscape screening. What if trees die?		Uncertain. CalWater states they'll take care of them.
Appropriate fencing in a rural residential area		Not chain link fencing with or without slats.

ADDITIONAL LUAC COMMENTS:

LUAC Kerry Varney suggests motion for approval but condition it in that the tanks not exceed the allowable Toro Visually Sensitive height limit and that surrounding fencing be of wood, redwood, and not chain link.

LUAC Mike Weaver says he will not be able to support this motion for the following reasons:

CalWater said that the Buena Vista water system is already connected to their larger system that serves among others, Las Palmas Ranch. There are other storage tanks on the system including the huge one atop Las Palmas that we have all seen. That huge tank was supposed to have been screened but we learned at a previous LUAC hearing that Calwater was unaware of this. Regardless, there are other huge tank currently serving this water system.

The size of the tanks being requested here IS growth inducing..

There is apparently a booster tank still coming.

There's no substantiation from the CDPH as to need.

The landscape plan is unclear. Oak trees often don't do well once moved. Room for trees on site?

Undergrounding tanks that has been done elsewhere in Toro should be considered..

The height limit for a visually sensitive area in Toro is unknown by staff here today. Is there or is there not a variance needed?

RECOMMENDATION:

Motion by: Varney (LUAC Member's Name)

Second by: Kennedy (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Varney, Kennedy, Mueller, Baker, Rieger (5)

NOES: Bean, Keenan, Weaver, Vandergrift(4)

ABSENT: None

ABSTAIN: None

TORO LWAR 4-8-13

PLN 110595
CAL WATER - PINE CYN.

