

MONTEREY COUNTY PLANNING COMMISSION

Meeting: April 25, 2012 Time: 10:00 a.m.	Agenda Item No.: 5
Project Description: Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) 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; and 3) Tree Removal Permit for the removal of a protected tree (one 8-inch oak tree).	
Project Location: 24522 Rimrock Canyon Road, Salinas	APN: 416-601-011-000
Planning File Number: PLN090087	Owner: Lewis H. & Katherine Richardson Agent: California American Water C/O Aman Gonzalez (Cal-Am)
Planning Area: Toro Area Plan	Flagged and staked: Yes
Zoning Designation: LDR/B-6-D or "Low Density Residential with a Building Site and Design Review overlay"	
CEQA Action: Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Adopt a revised Negative Declaration for a Combined Development Permit (PLN090087) for a water tank replacement; and
- 2) Approve PLN090087, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

The property is located at 24522 Rimrock Canyon Road, Salinas. The subject application is for the replacement of two (2) existing 20,000 gallon water tanks with one (1) 120,000 gallon water tank within an existing 0.40 acre water tank easement. The existing tanks currently do not have the capacity to meet fire flow demands for fire suppression for the existing 69 homes in the upper gradient of the Rimrock service areas.

The tank replacement will require the removal of 1 (one) protected 8-inch and one (1) non-protected 4-inch Coast live oak tree. Staff finds that the tree removal is the minimum necessary in this case because the tank replacement is confined to an easement, which makes removal unavoidable. The new tank will be 18 feet high, whereas the district height limit for a non-habitable accessory structure is 15 feet. The Monterey County Zoning Code Title 21 height and setback exceptions Section 21.62.030 B. provides for "towers, poles, water tanks and similar structures to be erected to a greater height than the limit established for the district" with a Use Permit. To protect the public viewshed, a non-standard condition of approval requiring that landscaping screening be installed at height of least 18 feet (Condition No. 7) has been incorporated. (See **Exhibit B** for further discussion).

In accordance with California Environmental Quality Act (CEQA), an Initial Study was prepared and circulated from January 11, 2012 to February 9, 2012. Issues that were analyzed in the Draft Initial Study include Aesthetics, Biology, Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gases, and Hydrology and Water Quality. Revisions to the circulated Negative Declaration have been incorporated herein as allowed under CEQA guidelines Section 15073.5.(c) (4) which provides that "recirculation is not required when new information is added to the

Negative Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration.” As a result, the following new information has been added to the CEQA finding of this staff report: 1) the number of units the Upper Rimrock system serves is 69, rather than 41; and 2) that the existing tanks are 20,000 gallon tanks not 25,000 gallons as stated in the environmental document. This does not change the conclusions made in the Initial Study regarding impacts from the project; rather, it serves to correctly describe the service area identified as the Rimrock upper gradient.

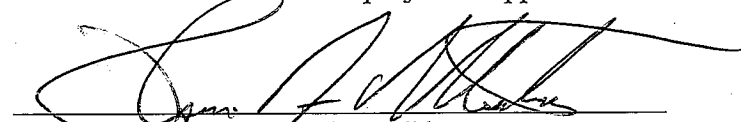
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

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

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA - Public Works Department, Environmental Health Bureau, and Monterey County Regional Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Toro Land Use Advisory Committee (LUAC) on November 8, 2010 and continued to December 13, 2010. The LUAC discussed several concerns which included the tank location above ground, the validity of the geotechnical report, the size of the proposed tanks, adequacy of the tank size, use of tanks for fire protection or future growth, construction impacts to the roads leading to the tank, and maintenance of the tanks. The LUAC supported the tank replacement if the tanks would be placed underground, only slightly infringe on 25% slopes, and guarantee no construction damage will occur on the existing roads from the tank replacement.

Note: The decision on this project is appealable to the Monterey County Board of Supervisors.