Jeannette Hobbs

831-455-2501

Doreen DeCarli

831-455-1980

Mike Jones

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BOB RIELED

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BUNNIE BAKER

MARK KENNEDY

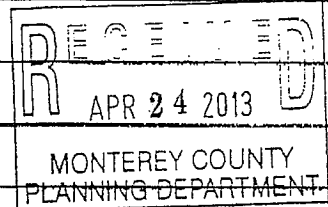
LUIS OSARIO

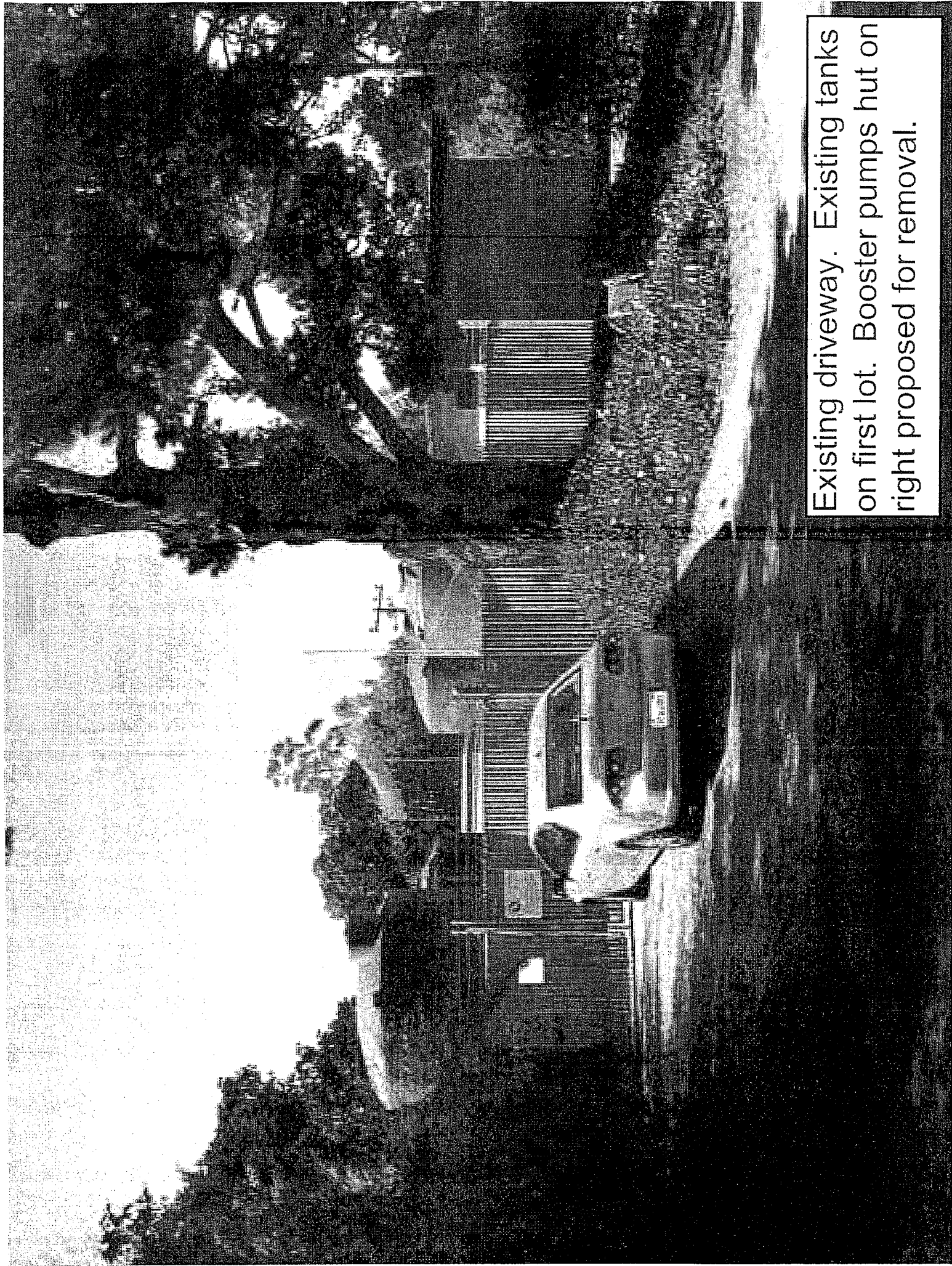
Vince & Connie Christian

831-710-0092

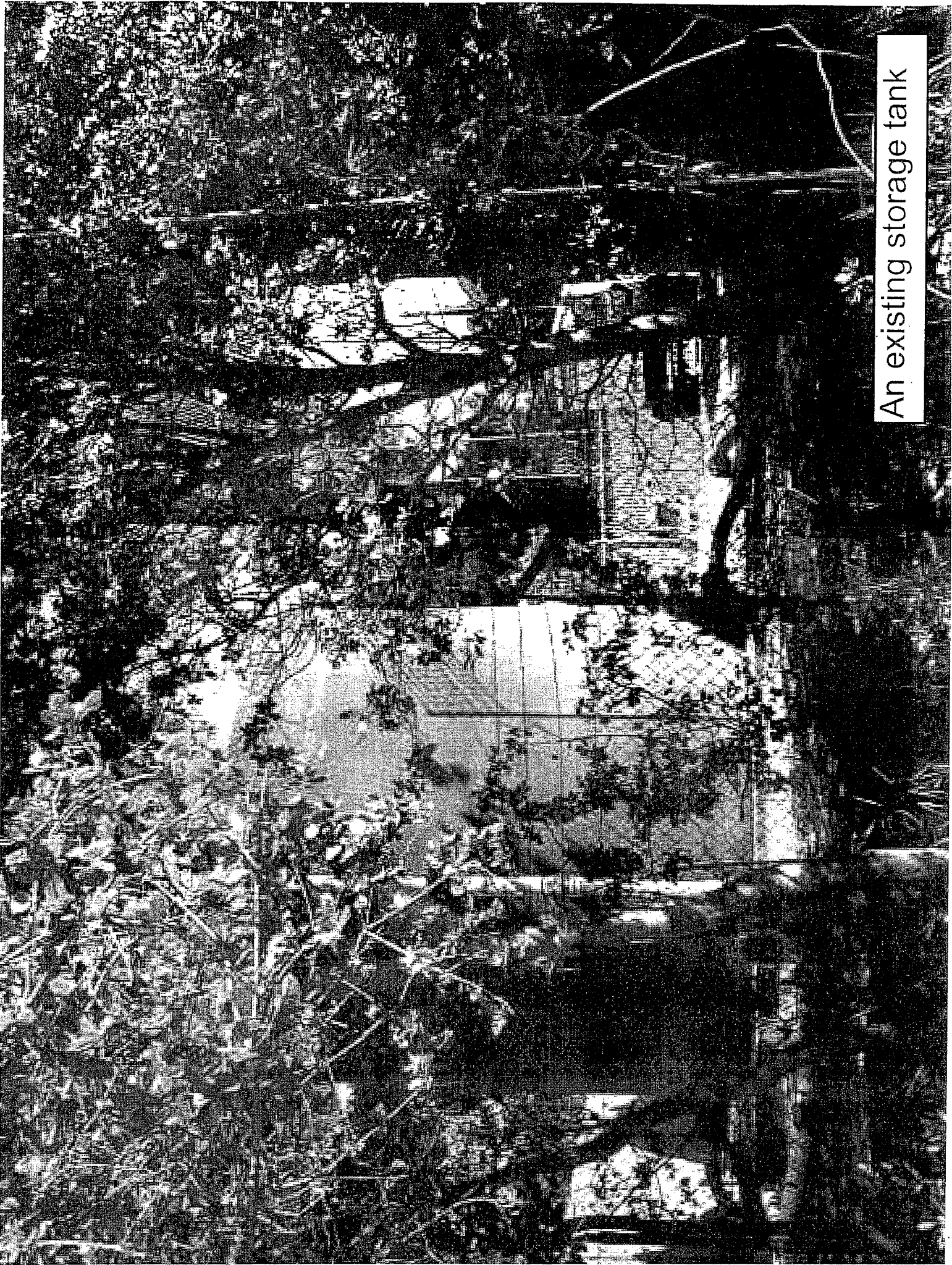
vince@vincechristian.com

DWYLY BEAN

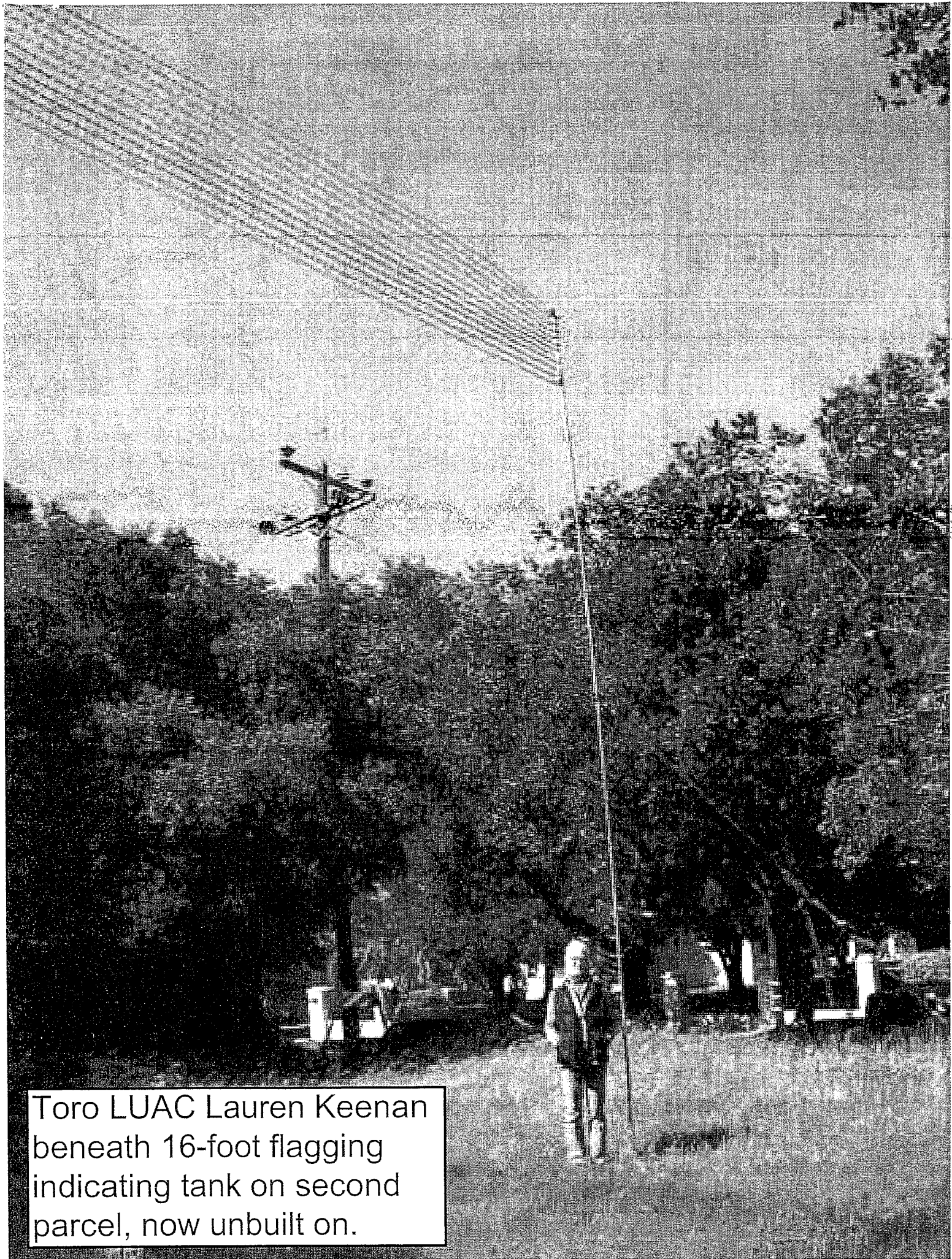




Existing driveway. Existing tanks on first lot. Booster pumps hut on right proposed for removal.



An existing storage tank



Toro LUAC Lauren Keenan
beneath 16-foot flagging
indicating tank on second
parcel, now unbuilt on.



House at rear of second empty lot. Bamboo and view windows. These owners have not responded to notices.

Exhibit F
Negative Declaration

County of Monterey
 State of California
MITIGATED NEGATIVE DECLARATION

FILED
 JUN 13 2013

STEPHEN L. VAGNINI
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	California Water Service Company
File Number:	PLN110595
Owner:	California Water Service Company
Project Location:	Intersection of Mesa Road and Pine Canyon Road
Primary APN:	415-031-003-000 and 415-031-004-000
Project Planner:	Luis Osorio
Permit Type:	Use Permit and Design Approval
Project Description:	<p>The project site is owned and operated by the California Water Service Company and is known as "Station 70." The site is part of the Buena Vista Water System operated by the owner/applicant. The site consists of two separate lots (Assessor's Parcel Numbers 415-031-003-000 and 415-031-004-000) and is located in Alta Vista Subdivision No. 1. One lot is vacant and the remaining one contains two groundwater wells, pumping equipment and buildings and six, 8,000-gallon plastic water storage tanks which are used as part of the Buena Vista Water System; this system provides potable water to the properties within the Alta Vista Subdivision and other properties within the approved service area of the system. The project is proposed to address water quality issues and to provide a reliable water supply for emergency, operational and fire flow needs for the users and area within the system. The project was previously considered by the Zoning Administrator who directed the preparation of the Initial Study.</p> <p>The proposed project consists of the following:</p> <ol style="list-style-type: none"> 1) Demolition of all existing facilities and equipment including the destruction of the two groundwater wells per County requirements, removal of the existing plastic water storage tanks and associated piping pumping equipment and concrete foundations; and 2) Rebuilding of the water storage facility including construction of two above ground, welded steel water storage tanks 150,000 and 170,000 gallons in size respectively (one each on the two existing lots), with concrete ringwall foundations and associated piping and grading (approximately 220 cubic yards of cut and 5 cubic yards of fill); construction of a six-foot high solid wood fence along the perimeter of the property (a chain-link fence was originally proposed), a three-foot high concrete retaining wall located generally between the two tanks, an asphalt drainage apron around the tanks and a 20-foot wide driveway on Pine Canyon Road; installation of a hydro pneumatic tank; and removal of four protected (six inches or greater in diameter) and eight non protected (less than six inches in diameter) Coast Live Oak trees. <p>The project will be completed in two phases:</p> <ol style="list-style-type: none"> 1) Grading of the site and construction of the 170,000-gallon tank with concrete ringwall foundation, associated piping and the three-foot high retaining wall; this phase is scheduled for completion in 2013. 2) Destruction of the two existing groundwater wells, removal of the six existing plastic water storage tanks and pumping equipment/building, and construction of the 150,00-gallon tank with concrete ringwall foundation and associated piping.

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

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

Decision Making Body:	Zoning Administrator
Responsible Agency:	County of Monterey
Review Period Begins:	June 14, 2013
Review Period Ends:	July 16, 2013

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA 93901/(831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

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



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: California Water Service Co.

File No.: PLN110595

Project Location: Intersection of Mesa Road and Pine Canyon Road

Name of Property Owner: California Water Service Company

Name of Applicant: California Water Service Company

Assessor's Parcel Number(s): 415-031-003-000 and 415-031-004-000

Acreage of Property: 13,000sq. ft.

General Plan Designation: Residential – Low Density

Zoning District: LDR/B-6-D [Low Density Residential, with Building Site and Design Control Overlays]

Lead Agency: RMA – Planning Department

Prepared By: Luis Osorio – Senior Planner

Date Prepared: June 13, 2013

Contact Person: Luis Osorio – Senior Planner

Phone Number: (831) 755-5177

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The project site is owned and operated by the California Water Service Company and is known as "Station 70." The site is part of the Buena Vista Water System operated by the owner/applicant. The site consists of two separate lots (Assessor's Parcel Numbers 415-031-003-000 and 415-031-004-000) and is located in Alta Vista Subdivision No. 1 (Figure No. 1). One lot is vacant and the remaining one contains two groundwater wells, pumping equipment and buildings and six, 8,000-gallon plastic water storage tanks which are used as part of the Buena Vista Water System; this system provides potable water to the properties within the Alta Vista Subdivision and other properties within the approved service area of the system. The project is proposed to address water quality issues and to provide a reliable water supply for emergency, operational and fire flow needs for the users and area within the system. The project was previously considered by the Zoning Administrator who directed the preparation of the Initial Study.

The proposed project consists of the following:

- 1) Demolition of all existing facilities and equipment including the destruction of the two groundwater wells per County requirements, removal of the existing plastic water storage tanks and associated piping pumping equipment and concrete foundations; and
- 2) Rebuilding of the water storage facility including construction of two above ground, welded steel water storage tanks 150,000 and 170,000 gallons in size respectively (one each on the two existing lots), with concrete ringwall foundations and associated piping and grading (approximately 220 cubic yards of cut and 5 cubic yards of fill); construction of a six-foot high solid wood fence along the perimeter of the property (a chain-link fence was originally proposed); a three-foot high concrete retaining wall located generally between the two tanks, an asphalt drainage apron around the tanks and a 20-foot wide driveway on Pine Canyon Road; installation of a hydro pneumatic tank; and removal of four protected (six inches or greater in diameter) and eight non protected (less than six inches in diameter) Coast Live Oak trees. The project plans are depicted in Figure 2. The tree removal plan is depicted in Figure 4 in Section VI.4 below).

The project will be completed in two phases:

- 1) Grading of the site and construction of the 170,000-gallon tank with concrete ringwall foundation, associated piping and the three-foot high retaining wall; this phase is scheduled for completion in 2013.
- 2) Destruction of the two existing groundwater wells, removal of the six existing plastic water storage tanks and pumping equipment/building, and construction of the 150,000-gallon tank with concrete ringwall foundation and associated piping.

B. Surrounding Land Uses and Environmental Setting:

The project site is located at the corner of Pine Canyon Road and Mesa Road, approximately one mile east of River Road, River Road Area, within the boundaries of the Toro Area Plan. The site is composed of two separate lots and is relatively flat. The site contains water system-related infrastructure in the eastern lot –including water tanks and well and pump facilities– which is part of the Buena Vista Water System. The western lot is vacant. The site is located in a low density residential area and is surrounded mostly by residential development with agricultural/grazing land across Pine Canyon Road. The area and the site are designated as “Visually Sensitive” in the Toro Scenic Highway Corridors and Visual Sensitivity Map of the Toro Area Plan. The vacant lot contains a number of mature and younger Coast Live Oak trees and other tree types.