Ramon A. Montano, Assistant Planner
(831) 755-5169, montanor@co.monterey.ca.us
April 3, 2012

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; Lewis H. & Katherine Richardson, Owner; Aman Gonzalez (Cal-Am), Agent; The Toro Land Use Advisory Committee, The Open Monterey Project; LandWatch; Michael Weaver; Planning File PLN090087

Attachments: Exhibit A Project Data Sheet
 Exhibit B Project Discussion
 Exhibit C Draft Resolution, including:
 • Conditions of Approval

- Site Plan and Elevations

- Exhibit D Vicinity Map
- Exhibit E Advisory Committee Minutes (Toro LUAC 11/8/2010 & 12/13/2010)
- Exhibit F Letter from Monterey County Regional Fire Protection District dated September 22, 2010
- Exhibit G Negative Declaration
- Exhibit H Comment during 30 day review (Mike Weaver)

This report was reviewed by Delinda Robinson, Senior Planner and Laura Lawrence, Planning Services Manager

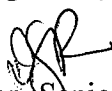


EXHIBIT A

Project Information for PLN090087

Project Information:

Project Name: Lewis H. & Katherine Richardson
Location: 24522 Rimrock Road, Salinas
Permit Type: Combined Development Permit
Environmental Status: Negative Declaration
Final Action Deadline (884): 2/11/2012
Existing Structures (sf): 7000
Coverage Allowed: 25%
Proposed Structures (sf): 1256
Coverage Proposed: 3.6%
Total Sq. Ft.: 7600
Height Allowed: 15'
Tree Removal: (1) 8" Oak
Height Proposed: 18'
Water Source: Mutual
FAR Allowed: NA
Water Purveyor: California American Water
FAR Proposed: NA
Sewage Disposal (method): NA
Lot Size: 4.76
Sewer District: NA
Grading (cubic yds.): 60

Parcel Information:

Primary APN: 416-601-011-000
Seismic Hazard Zone: IV
Applicable Plan: Toro
Erosion Hazard Zone: High
Advisory Committee: Toro Advisory Committee
Fire Hazard Zone: Very High
Zoning: LDR/B-6-D(see note)
Flood Hazard Zone: No
Land Use Designation: Low Density Residential
Archaeological Sensitivity: high
Coastal Zone: No
Viewshed: Sensitive
Fire District: Monterey County Regional FPD
Special Setbacks on Parcel: Yes

Reports on Project Parcel:

Soils Report #: N/A
Biological Report #: LIB060470,LIB110081
Geologic Report #: LIB100154,LIB060463
Forest Management Rpt. #: N/A
Archaeological Report #: LIB060466,LIB100190
Traffic Report #: N/A

EXHIBIT B DISCUSSION

Project Description

The project consists of a Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) 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; and 3) Tree Removal Permit for the removal of a protected tree (one 8-inch oak tree).

The site is a 0.40 acre water tank easement within a 4.76 acre parcel located within the developed Harper Canyon subdivision recorded February 5, 1991, Cities and Towns, Volume 17, Page 33 as Lot 11. The site is accessible through a dirt road located to the southwest of the existing single family dwelling.

Entitlement

The property is zoned LDR/B-6-D or "Low Density Residential with a Building Site and Design Review overlay." Pursuant to Monterey County Code Section 21.14.050.Q, this zoning designation allows for the development of water storage tanks serving 15 or more service connections with a Use Permit.

Project Issues

Potential impacts to Aesthetics, Biology, Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gases, and Hydrology and Water Quality were identified in the Initial Study. Site investigations and technical reports determined that no significant impacts would occur as a result of the proposed project activities. The following new information is added to the CEQA finding in the staff report to correct the Negative Declaration (ND) that staff has recommended for adoption: 1) the number of units the Upper Rimrock system serves is 69 rather than 41; and 2) that the existing tanks are 20,000 gallon tanks not 25,000 gallons as stated in the environmental document. This information does not make significant modifications to the Negative Declaration or change the conclusions made in the Initial Study regarding impacts from the project; rather, it serves to correctly describe the service area identified as the Rimrock upper gradient and to clarify correctly the number of existing connections. Consequently, no issues remain unresolved with the proposed Negative Declaration.

Staff has received verbal and written communication during Toro Land Use Advisory Committee review (LUAC). **(See Exhibit E)**

LUAC Review

The project was referred to the Toro Land Use Advisory Committee (LUAC) on November 8, 2010 and continued to December 13, 2010. Staff requested the LUAC provide feedback on colors of the replacement however, no guidance was given in regards to suggested colors. The LUAC discussed several concerns which included the tank location above ground, the validity of the geotechnical report, the size of the proposed tanks, adequacy of the tank size, whether or not the replacement tank was going to be used for fire protection or future growth, construction impacts to the roads leading to the tank, and maintenance of the tanks. After lengthy discussion, the LUAC supported the tank replacement on a 3 to 1 vote with recommended changes. The storage tank should be placed underground, ok to slightly infringe on 25% slopes and a guarantee

from Cal-Am that no construction damage will occur on the existing roads from the tank replacement.

Colors of the tank

Staff has implemented a standard condition of approval stating that prior to the issuance of building or grading permits the applicant shall submit the color of the water tank and landscaping to blend the tank in with the existing surrounding vegetation.

The applicant plans to keep the tank the same as the existing, a tan beige called "TNEMEC Warm Sun."

Fire Suppression

To address the concern of fire suppression and the adequacy of the proposed tanks for fire suppression, staff provided the LUAC with a letter from the Fire Department addressing fire suppression (**Exhibit F**).

Placement of Tank Underground

The applicant justifies their proposal to replace the 2 existing above ground 20,000-gallon water tanks with one above ground 120,000 gallon water tank. The replacement of the existing tanks was not submitted as an underground water tank because the proposed above ground water tank meets the development standards of the zoning district and is consistent with the policies of the 2010 General Plan and Toro Area Plan. Consequently, because cost estimates for underground tanks of similar size are 4-5 times higher, the water purveyor (Cal-Am) considers this before it submits a budget to the California Public Utilities Commission (PUC) for approval. Cal-Am maintains that justification for proposing the above ground tanks is to minimize the cost of the project and thereby reduce the cost of the project to the rate payers. Cal-Am stated that the PUC considers these issues before approving a budget and is less likely to approve the additional cost of a below ground tank when the county did not require it.

Construction Impacts to the Road

Construction impacts with the tank replacement and maintenance of the road were addressed in the Negative Declaration; specifically, the applicant shall submit a Construction Management Plan (CMP) to the RMA - Planning Department and the Department of Public Works for review and approval as a standard condition of approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, estimated number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, locations of truck staging areas and Best Management Practices to be implemented throughout the project. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. Maintenance of the tanks will not change; Cal-Am personnel will continue to inspect the tanks weekly.

Development on slopes over 25%

Infringement on slopes of over 25% will comprise a total area of 227 square feet. The 2010 Monterey County General Plan, Section OS-3.5, states that where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required. The total development footprint is 2,273 square feet; therefore, the 10% limit equals 227 square feet. The project will only affect approximately 227 square feet and therefore complies with the rule for this exception.

Environmental Review

The Draft Negative Declaration for PLN090087 was prepared in accordance with CEQA and circulated for public review from January 11, 2012 to February 9, 2012. Staff has provided discussion on each of the items commented on by the public to reflect the conclusion of the Initial Study.

Staff received a comment from Mike Weaver (**See Exhibit H**) during the 30 day public comment period. The comments were addressed in the project analysis and not found to be substantive as indicated below in the following explanations:

Public service utility company infrastructure is exempt from provisions of Monterey County building regulations pursuant to Monterey County Code Section 18.02.050 (E) (34). This applies to utility service infrastructure constructed on both publicly and privately owned land. As such, we do not issue water system permits, construction permits or undertake inspections on these systems.

Staff has added a non-standard condition (Condition No.11) to establish construction hours in conjunction with Public Works condition requiring a Construction Management Plan (CMP). The CMP will include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information:

- Establish duration of the construction, hours of operation; and
- Provide an estimate of the number of truck trips that will be generated; and
- Identify truck routes, number of construction workers; and
- Identify parking areas for both equipment and workers; and
- Identify locations of truck staging areas; and
- Identify Best Management Practices to be utilized throughout construction.

With the aforementioned conditions of approval, it has been determined that implementation of the CMP in conjunction with specified hours of operation will reduce the potential impact of road congestion to a less than significant level.

Comment regarding piecemeal and growth inducing:

The applicant has provided the following information regarding the increase in capacity serving the existing residents. The Ambler Park Water System is a multi-pressure zone system which is very common in canyon areas. This means that although the different zones are part on one water system they are not interconnected. The Upper Rimrock Tanks serve the highest zone in the Rimrock community. The neighboring Lower Rimrock Tanks serve a particular lower pressure zone and the Paseo Privado tanks serve a different lower pressure zone which includes the Meadows Subdivision. The supply from the Upper Rimrock Tanks cannot be used for the lower pressure zone residents such as the Meadows residents, because it would be delivered at too high a pressure to customers. In addition, the Upper Rimrock gradient has a significant storage deficit (based on equalization and fire protection requirements) of 135,000 gallons based on 2006 demands. The storage requirements for this gradient (and subsequent storage deficit) are based on the following criteria:

- Equalization: 30% of Maximum Day Demand
- Fire Storage: 1,000 gpm Fire Flow for a duration of two (2) hours = 120,000 gallons.