C. Other public agencies whose approval is required:

The California Water Service Company is classified as a “Public Community Water System” regulated by the California Department of Public Health (CDPH). The proposed modifications and improvements to Station 70 will require an amendment to the existing public water system permit from the CDPH, pursuant to the provisions of Title 22 of the California Code of Regulations. A well destruction permit from the Monterey County Bureau of Environmental Health will also be required.

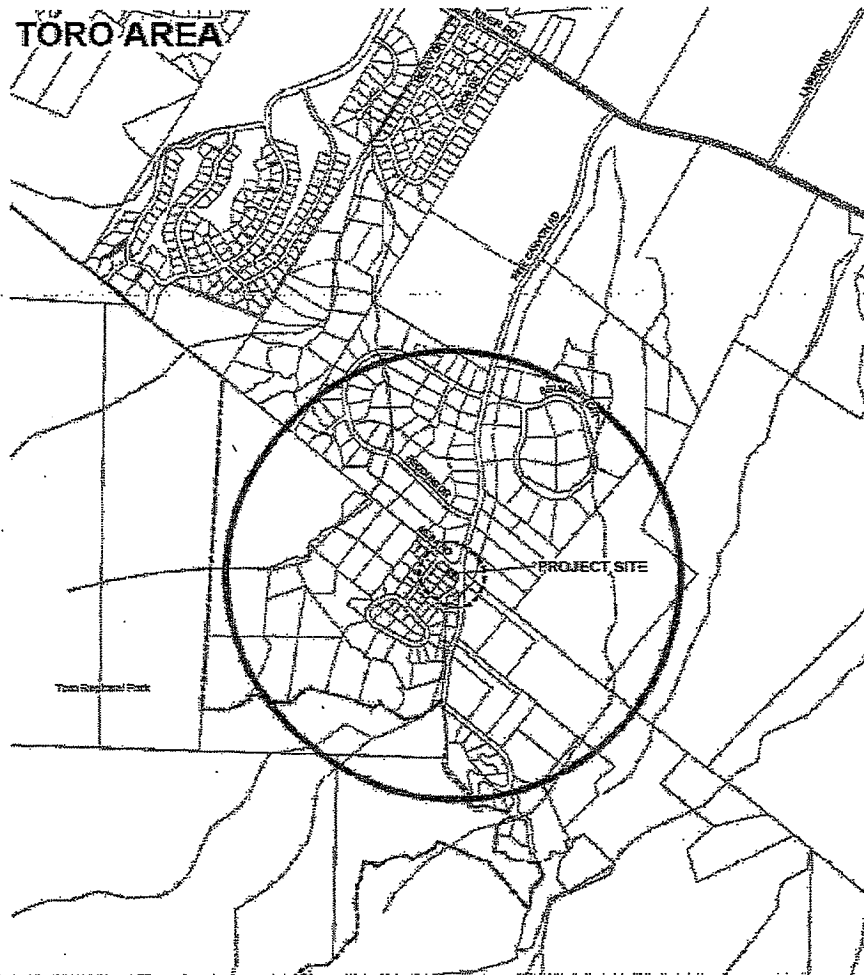
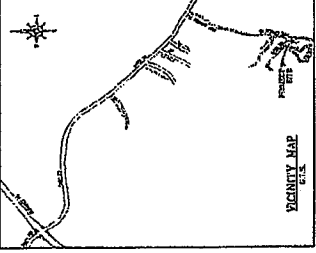


Figure 1: Location Map



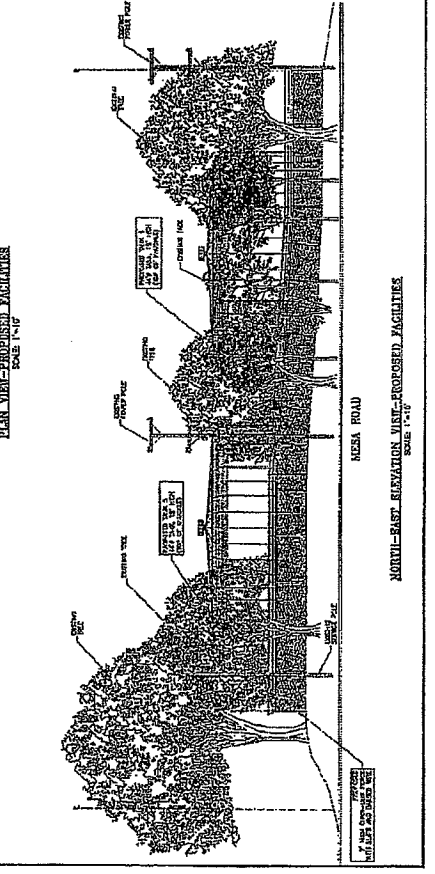
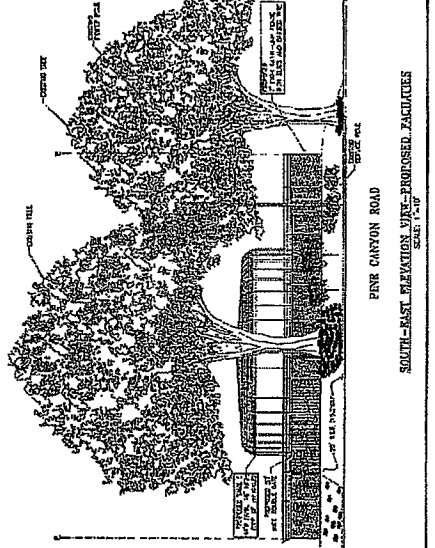
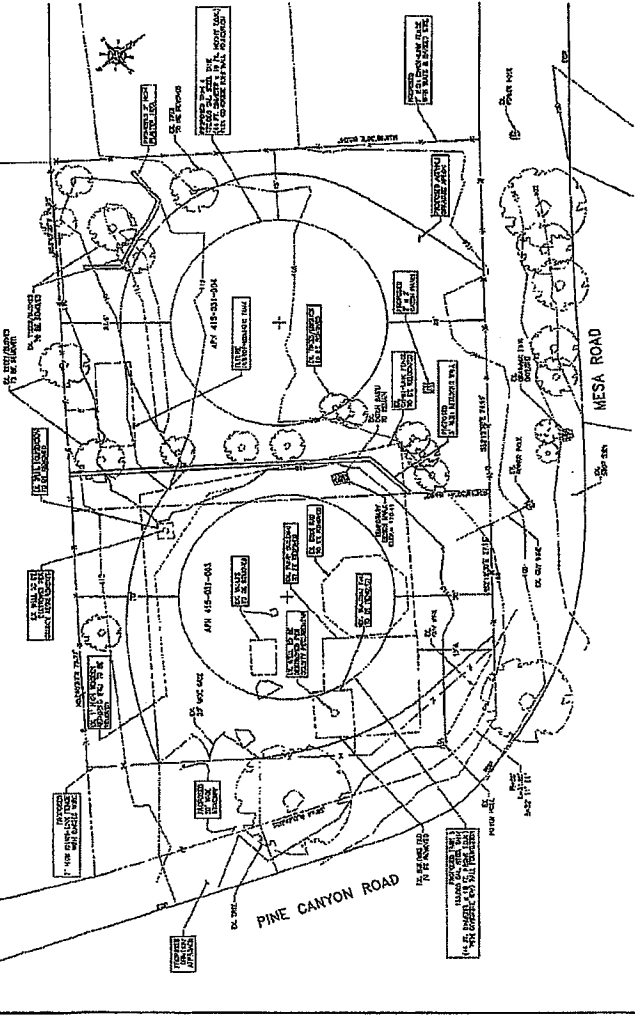
- NOTES:
- ALL PROPOSED WORK IS SHOWN IN BLACK UNLESS OTHERWISE NOTED.
 - EXISTING UTILITIES ARE SHOWN IN RED UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 - ALL PROPOSED WORK IS TO BE COMPLETED BY 12/31/2011.
 - ALL PROPOSED WORK IS TO BE COMPLETED BY 12/31/2011.
 - ALL PROPOSED WORK IS TO BE COMPLETED BY 12/31/2011.

SUBMARY OF WORK

RECONSTRUCT EXISTING STATION 70 AND PROPOSED TANKS 4 AND 6. THIS PROJECT INCLUDES THE RECONSTRUCTION OF THE EXISTING STATION 70 AND THE CONSTRUCTION OF TWO NEW TANKS, TANK 4 AND TANK 6. THE PROJECT ALSO INCLUDES THE RECONSTRUCTION OF THE EXISTING PIPING AND THE INSTALLATION OF NEW PIPING TO SERVE THE NEW TANKS.

LEGEND

PROPOSED WORK	EXISTING UTILITIES
EXISTING WORK	PROPOSED UTILITIES
PROPOSED TANK 4	PROPOSED TANK 6
PROPOSED PIPING	PROPOSED PIPING



5

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

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

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input type="checkbox"/>
Specific Plan	<input checked="" type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

2010 Monterey County General Plan/Toro Area Plan: The project is consistent with the 2010 General Plan and Toro Area Plan policies. The General Plan designates the site as "Rural Residential/Low Density Residential" which accommodates services required to support residential uses (LU-2.34a, General Plan; 21.14.050.Q, Title 21 of the Monterey County Code). The project is not located within the Toro Groundwater Basin, a water source in overdraft (T-1.7, Toro Area Plan). Proposed Oak tree removal (*see Section VI, Biological Resources for details*) has been analyzed by a professional qualified arborist and appropriate measures have been recommended (T-3.6, Toro Area Plan; Chapter 21.64.260, Title 21 of the Monterey County Code). The project is located on a site currently accommodating water tanks, so proposed water tank expansion will not change existing viewsheds. With project conditions to install a landscaping buffer, the project is consistent with T-3.1 of the Toro Area Plan (*see Section VI, Aesthetics for details*). **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of

projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

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

EVIDENCE:

1. Aesthetics: See Section VI.1 for discussion of related issues.
2. Agricultural and Forest Resources: The project site is not designated as Prime, Unique, of Statewide importance, or of Local importance Farmland, and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project will have no impacts to agricultural and forest resources. Tree removal is discussed under Section VI.4 below (Biological Resources). The project parcel is located approximately one-half mile from any grazing or farming land, nor any permitted agricultural uses; therefore, there are no impacts to agricultural and forest resources. (Reference IX; 1, 2, 3, 6, 8)
3. Air Quality: The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and Federal ambient air quality standards (AAQS) within the North Central Coast Air Basin (NCCAB). Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality. It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance.