California American Water requires this upgrade to ensure that adequate water supply and fire protection can be provided in the Upper Rimrock gradient. The Monterey County Regional Fire Protection District has asked the applicant to increase fire capacity. Therefore because the increase in capacity will correct existing deficiencies in domestic storage and fire flow capacity within an area identified as the Upper Rimrock gradient, the increase in water storage is consistent with current demand and because the increased capacity cannot leave the Upper Rimrock gradient due to existing system limitations of hydraulic pressure. The increase is not considered to create a growth inducing condition.

The Meadow water tank project is considered a separate application to resolve similar issues in that area. The projects are not interconnected. These projects are not designed to increase the service area by adding capacity. The purpose of increased capacity is to address existing water demand and fire flow inadequacies. The proposed tank replacement is needed for fire safety for the existing connections the current tanks serve. There will be no cumulative impacts as a result of the replacement as the tanks will use existing water and no expansion is proposed. *Therefore, the project was found to have no cumulative impact on projects in the area.*

Geology:

The Geotechnical Report prepared by Pacific Crest Engineering, dated March 2009 states, "The results of our slope stability analysis are presented in Appendix B of this report, and indicate that the computed factors of safety (FS) meet or exceed minimum industry standard requirements for the stipulated failure surface under static and pseudo-static conditions." Page 6, "Our analysis of the project site indicates that the potential for liquefaction to occur is low and consequently the potential for lateral spreading is also low."

Aesthetics:

The current tanks are located on an already existing water tank easement, located approximately 230 feet northeast of the Richardson home, and sit on a hill that is approximately 80 feet higher than the Richardson home. In this case, the site is not visible from Highway 68 and the zoning designation already requires design review of structures to ensure development matches the neighborhood character and visual integrity of the neighborhood. Design control has been implemented to ensure that the replacement tank match the colors and materials of the surrounding vegetation. The replacement tank will match the existing colors of "TNEMEC Warm Sun" (tan beige). Therefore, there will be a less than significant impact to a scenic vista or a scenic resource. (See Finding 1d)

Recommendation:

The project was found to be consistent with the 2010 General Plan, Monterey County Zoning Ordinance, and the Toro Area Plan and is not considered to have any unresolved environmental issues not addressed through the Negative Declaration. Therefore, staff recommends that the Planning Commission, adopt the revised Negative Declaration and approve the project as proposed in the resolution contained herein.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Lewis H. & Katherine Richardson (PLN090087)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Adopting a Negative Declaration for a Combined Development Permit (PLN090087) for a water tank replacement; and
- 2) Approving Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) 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; and 3) Tree Removal Permit for the removal of a protected tree (one 8- inch oak tree).

[PLN090087, Lewis H. & Katherine Richardson, 24522 Rimrock Canyon Road, Salinas, Toro Area Plan (APN: 416-601-011-000)]