Based on the PM-10 (Particulate Matter) thresholds identified within the 2008 CEQA Air Quality Guidelines, the proposed water tanks is not subject to MBUAPCD regulations. The project proposes less than 300 cubic yards of grading with construction activates duration of approximately one month. The AQMP takes into account minor impacts related to grading and construction. Therefore, the project will have no impact on implementation of the Air Quality Plan, or expose people to substantial pollutants or objectionable odors. Impacts related to short-term construction activities are considered to be less-than-significant. (Reference IX; 1, 2, 6, 7, 8)

4. Biological Resources: See Section VI.4 for discussion of related issues.
5. Cultural Resources: The project will not impact historic structures, nor will it impact archaeological or paleontological resources. The project site currently is developed with water tanks within a developed residential subdivision. According to the County Resource

Maps (GIS Database), the project area has a low probability of finding cultural resources. The project site is also located over 5000 feet away from the nearest known historic site (Buena Vista Grange). Therefore, the project will not impact cultural resources. (Reference IX; 1, 2, 3, 4, 6, 8)

6. Geology/Soils: Based on County Resources Maps (GIS Database) and Geotechnical Investigation Report prepared for the project, the project is suitable for the proposed site. The proposed water tanks will encounter strong seismic shaking at some point due to the project area being locate 450 feet from a segment of Las Palmas/Rinconada fault. Design and construction recommendations within the geotechnical report are consistent with the 2010 California Building Code. A standard condition of approval will be applied to the project to ensure that all design and construction recommended in the geotechnical report are fully complied with.

Pursuant to the geotechnical report and County resource maps, the project site has a low risk of ground failure, liquefaction, landslides, and erosion hazards. The project does not propose or require a septic system, so the project will not impact septic system area. Therefore, the project will not significantly impact geology/soils.

7. Greenhouse Gas Emission: The proposed development would generate greenhouse gas emission through use of construction equipment and vehicle trips. Use of construction equipment is anticipated to be intermittent and limited to site preparation and some construction activities. Pollutant emissions resulting from heavy equipment use during construction are not anticipated to exceed any significance thresholds or significantly contribute to greenhouse gas effects on the environment. The same applies to the minor addition of vehicle traffic associated with construction.

Based on the anticipated duration of construction activities and minimal amount of grading activities, all of construction-related impacts are anticipated to provide minuscule and nearly immeasurable contributions of greenhouse gases when viewed in connection with the global contributions on a cumulative basis. It is not anticipated that greenhouse gases generated by the proposed project would have a significant impact on the ozone or the environment.

Monterey County does not have an adopted plan for the reduction of greenhouse gases. Preparation of such a plan has begun, but is not yet applicable. Instead, the project is considered in terms of the multiple State and Federal laws passed regarding this subject. It is difficult to implement the goals of the various legislations on a small project-level basis such as this project. Rather climate action plans are being developed, and the Office of Planning and Research (OPR) recommend that each jurisdiction establish their own thresholds of significance. Monterey County has not adopted either a climate action plan or thresholds of significance, but it can be inferred from other agencies, including the California Air Resources Board (ARB) (whose thresholds have been established) and the current environmental practices that the development proposed would not substantially conflict with greenhouse gas reduction planning. Therefore, the project is considered less-than-significant in regards to greenhouse-gas emissions. (Reference IX; 1, 2, 6, 7, 8)

8. Hazardous/Hazardous Materials: The proposed use is directly related to an existing water system and is allowed subject to a use permit (Chapter 21.14.050 Q of the Zoning Ordinance). The project does not involve the transportation, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. There would be no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions, or handle hazardous materials. The site location and scale of the project would not create a significant impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. Therefore, there would be no impact due to hazardous uses or materials on-site. (Reference IX; 1, 2, 3, 4, 9)
9. Hydrology/Water Quality: See Section VI.9 for discussion of related issues.
10. Land Use/Planning: See Section VI.10 for discussion of related issues.
11. Mineral Resources: The nearest mineral resources site is located approximately one-half mile from a known mineral site (Granite Construction). No mineral resources would be affected by the project. Therefore, the proposed project would have no impacts on mineral resources. (Reference XI; 1, 2, 3, 6, 8)
12. Noise: The proposed construction will not expose people to noise levels that exceed standards and would non-substantially increase ambient noise levels. The project site is not located in the vicinity of an airport or private airstrip. Temporary construction activities will comply with the County's noise requirements, as required in the County Code, Chapter 10.60. Therefore, the proposed project would have no significant impacts related to noise. (Reference IX; 1, 2, 5, 6, 8)
13. Population/Housing: The proposed project would not substantially induce population growth in the area, nor displace structures or people due to construction of the water tanks. Therefore, the proposed project would have no impacts related to Population/Housing. (Reference IX; 1, 2, 3, 6, 8)
14. Public Services: Development of the proposed project does not require any public services. The project will have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services. The project has been reviewed by the local Fire District, Water Resources Agency, and the Bureau of Environmental Health. These agencies have determined that existing services and infrastructure serving the site are sufficient for the continuing provision of necessary services and have recommended appropriate conditions of approval accordingly. Therefore, the proposed project will not have a significant impact on Public Services. (Reference IX; 1, 2, 3, 6, 8)
15. Recreation: The project entails the expansion of water tanks that supply water to the surrounding residential subdivision and would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical

deterioration. The proposed project does not include or require construction or expansion of recreational facilities. The project would not create significant recreational demands. Therefore, the project will not have a significant impact on recreation. (Reference IX; 1, 2, 3, 6, 8)

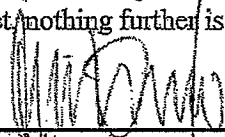
16. Transportation/Traffic: The project proposes to expand existing water storage facilities that are part of an approved water system regulated and permitted by the State of California. The project would generate a small amount of traffic during construction. The applicant has prepared a Construction Management Plan, which addresses parking and construction staging areas. The project would not change air traffic patterns, or increase traffic levels. It would not substantially increase hazards due to a design failure, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation. The RMA - Public Works Department has reviewed the project and has determined that the project will not significantly impact traffic or transportation in the project area. Therefore, the proposed project will not significant impact transportation or traffic. (Reference IX; 1, 2, 3, 6, 8)
17. Utilities: The proposed project includes expansion of existing water storage facilities which are part of a water distribution system regulated by the State of California. The water supply for the water system has been approved and is regulated by the State; per the provisions of Section 1.9 of General Order 103-A of the Public Utilities Commission of the State (Reference 12), the County is "preempted from regulating water production, storage, treatment, transmission, distribution, or other facilities constructed or installed by water or wastewater utilities subject to the Commission's jurisdiction." No expansion of the existing stormwater facilities would be required to accommodate the stormwater runoff generated by the project (Reference 13 - Review by the Water Resources Agency). Therefore, the proposed project will not significantly impact related Utilities and Service Systems. (Reference IX; 1, 2, 3, 6, 8, 12, 13)

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Luis Osorio - Senior Planner

June 13, 2013

Date

V. *EVALUATION OF ENVIRONMENTAL IMPACTS*

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

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

Discussion/Conclusion/Mitigation:

a) The project site is not located in a scenic vista.

b, c) The subject site consists of two separate lots located at the intersection of Mesa Road and Pine Canyon Road which have been used historically for water related facilities. The site is not located nearby or within an "Officially Designated" or "Eligible State Scenic Highway-Not Officially Designated" state scenic highway. The site is located an area designated as "visually sensitive" in the Toro Scenic Highway Corridors and Visual Sensitivity Map; this visually sensitive area encompasses a large portion of the Toro Area Plan and was designated with the intent of protecting the remaining visual assets within it. The area is residential in nature. As such, the site is surrounded by single-family dwellings on two sides. Sizeable Coast Live Oak trees on both street sides buffer the visibility of the site. While the proposed water tanks are not residential per se, they are a part of needed water provision facilities and its development is allowed subject to a use permit and a design review application to regulate location and colors and to make sure that the development does not negatively affect the neighborhood.

One of the parcels is already developed with facilities (water tanks) similar to the proposed project in terms of bulk. Development of one of the proposed water tanks on this parcel would not result in additional visual impacts compared to the existing development (baseline). The second tank would be located on a vacant parcel. While the tank does not constitute residential development, it would be similar in bulk to a residential dwelling that could be developed on the property and its visibility would be similar to that of a dwelling. The tank would be painted in a "Tan" color that blends well with the natural state and visual character of the site. An originally proposed chain-link fence along the site boundary would be substituted with a wooden fence, which would blend better with the character of the neighborhood and would diminish the visibility of the tanks. A condition of approval is required to provide substantial additional landscape buffering which, along with existing natural vegetation, would reduce the visibility of

both tanks from the public viewing areas (streets). Therefore, the project would not result in significant visual impact on the visual resources of the site or surroundings.

The proposed project would be consistent with the provisions of Policy T-3.1 of the Toro Area Plan which require that within areas designated as "visually sensitive" in the Toro Scenic Highway Corridors and Visual Sensitivity Map, landscaping or new development may be permitted if development is located and designed in such a manner that will enhance the scenic value of the area.

d) Only minimum outdoor lighting required for security is proposed. This lighting must be down lit and unobtrusive to assure that it does not affect the neighboring properties.

Figure 3: View of the Site



Figure 3.A; View of the Site



2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 2 for discussion)

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 3 for discussion)

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 2, 3, 6, 8, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 2, 3, 6, 8, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 2, 3, 6, 8, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 2, 3, 6, 8, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 2, 3, 4, 6, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 2, 3, 6, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The project includes the removal of four (4) Coast Live Oaks exceeding six inches in diameter including one 24-inch diameter Oak and the removal of an additional number of Coast Live Oak trees less than six inches in diameter. Policy T-3.7 of the Toro Area Plan discourages the removal of healthy, native oak trees. Section 21.64.260.C.1, Title 21 of the Monterey County Code, requires permit for the removal of oak trees six inches or more in diameter two feet above the ground level within the Toro planning area. Section 21.64.260.D of the Zoning Ordinance requires that a Forest Management Plan or arborist report must be prepared by a professional qualified consultant and three findings must be made to allow removal of Oak trees larger than six inches in diameter as follows:

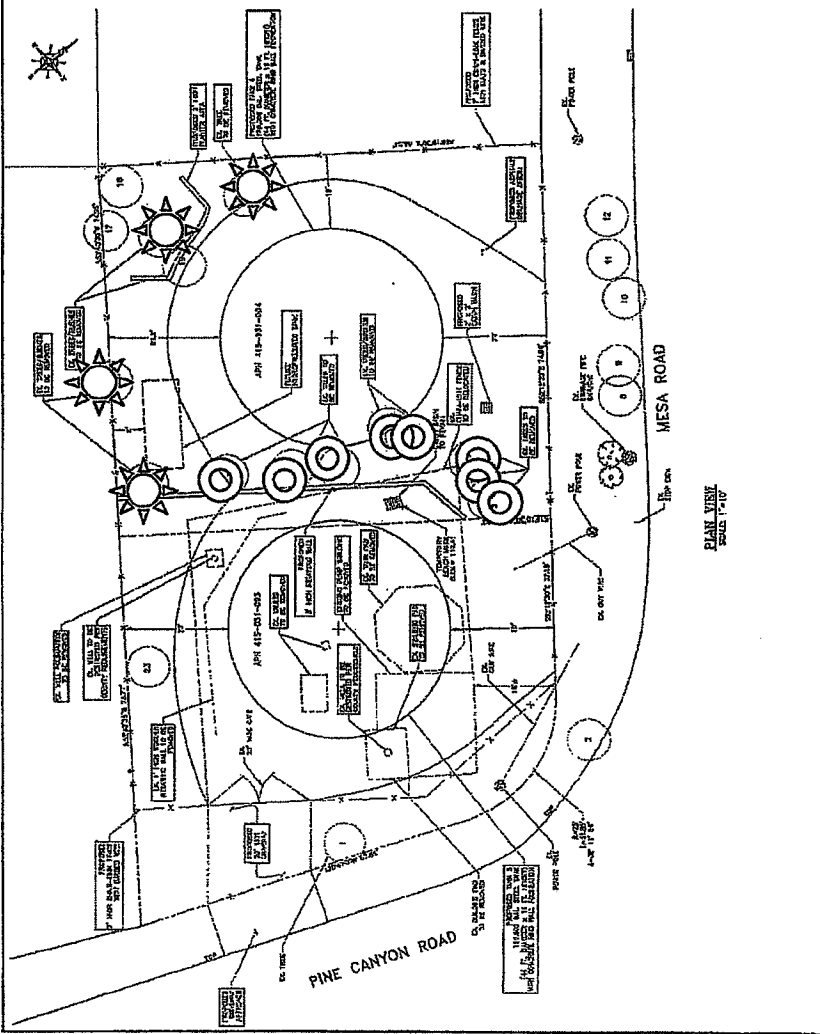
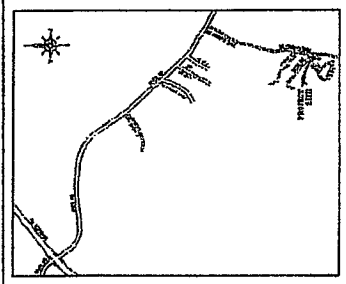
- a) The tree removal is the minimum required under the circumstances of the case; and
- b) The removal will not involve a risk of adverse environmental impacts such as erosion control, water quality, ecological impacts, noise pollution, air movement, or wildlife habitat; and
- c) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, creates unsafe vision clearance, or is likely to promote the spread of insects or disease.

(a) & (e) Less than Significant:

The arborist report (Reference 9) was prepared analyzing all 23 trees on the properties (see tree removal table below). Of the 23 trees, 17 were Coastal Live Oaks which are a protected species according to County policies and regulations. The project proposes to remove 12 Coast Live Oak trees which are a protected tree species and a number of non-protected trees. Of the 12 Oaks proposed for removal, four are six inches or larger in diameter (tree nos. 15, 16, 20 & 21) and eight are less than six inches in diameter (tree nos. 3, 4, 5, 6, 7, 13, 14 & 22). The table below indicates the existing trees and highlights the trees proposed for removal. The location of the trees is shown on Figure No. 5 below.

PROPOSED TREE REMOVAL				
Tree No.	Species	DBH	Condition	Status
1	Monterey pine	47.6"	fair	remain on-site
2	Monterey pine	15.6"	fair	remain on-site
3	Coast live oak	4.8"	fair	remove
4	Coast live oak	4.8"	fair	remove
5	Coast live oak	5.1"	fair	remove
6	Coast live oak	4.8"	fair	remove
7	Coast live oak	4.3"	fair	remove
8	Coast live oak	15.6"	fair	remain on-site
9	Coast live oak	20.3"	fair	remain on-site
10	Coast live oak	8.2"	poor (dead)	remain on-site
11	Coast live oak	11.1"	fair	remain on-site
12	Coast live oak	14.5"	poor	remain on-site
13	Coast live oak	4"	fair	remove
14	Coast live oak	4"	fair	remove
15	Coast live oak	18.3"	fair	remove
16	Coast live oak	14"	poor	remove
17	Olive	6"	fair	remain on-site
18	Olive	4"	fair	remain on-site
19	Black locust	3"	good	remove
20	Coast live oak	24"	poor (dead)	remove
21	Coast live oak	20"	poor (dead)	remove
22	Coast live oak	6.4"	fair (impacted by fence)	remove
23	Pittosporum	8"	good	remove

* The tree numbers correspond to the tree analysis in the Arborist Report dated May 7, 2012 (Reference IX, 9)



FUEL MANAGEMENT PLAN NOTES:

1. SHOWS THE FUEL MANAGEMENT PLAN FOR THE PROPOSED TANKS AND FUEL MANAGEMENT PLAN.
2. THE FUEL MANAGEMENT PLAN IS BASED ON THE EXISTING TREE SURVEY AND THE PROPOSED TANKS.
3. THE FUEL MANAGEMENT PLAN IS BASED ON THE EXISTING TREE SURVEY AND THE PROPOSED TANKS.
4. THE FUEL MANAGEMENT PLAN IS BASED ON THE EXISTING TREE SURVEY AND THE PROPOSED TANKS.
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7. THE FUEL MANAGEMENT PLAN IS BASED ON THE EXISTING TREE SURVEY AND THE PROPOSED TANKS.
8. THE FUEL MANAGEMENT PLAN IS BASED ON THE EXISTING TREE SURVEY AND THE PROPOSED TANKS.
9. THE FUEL MANAGEMENT PLAN IS BASED ON THE EXISTING TREE SURVEY AND THE PROPOSED TANKS.
10. THE FUEL MANAGEMENT PLAN IS BASED ON THE EXISTING TREE SURVEY AND THE PROPOSED TANKS.

Figure 4: Proposed Tree Removal Note: Oaks larger than six inches are shown with a and less than six inches with a California Water Services Co. Initial Study PLN110595

Staff believes that minor adjustments can be made to the Site Plan to avoid the removal of one of the larger trees proposed for removal (Tree No. 15 on the Site Plan); this would result in the removal of only three Oak trees larger than six inches in diameter. Planting of replacement of the other trees larger than six inches in diameter is required as a condition of project approval (See tree replacement condition below). In addition, in consultation with the project Arborist, staff determined that the replanting on the site of the eight oak trees less than six inches in diameter is a preferable option than their removal consistent with the provisions of Policy T-3.7 of the Toro Area Plan. The replanting is also consistent with the provisions of Section 21.64.260 D 4 of the Zoning Ordinance, which requires potential relocation/replanting of trees as a consideration of project approval.

A condition of approval will be applied to the project requiring the preparation of a tree relocation and replacement plan to identify replanting locations and monitoring actions to assure the long-term survivability of the relocated trees. In addition, the following recommendations by the arborist and biologist will be applied to the project as conditions of approval since they are standard requirements required by the County for projects of this nature:

- Tree Replacement (Section 21.64.260.D.4, Title 21 of the Monterey County Zoning Ordinance)
 - After construction activities have ceased, the forester shall identify a suitable location for planting a minimum of three Coast live oaks to provide a 1:1 removal to replacement ratio. To compensate for the removal of the 24 inches-in-diameter Coast live oak, three additional Coast live oaks shall be planted (3:1 replacement ratio). Replacement trees shall be maintained for a minimum of seven years, with the plantings achieving 80% survival each year.
 - The imported trees on this site will require irrigation during the warm season months. Some irrigation may be required during the winter months depending on the seasonal rainfall.
- Tree Protection (Policy T-3.7, Toro Area Plan)
 - Prior to any site construction, delineate the outer edge of the work area with plastic construction fencing to delineate the approved work area and minimize inadvertent damage to adjacent woodland vegetation.
 - Tree protection zones should be established and maintained throughout the entire length of the project. Fencing for the protection zones should be 4 foot tall orange plastic supported metal poles or stakes pounded into the ground. The support poles should be spaced no more than 10 feet apart on center. The location for the protection fencing should be as close to the dripline as possible still allowing room for construction. Signs should be placed on fencing signifying "Tree Protection Zone – Keep Out". No materials or equipment should be stored or cleaned inside the tree protection zones. Areas outside the fencing but still beneath the dripline of protected trees, where foot traffic is expected to be heavy, should be mulched with four to six inches of chipper chips. The spreading of chips will help to relieve compaction and improve the soil structure.