The Lewis H. & Katherine Richardson application (PLN090087) came on for public hearing before the Monterey County Planning Commission on April 25, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission 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; and
 - Toro Area Plan; and
 - 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 property is located at 24522 Rimrock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan. The parcel is zoned LDR/B-6-D or "Low Density Residential with a Building Site and Design Review overlay", which allows water tanks. Therefore, the project is an allowed land use for this site. The subject water tank is a replacement of an existing water tank within a designated water tank easement.
- c) The subject property is located within a Design Control District, which provides for the regulation of location, size, configuration, materials and colors of structures to ensure protection of the public viewshed, neighborhood character, and visual integrity of structures. The project was staked for a visual assessment according to the Monterey County Staking Criteria adopted by the Board of Supervisors, Resolution No. 09-360. It was determined that the proposed project is not visible from a public road and not considered ridgeline development, which by definition in the Monterey County Code Title 21, Section 21.06.950, is defined as development which has the potential to create a silhouette on the crest of a hill when viewed from a common public viewing area.
- d) Monterey County General Plan policies T-3.1 and T-3.2 require land use, architectural, and landscaping controls be applied and to encourage sensitive site design to preserve Toro's visually sensitive areas and scenic entrances of River Road and Highway 68 intersections. In this case, the site is not visible from Highway 68 and the zoning designation already requires design review of structures to ensure development matches the neighborhood character and visual integrity of the neighborhood. The replacement tank will match the existing colors of "TNEMEC Warm Sun" (tan beige). In addition, as a standard condition of approval, the replacement tank will be painted the same as the existing tank, beige to blend with the dense vegetation surrounding the tank. A condition of approval has been added to require that prior to the issuance of grading or building permits, the applicant/owner shall submit the color of the tank along with the landscaping design. Landscaping will be required to grow taller than the 18-foot high tank.
- e) The proposed 120,000 gallon tank will be 18 feet high. Monterey County Zoning Code (Title 21) designates a district height limit for a non-habitable accessory structure of 15 feet. However, Monterey County Zoning Code Title 21 height and setback exceptions Section 21.62.030. B. provides that "towers, poles, water tanks and similar structures may be erected to a greater height than the limit established for the district" with a Use Permit. A non-standard condition of approval requiring landscaping screening vegetation to grow to a height of 18 feet high was required to reduce the impacts to surrounding aesthetic to less than significant.
- f) The project is consistent with the 2010 Monterey County General Plan, policy Section OS-3.5, which states that, where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required. The

total development footprint of the proposed project is 2,273 square feet; therefore, the 10% limit equals 227 square feet. The project will only affect approximately 227 square feet and as a result complies with the rules of this exception. Therefore, no discretionary permit is required.

- g) The replacement will involve the removal of two (2) Coast live oak trees, one 8 inches in diameter, and the other 4 inches in diameter. Monterey County Code Section 21.64.260 requires a tree removal permit for any protected tree which is 6 inches or more in diameter. Therefore, the project will include a tree removal permit for the removal of one (1) 8-inch oak tree. In order to support tree removal, the County must find that the removal is the minimum required in the circumstances of the case and that removal will not involve an adverse environmental impact. In this case, tree removal is un-avoidable (See Finding 6).
- h) The project planner conducted a site inspection on November 15, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- i) The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on November 8, 2011 and then again on December 13, 2010. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because it was development requiring CEQA review. The LUAC discussed several concerns which included the tank location above ground, the validity of the geotechnical report, the size of the proposed tanks, adequacy of the tank size, tanks usage for fire protection or future growth, construction impacts to the roads leading to the tank, and maintenance of the tanks. The LUAC supported the tank replacement if the tanks would be placed underground, only slightly infringe on 25% slopes and guarantee no construction damage will occur on the existing roads from the tank replacement. The tank will encroach on 227 square feet, which does not require a discretionary permit in accordance with the Monterey County 2010 General Plan Policy OS 3-5. A standard condition of approval was added by Public Works requiring a Construction Management Plan (CMP). The CMP includes measures to minimize traffic impacts during the construction/grading phase of the project. The plan requires the specified duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. With this standard condition of approval, this impact is not considered significant. Maintenance of the tanks will not change; Cal-Am personnel will continue to inspect the tanks weekly.
- j) 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 PLN090087.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey 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.
 - b) Staff identified potential impacts to Archaeological Resources, Soil/Slope Stability, and Geological. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - "Geotechnical and Geological Investigation for Upper Rimrock Canyon Tank Site" (LIB100154) prepared by Pacific Coast Engineering, Watsonville, CA, March 18, 2009.
 - "Preliminary Archeological Reconnaissance of Assessor's Parcel Number 416-601-011-000" (LIB100190) prepared by Archaeological Consulting, Salinas, CA, March 10, 2010.
 - "Letter of Findings for a Reconnaissance Level Biological Site Assessment, Upper Rimrock Site" (LIB110081) prepared by EMC, Monterey, CA, November 5, 2010.
 - c) Staff conducted a site inspection on November 15, 2010 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 PLN090087.

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

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The site has public water from Cal-Am. The project will not generate wastewater so a connection to public sewer is not required. The Environmental Health Bureau reviewed the project and required the applicant (Cal-Am) to 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 prior to construction.

c) Preceding findings and supporting evidence for PLN090087.