- An arborist shall monitor tree limbing and ground disturbance activities to ensure that the tree protection measures are implemented and, if necessary, identify additional site actions to avoid injury to tree roots.
 - Any roots to be cut should be monitored and documented. Large roots or large masses of roots to be cut should be inspected by the site arborist. The site arborist may recommend fertilizing or irrigation if root cutting is significant. Cut all roots clean with a saw or loppers. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist.
 - Trenching for irrigation, electrical, drainage or any other reason should be hand-dug when beneath the driplines of protected trees. To reduce root loss hand-dig and carefully laying pipes below or beside protected roots. Trenches should be back-filled as soon as possible with native material and compacted to near its original level. Trenches that must be left exposed for a period of time should also be covered with layers of burlap and kept moist. Plywood over the top of the trench will also help protect exposed roots below.
 - Normal irrigation should be maintained throughout the entire length of the project. Mulching the root zone of protected trees will help the soil retain moisture, thus reducing water consumption. The native oaks generally do not need warm season irrigation unless their root zones have been traumatized.
- Sudden Oak Death Prevention (Policy OS-5.10, 2010 Monterey County General Plan)
 - During tree limbing and tree removal, workers shall implement measures to clean and disinfect tree cutting materials/tools to prevent the spread of SOD. The arborist shall provide training to tree workers about preventative measures.
 - Bird Nesting Season (Policy OS-5.25, 2010 Monterey County General Plan)
 - Conduct vegetation removal outside of the general nesting season of birds (March 1 – August 31) to remove potential nesting habitat and discourage use of area by nesting birds; or
 - In the event that scheduled work is within the nesting season, a qualified wildlife biologist should conduct a nest survey, prior to ground disturbance or vegetation removal. If an active nest is observed, create a 60-foot buffer surrounding the nests, using orange construction fencing. Proceed to work around the nest, returning to complete vegetation removal after the nestlings have fledged, as determined by the monitoring biologist. If no nests are found, then grading and vegetation removal should proceed immediately (within two weeks) to avoid the need for additional surveys.

A biological report (Reference 11) was prepared to identify if the project, including tree removal, would impact environmentally sensitive habitat on the properties or surrounding area. The project site and surrounding area was surveyed based on a list of potential special-status plant and animal species recognized by the California Department of Fish and Game, U.S. Fish and Wildlife Service and California Native Plant Society. Based on the survey, the area is considered oak woodland previously disturbed by residential development. The project site contains two Monterey pine trees, which California Native Plant Society lists as a 1B species (rare), but the pines were planted, are no native to the area and would be retained.

With the recommended conditions only tree protected Oak trees would be removed all which are in poor condition. Therefore, the findings for the removal required by the Zoning Ordinance can be made and the impacts from the removal would be less than significant.

(b), (c), (d) & (f) No Impacts:

Based on the project being located within an established residential subdivision, and with associated arborist and biological reports prepared for the project, the project will not impact riparian habitat, wildlife corridors or wetlands, nor will the project conflict with any protection policies or conservation plans.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 2, 3, 4, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 2, 3, 6, 8, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(See Section VI, Evidence No. 5 for discussion)

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 6, 10) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 2, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 1, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion/Conclusion/Mitigation: (See Section VI, Evidence No. 6 for discussion)				

7. GREENHOUSE GAS EMISSIONS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 6, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion/Conclusion/Mitigation: (See Section VI, Evidence No. 7 for discussion)				

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(See Section VI, Evidence No. 8 for discussion)

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: : 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source: : 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: : 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a-b) The proposed water tanks are part of the Buena Vista Water System. The system is a public community water system regulated by the California Department of Public Health (CDPH). The quantity and quality of the water used for the system is regulated through permits from the CDPH and is not a part of the review of the use permit for the tanks neither subject to review by the County as part of the subject application. (See Reference 12)

c, d, e): Development of the project would include approximately 220 cubic yards of excavation and approximately 5 cubic yard of engineered fill to level the site for the installation of the water tanks. Most of the excavation would take place on the vacant parcel. The grading of the site would not alter the predevelopment conditions in a manner that would produce erosion or significantly alter existing drainage patterns. Development of the project would result in the generation of additional stormwater runoff. The stormwater would be collected through on-site catch basins and directed to off-site, on-street stormwater collection facilities. The review of the application by the Water Resources Agency does not indicate that these facilities are insufficient to accommodate the stormwater. A drainage plan will be required as a condition of project approval to be reviewed and approved by the Water Resources Agency. The drainage plan would have to comply with applicable standards. A grading permit would be required which would contain standard erosion control measures during and after grading. No other impacts from the grading on stormwater drainage have been identified by the Water Resources Agency or other agencies that would require additional conditions. There are no streams or natural drainage areas on the site.

f, g, h, i, j) The project would not degrade water quality. The project does not include any housing units. The project site is not designated in any designated 100-year flood hazard area. The proposed water tanks would be constructed per specifications of the State building code, which address structural fitness of the tanks to prevent their failure and potential flooding impacts.

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 4, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

- a) The project, as proposed, will not physically divide an established community, nor will it conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding environmental effect. The project will not conflict with any applicable habitat conservation plan, or natural community plan. Therefore, there is no impacts to land use/planning.
- b) The project site consists of two separate lots. One of the lots contains two water wells, pumping equipment and six, 8,000-gallon plastic water storage tanks which are part of the Buena Vista Water System that provides potable water to the surrounding residential subdivision and other areas within its approved service area. The remaining lot is vacant. The site (one of the subject parcels) has been used for water storage and other water system facilities historically.

The General Plan designates the site as "LDR/1" or Low Density Residential, One Acre per Unit; Policy LU-2.34.a of the General Plan states that low density residential areas are appropriate for public and quasi-public activities incidental and subordinate to the residential use; the proposed water tanks are part of a public water system regulated and permitted by eh State of California. The site is zoned "LDR/B-6-D" (Low Density Residential with Building Site and Design Review Overlay Districts). The regulations of the Low Density Residential Zoning District (Chapter 21.14.050 Q of the Zoning Ordinance) allow development of water system facilities including storage tanks subject to review and approval of a use permit application. These regulations anticipate the need for the construction of these facilities in residential areas as part of needed infrastructure. The purpose of the regulations of the Design Control District is "to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences... where the design of such structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property."

The proposed water tanks would be comparable in size/bulk, location, and height to residential units that could be developed on the two existing lots of record. The colors of the tanks would blend well with the existing conditions of the site. A wooded fence along the site boundary has been substituted for an originally proposed chain-link fence. The fence would block substantially block the visibility of the tanks from the streets. Additional

buffering landscaping would be required as a condition of project approval to diminish the view of the project and to make it consistent with the residential character of the site.

- c) There are no adopted habitat conservation plan or natural community conservation plan for the area where the project site is located.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 11 for discussion)

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. NOISE		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 12 for discussion)

13. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 13 for discussion)

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Police protection? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities? (Source: 1, 2, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 14 for discussion)

15. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 15 for discussion)

16. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 16 for discussion)

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
(See Section VI, Evidence No. 17 for discussion)

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 6, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: Discussion elsewhere in the Initial Study) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) Based on the conclusions of the arborist report and the biological assessment prepared for the project, the project would not reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. There are no identified historical resources on the property and the recommended conditions of approval requiring tree replacement and relocation would assure that there are no significant impacts on the condition of the site.

(b) No cumulative impacts were identified in the Initial Study. There are no other projects in the area which development would add to the identified less-than significant impacts of the project.

(c) The proposed project would result in less-than significant impacts on Aesthetics, Hydrology and Water Quality, Land Use and Planning, and Utility and Service Systems.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

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

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

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

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

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN110595 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application/Plans for PLN110595
2. 2010 Monterey County General Plan
3. Toro Area Plan
4. Title 21 of the Monterey County Code (Zoning Ordinance)
5. Chapter 10.60 of the Monterey County Code
6. Monterey County GIS Database/Accela Permit System
7. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008
8. Site Visit conducted by the project planner on November 14, 2012

*California Water Services Co. Initial Study
PLN110595*

9. "Arborist Report" (LIB120380) prepared by Kielty Arborist Services, San Mateo, CA, May 7, 2012
10. "Geotechnical Investigation" (LIB120382) prepared by Cotton, Shires and Associates, Inc., Los Gatos, CA, May 2012
11. "Biological Assessment – Station 70 Rebuild, Proposed Tanks 4 and 5, Pine Canyon Road, Monterey County" (LIB120381) prepared by Bryan Mori Biological Consulting Services, Watsonville, CA, June 26, 2012
12. "General Order 103-A, Rules Governing Water Service, Including Minimum Standards for Operation, Maintenance, Design and Construction," Public Utilities Commission of the State of California, September 10, 2009
13. Review of the application by other County Agencies.
14. "Traffic Management Plan" prepared by the applicant.



Exhibit G
Comments on
Negative Declaration

Novo, Mike x5192

From: Michael Weaver [michaelweaver@mac.com]
Sent: Tuesday, July 16, 2013 2:23 PM
To: Novo, Mike x5192; Onciano, Jacqueline x5193; Osorio, Luis x5177
Subject: re: PLN110595
Attachments: PLN110595.doc

Please find attached a CEQA response to:

Notice of Intent to Adopt a Negative Declaration
Project Title: California Water Service Company
File Number: PLN110595
Project Location: Intersection of Mesa Road and Pine Canyon Road
Primary APN: 415-031-003-000 and 415-031-004-000
Project Planner: Luis Osorio
Permit Type: Use Permit and Design Approval

If for some reason the attachment will not open
please call me and I can fax it to you.

Thank you,
Mike Weaver
831-484-6659

Monterey County Planning Department
c/o Mike Novo, Director of Planning
Jacqueline Onciano, Zoning Administrator
Luis Osorio, Project Planner
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Re: Notice of Intent to Adopt a Negative Declaration
Project Title: California Water Service Company
File Number: PLN110595
Project Location: Intersection of Mesa Road and Pine Canyon Road
Primary APN: 415-031-003-000 and 415-031-004-000
Project Planner: Luis Osorio
Permit Type: Use Permit and Design Approval

July 16, 2013

Dear Mr. Novo, Ms. Onciano, and Mr. Osorio,

Following are CEQA comments regarding the above referenced project. I have several concerns. These concerns include factors of Population/Housing, Public Services, Utilities/Service Systems, and Water.

Due to following numerous concerns it is appropriate further environmental analysis be done and E.I.R be prepared. I request it.

1) The staff report prepared for the Zoning Administrator Hearing on February 28, 2013 was prepared and then signed on February 8, 2013. It describes a project, and on page 2 of this report, states:

"Water for the site is provided by the California Water Service Company (CalWater) and will be used to provide a more reliable potable water source for properties already receiving this service and added capacity for fire suppression in the area. The proposed **project does not include any changes in the amount of water use or number of connections in the Buena Vista Water System which are already regulated and approved by the California Department of Public Health (CDPH) under existing permits for the utility. (Bold emphasis is mine)**

Any additional water production of increase in the number of connections would be subject to review and approval by the CDPH.

Other Agency Involvement (agencies and departments reviewing this project, and apparently this staff report), include:

RMA-Public Works, Environmental Health Bureau, Water Resources Agency, MCRFPD

1a) I find the February 28, 2013 staff report project description to be insufficient because according to responses to questions of the CDPH, the issue with the California Water-Buena Vista Water System was what is called a system "consolidation" with another larger system.

This "Consolidation", according to the Monterey Office of the CDPH was approved by them in April 2013. This was based on an application submitted to them earlier. Further, this Consolidation of water systems now removes the Monterey County Environmental Health Bureau as the regulator of the Buena Vista Water System.

1b) Who provided information to the Project Planner? Why was the above information not fully disclosed? Why aren't copies of the recent CDPH application part of this record? Did the Monterey County EHB request this "Consolidation"? Who is the point person from the Monterey County EHB that may have requested this, and why? When was this? Did the CDPH request this, or were they sent an application to process? Was this information shared with Public Works, MCWRA, and MCRFPD?

2) The February 28, 2013 Zoning Administrator staff report states, on page 3: "The proposed project was not referred to any advisory committee. The project consists of improvements to existing facilities on the site that are related to an already established and approved water system and it does not raise any significant land use issues."

However, the project appears to be a piece-meal one.

2a) On February 28, 2013, after receiving correspondence and a taking testimony at the ZA hearing, the Zoning Administrator made the decision that the project would need an Initial Study and that the project would be referred to the Toro Land Use Advisory Committee for review. I'd like to thank the Zoning Administrator for that decision.

2b) There follows some information learned since the ZA Hearing. Again, this February 28, 2013 staff report may be construed as incomplete and possibly misleading because of both the project description and the project purpose. The project proposes new storage tanks almost six times larger. It proposes the destruction of two existing water wells on site. The destruction of existing wells is apparently due to iron content (hardness and taste) and not any arsenic, nitrate, or coliform issues (?). And the project is now connected and part of the Las Palmas and Indian Springs subdivisions, among others. It is a consolidation involving over 1800 residential households. The Consolidated system, of which Buena Vista has been added, has as its water source, well or wells on property next to the Salinas River. The Buena Vista service area has been expanded. These are significant land use issues. What are the impacts of drawing additional water from the Salinas River? Where does Toro Park Estates, Serra Village, Toro Hills and Creekside get their water?

2c) My understanding is the current service connection customers on the Buena Vista Water System were never notified that their local water system owned by CalWater, was being consolidated with, and into, a much larger system and geographical area. Why? I know this because I spoke with two of the current Buena Vista customers.

2d) California Water has issued a Can & Will Serve letter to the developers of the large

proposed Ferrini Ranch Subdivision, currently being processed by the Monterey County Planning Department. This raises significant land use issues. Among others, it is going to require additional water tank storage capacity. When asked, the CDPH states it did not receive a copy of the DEIR for the Ferrini Ranch.

2e) The current large water storage tank on the hill atop Las Palmas Ranch properties was installed years ago outside of normal Planning Department approval channels. This tank and that Las Palmas Subdivision were subjects of the Leeper Lawsuit of year 2000. This lawsuit was regarding the County's handling of Conditions of Project Approval and Mitigation Measures.

Was that large storage tank ever issued a Use permit by Monterey County? When was it issued? Was it for Las Palmas Ranch or a larger system?

The systems are now interconnected. What is the water storage capacity of the large storage tank above Las Palmas Ranch?

What is the storage capacity of other storage tanks on the CalWater system?

This system is referred to as the Salinas Hills System.

3) The proposed height of the replacement storage tanks of Buena Vista exceed the allowable height limit of the District. That allowable height limit is 15-feet. Reference language from another storage tank issue in the Toro Area of Monterey County:

"a Use Permit pursuant to 21.62.030.B in order to exceed the 15 foot height limitation of the district to allow a water tank of 18 feet high"

3a) Follows is from Monterey County regarding height. Note the proposed height of the project is not only 18-feet but also to include accessory structural elements atop the 18-feet that will add an additional 2 to 3 feet of height.

21.62.030 HEIGHT.

A. Chimneys, vents, and mechanical appurtenances may be erected to a greater height than the limit established for the district in which the structure is located.

B. Towers, poles, water tanks, and similar structures may be erected to a greater height than the limit established for the district in which they are to be located, subject to securing a Use Permit (ZA) in each case. Local distribution poles for public utilities shall be allowed in all districts and to greater heights than allowed for the districts without a Use Permit.

C. Any structure in any Commercial or Industrial District may be erected to a greater height than the limit established for the district in which the structure is to be located; provided that the cubical contents of the structure shall not be greater than that possible for a structure erected within the height limit and provided the design, exterior lighting,

siting and landscaping plan for the project is approved by the Planning Commission.

D. Any accessory structure structurally attached to the main structure shall be allowed the same height as the main structure.

4) Attached is a portion of the Kleinfelder Report related to a proposed 870-acre housing subdivision development in the Toro Area of Monterey County called the Ferrini Ranch. The Ferrini Ranch is on the east side of Highway 68 between River Road and San Benacio Road I have highlighted below, in blue, a statement from this Kleinfelder Report indicating approval of an expanded service area map for California Water Company is necessary. Expanding service areas often requires capacity enhancement.

.....

4a) BACKGROUND

The Ferrini Ranch property is located within the California Water Service Company (Cal Water) service area which will serve water to the proposed development. In a letter dated November 23, 2004 (Appendix E), Mr. Michael Jones of Cal Water states that "Cal Water will provide service for domestic use and fire protection (for the Ferrini Ranch Subdivision) pending approval of the service area map by the Public Utilities Commission."

74732/REPORT (SJO8R258) nb Page 43 of 92 July 14, 2008

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In discussions with Mr. Jim Smith of Cal Water on February 21, 2007, he indicated that water delivered to the proposed Ferrini Ranch subdivision probably will be provided by boring under Highway 68 and connecting to a water line that services the El Toro residential development on the north side of the highway. However, he also stated that an engineering study would need to be completed before a specific water route could be identified. He indicated that water would not be derived from the Salinas Groundwater Basin. He further indicated that of the four wells in the El Toro development, three have been "lost" due to high arsenic content and the fourth well was no longer used because its efficiency had dropped to an uneconomical level. The water that is provided to the El Toro development and that will be provided to the Ferrini Ranch subdivision will be collectively sourced from Cal Water's system wells that are located within the El Toro water basin between River Road and Indian Springs.

Mr. Smith stated that, based on his understanding, application of Zone 2c requirements should not affect groundwater use at the Ferrini Ranch property. Mr. Howard Franklin of the Monterey County Water Resources Agency (MCWRA) indicated that he did not know about possible influence of Zone 2c requirements to the site. The Salinas Valley Water Project web page of the MCWRA does not show the El Toro area to be impacted by zone requirements within the Salinas Groundwater Basin.

A study to reevaluate and update the El Toro groundwater basin has recently been contracted by the MCWRA. We have contacted the investigators for that study and have been told that the study is not far enough along to add new or relevant information

Page 5

to the Ferrini Ranch project.

5) Attached please find questions, and responses to these questions, from the CDPH, Monterey Branch, Drinking Water Division, located in Ryan Ranch.

CDPH
c.o. Jan Sweigert

July 12, 2013

Hello Jan Sweigert,

Thanks for the responses. This raises five more quick questions:

1) Does this consolidation now remove the Monterey County EHB from oversight of the Buena Vista Area? Yes

2) I am not asking for the location, but rather what size new storage tanks were reported to the CDPH? We have not received plan drawings or an application for a permit amendment for new tanks on the Salinas Hills system.

3) Did CalWater report to the CDPH the Can & Will Serve Letter they recently issued to the Ferrini Ranch? Documentation and Permit Amendment is only required if proposed expansion increases number of connection by 20%.

4) Did CalWater provide a copy of the (Draft) Negative Declaration prepared by Monterey County regarding this Buena Vista system and proposed new larger storage tanks to the CDPH for their review and/or comment? No. Such documentation would be provided at the time an application for a permit amendment is submitted.

5) Has the CDPH received a copy of the DEIR for the proposed
Page 6

Ferrini Ranch Subdivision development that lists Cal Water as the
water supply source for the subdivision? No.

On Jul 12, 2013, at 11:41 AM, Sweigert, Jan (CDPH-DDWEM)
wrote:

Please see responses below.

Jan R. Sweigert, P.E.

District Engineer

CA DPH Drinking Water Program - Monterey District

ph: 831-655-6934 fax: 831-655-6944

-----Original Message-----
From: Michael Weaver
[mailto:michaelweaver@mac.com]
Sent: Thursday, June 27, 2013
4:12 PM
To: Sweigert, Jan (CDPH-DDWEM)
Subject: California Water-
Buena Vista Water System

Dear Jan Sweigert,

There is an issue with the Buena Vista Water System in the Toro Area
of Monterey County.

It is a system that has been around for quite awhile. It was formerly
owned by the Adcock's.

A current project application to Monterey County describes the
proposed destruction of two existing water wells. Apparently the iron
content in the water is high. There is to be a substitution of another
water source, which is a well or wells somewhere near River Road.
This well or wells has become part of the current system. This system
has been tied in to a neighboring system(s).

This system has expanded to be inclusive of other residential areas. Unknown at this time are the boundaries of the current approved
Page 7

service area, or a proposed expansion, if any. This system is under the purview of the CDPH and will require an amendment.

I do not want locations of wells or tanks, I am asking for other information.

My questions are the following. :

- 1) Is this system transitioning from the Monterey County EHB to the CDPH?

System was consolidated with the California Water Service Company Salinas Hills system.

- 2) What are the current number of service connections?
Consolidated system serves 1,810 connections.

- 3) What are the boundaries of the current service area?
Consolidated system serves the Las Palmas, Toro Park Estates, Indian Springs, and Buena Vista areas.

- 4) Is the service area expanding?
Not to our knowledge.

- 5) Is there an application pending before the CDPH?
Permit to add the wells serving the Buena Vista area to the CWSC Salinas Hills WS as a result of the consolidation was issued in April 2013.

- 6) Is there an application for an environmental categorical exemption?
No.

Thank you,

Mike Weaver
831-484-6659

Page 8

6) Attached please find correspondence from the California Public Utilities Commission. Among other things the CPUC representative states that CalWater submitted an application for two 120,000 gallon water storage tanks (Buena Vista, total 240,000 gallons), whereas the application to the County of Monterey is for two tanks, a 150,000 and a 170,000 gallon tanks, a significant increase in sizes.

.....

From: adam.thaler@cpuc.ca.gov
Subject: RE: Inquiry re: California Water Service -Salinas offices
(Monterey County)
Date: April 23, 2013 3:21:55 PM PDT
To: michaelrweaver@mac.com
Cc: james.booth@cpuc.ca.gov

Mr. Weaver,

Cal Water requested two - 120,000 gallon storage tanks for the Buena Vista System. Cal Water also requested \$400,000 to purchase a parcel of land on the top of the hill to construct a small storage tank to take care of the pressure problem for the 5 house on Trimble Lane. Please see DRA's recommendations regarding this project on pages 7-35 to 7-37 in the attached DRA's RO report for Salinas district.

See attached DRA's Results of Operations Report with its analysis and recommendations pending before the Commission.

-----Original Message-----

From: Michael Weaver [mailto:michaelrweaver@mac.com]
Sent: Tuesday, April 23, 2013 3:12 PM
To: Thaler, Adam
Cc: Boothe, James A.
Subject: Re: Inquiry re: California Water Service -Salinas offices (Monterey County)

Mr. Thayler,

Thank you for the response. The issue came up because CalWater is currently processing an application in Monterey County for larger water storage tanks in Page 9

the Buena Vista area, and I was curious to confirm what sizes were being proposed. You may recall the differences in the previous CalAm applications with the CPUC and Monterey County in the Toro Area.

I apologize for not remembering a 2010 CalWater extended service area map. I do recall CalAm maps.

Can you refresh my memory as to where the service area was extended to for California Water Service in the Toro Area of Monterey County?

Thank you,

Mike Weaver
831-484-6659

On Apr 23, 2013, at 2:45 PM, Thaler, Adam wrote:

Mr. Weaver,

We looked at the service area map in Cal Water's Salinas District and see the extended service area approved in 2010 which is the area you are referring to.

Cal Water's current GRC for the Salinas District is currently pending and we have asked DRA to look into if there any proposed storage facilities for the Buena Vista Water System in this area.

Adam Thaler
Utilities Engineer
Division of Water and Audits

-----Original Message-----

From: Michael Weaver [mailto:michaelrweaver@mac.com]
Sent: Monday, April 22, 2013 10:37 AM
To: Thaler, Adam
Subject: Inquiry re: California Water Service -Salinas offices
(Monterey County)

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CPUC
c/o Adam Thayler
Water Division
via email

Good morning Mr. Thayler,

Can you tell me if California Water Service (CalWater) has requests before the CPUC for significantly larger storage tanks at their Buena Vista Water System, or close by on River Road?

Also can you tell me if CalWater has requests for new or expanded service areas in the Toro Area of Monterey County?

Thank you,

Mike Weaver
831-484-6659

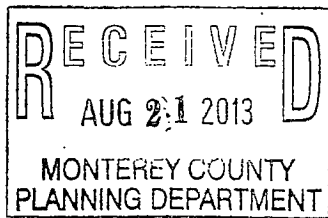
.....
Conclusion:
I request expanded environmental review. I request an E.I.R.

Thank you,

Mike Weaver
52 Corral de Tierra
Salinas, CA 93908

831-484-6659

NOLAND
HAMERLY
ETIENNE
HOSS



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OUR FILE NO.: 12479.023

August 19, 2013

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Lloyd W. Lowrey, Jr.

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Michael Masuda

Christine G. Kemp

** Jo Marie Ometer*

Terrence R. O'Connor

Timothy J. Baldwin

** Leslie E. Finnegan*

** Charles Des Roches*

Stephen F. Wagner

Retired

Myron E. Etienne, Jr.

Peter T. Hoss

Martin J. May

*Harry L. Noland
(1904-1991)*

*Paul M. Hamerly
(1920-2000)*

** CERTIFIED SPECIALIST IN
PROBATE, ESTATE PLANNING,
AND TRUST LAW BY
THE CALIFORNIA BOARD OF
LEGAL SPECIALIZATION
STATE BAR OF CALIFORNIA*

County of Monterey
Resource Management Agency-- Planning Department
Attn: Luis Osorio, Project Planner
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: California Water Service Company; File Number PLN110595

Dear Mr. Osorio,

I am writing this letter to clarify a couple of points raised in a recent comment letter regarding the negative declaration prepared in the above referenced project submitted by Mr. Michael Weaver. Mr. Weaver requests the County prepare an EIR, but presents no evidence that an EIR is necessary. According to CEQA guidelines, any reviewer commenting on a negative draft declaration must focus on the proposed finding that the project will not have a significant environmental effect. (14 Cal Code Regs § 15204 (a)). Mr. Weaver's comment fails to identify any specific environmental effect, how it would occur, or why it would be significant. CEQA permits the lead agency to reject comments in such instances where the reviewer fails to articulate a valid objection. Nevertheless, in an effort to honor the greater objective of CEQA's public comment period, namely to provide a forum for public participation, and in order to ensure that the lead agency is provided with accurate and up-to-date information, I would like to respond to what I have understood as Mr. Weaver's concerns regarding the project.

Mr. Weaver's comment appears to raise four main concerns: 1) that the project's description does not include the consolidation of the Buena Vista System into the Salinas Hills System and is inadequate; 2) that the project is being approved in a piecemeal fashion; 3) that tank heights are not being properly regulated; and 4) that a discrepancy exists in the proposed project's tank size and the tank size requested of California Public Utilities Commission ("CPUC").

With regards to the first two issues, Mr. Weaver's comments are misguided. The Buena Vista Water System ("Buena Vista System") is in the process of being included in the greater Salinas area rate base under an action with the CPUC. Once included as

PHONE 831-424-1414

FROM MONTEREY 831-372-7525

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333 SALINAS STREET POST OFFICE BOX 2510 SALINAS, CA 93902-2510

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part of the greater Salinas area rate base, all users within the Salinas area will share in the cost of improvements to the Buena Vista System, but the water system will remain operationally autonomous. In other words, water produced in the system is used in the system. Several years ago California Water Service Company ("Cal Water") interconnected the Buena Vista System with the Indian Springs Water System to provide an emergency back up to the Buena Vista System well, and in doing so, effectively tied the system to the Salinas Hills System. The pipeline provides an emergency service connection only in the event that the well supplying the Buena Vista System is inoperable. Although the Buena Vista System was originally regulated by Environmental Health Bureau of Monterey County, as a result of the intertie, California Department of Public Health now regulates the water system. By code, water systems with service connections in excess of 199 connections are regulated by the California Department of Public Health.

With regards to the third issue, Mr. Weaver inaccurately asserts that the proposed project tank sizes will violate height regulations. The water tanks would constitute the "main structure" of the parcel, defined in 21.06.127 as "a structure in which is conducted the principal use of the building site on which it is situated." The maximum permissible height for a main structure is 30 feet under the current zoning ordinance. Even assuming, for the sake of discussion, that the tanks were only considered accessory structures with a height limit of 15 feet, 21.62.030 provides that "water tanks, and similar structures may be erected to a greater height than the limit established for the district in which they are to be located, subject to securing a Use Permit (ZA) in each case."

Finally, with respect to the discrepancy in the proposed project's tank size and the tank size initially requested of CPUC, Cal Water originally submitted an application to the CPUC for smaller tanks. Once the project is approved and construction is completed, Cal Water will submit a permit amendment application to the CPUC for the tanks as-built.

In closing, under CEQA, a lead agency will only prepare an EIR prior to project approval when new information reveals a significant impact that cannot be mitigated or avoided (14 Cal Code Regs §15073.5(d)). Mr. Weaver fails to identify any new significant impact for the project at issue. Even supposing his comment had identified a significant impact, he fails to demonstrate that the impact cannot be mitigated or avoided. As such, his request for an EIR is groundless.

As no significant impact has been identified, and as the concerns raised by Mr. Weaver have been clarified in this letter, I request that the lead agency maintain the current Negative Declaration and set the project for hearing before the Zoning Administrator.

County of Monterey

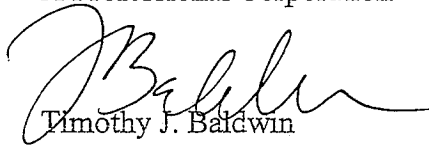
August 19, 2013

Page 3

Thank you for the opportunity to provide further information. Should you require any additional clarification, please feel free to contact me.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation



Timothy J. Baldwin

TJB

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