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

EVIDENCE:

- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on November 15, 2010 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090087.

5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed and conditioned, will not 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 (PLN090087).
- c) Revisions to the circulated Negative Declaration are incorporated herein as allowed under CEQA guidelines pursuant to Section 15073.5.(c) (4) which provides that "recirculation is not required when new information is added to the Negative Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration." The following new information is hereby incorporated into the Negative Declaration: 1) the number of units the Upper Rimrock system serves is 69, rather than 41; and 2) that the existing tanks are 20,000 gallon tanks not 25,000 gallons as stated in the environmental document. This information does not make significant modifications to the Negative Declaration or change the conclusions made in the Initial Study regarding impacts from the project; rather, it serves to correctly describe the service area identified as the Rimrock upper gradient and to clarify correctly the number of existing connection.
- d) 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.

- e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.
- f) The Draft Negative Declaration (“ND”) for PLN090087 was prepared in accordance with CEQA and circulated for public review from January 11, 2012 to February 9, 2012 (SCH#: 2012011018).
- g) Issues that were analyzed in the Negative Declaration include: aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, and hydrology/water quality. Site investigations and technical reports, determined that no significant impacts would occur as a result of the proposed project.
- h) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN090087) and are hereby incorporated herein by reference.
- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports native wildlife. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the Negative Declaration to comment and recommend necessary conditions to protect biological resources in this area. 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).
- j) The County has considered the comments received during the public review period, (See **Exhibit H** of the April 25, 2012 staff report) and they do not alter the conclusions in the Initial Study. Staff received a comment from Mike Weaver during the 30 day public comment period.
- k) 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.

6. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes application for the removal of one 8-inch oak tree. In accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance Title 21, a Tree Removal Permit is required and the authority to grant said permit has been met.
 - b) Monterey County Code Section 21.64.260 requires a tree removal

permit for any protected tree; an oak tree which is 6-inches or more in diameter is a protected tree. The project will include a tree removal permit for the removal of one (1) 8-inch oak tree for the proposed 120,000 gallon water tank. The General Plan policy T-3.7, states that removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. To date, an ordinance has not been adopted specifically addressing the Toro Planning Area trees, therefore absent the ordinance, permit requirements and replacement criteria, regulations for tree removal continue to be followed under Monterey County Code Title 21.

- c) Due to the small size of the 8 and 4-inch oak trees, it is unlikely that the trees would support nesting. Typically, trees 15 feet in height or larger would be considered suitable habitat for nesting raptor habitat. However, as a condition of approval, in order to avoid any potential impact to potentially nesting migratory birds, the applicant will be required to schedule tree removal outside of the breeding migratory bird nesting season (September through January 31st). If tree removal is scheduled during breeding season (February 1st to August 31st), the applicant will be required to have a qualified biologist conduct a pre-construction survey within 48 hours of commencement of ground disturbance. If nesting birds or raptors are found on the project site, an appropriate buffer plan or appropriate replacement shall be established by the project biologist.
- d) Monterey County Code Section 21.64.260.D.4, requires removal of protected trees be replaced on a one to one basis. As a condition of approval, the applicant is required to replace the removed oak tree with one oak tree.
- e) The removal will not involve a risk of adverse environmental impacts. The majority of the project site area is disturbed and void of any native vegetation.
- f) Staff conducted a site inspection on November 15, 2010 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
- g) 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 PLN090087.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: a) Section 21.80.040.D Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Adopt a Negative Declaration for a Combined Development Permit (PLN090087); and
2. Approve the Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) 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; and 3) Tree Removal Permit for the removal of a protected tree (one 8-inch oak tree), in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of April, 2012 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

This 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.

Exhibit C
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan
Site Plan and Elevations

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN090087

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) 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; and 3) Tree Removal Permit for the removal of a protected tree (one 8-inch oak tree) 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 Combined Development Permit, Resolution Number ____ was approved by the Planning Commission for Assessor's Parcel Number 416-601-011-000 on April 25, 2012. The permit was granted subject to 17 conditions of approval 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.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact 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. 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 April 25, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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 Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

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 Department)

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 the RMA - Planning Department.

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 the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD CONDITION) The approved development shall incorporate the recommendations of the Erosion Control Plan best management practices for construction and grading activities include watering exposed soil to minimize the potential for dirt to become airborne through wind erosion and re-plantation of graded areas as soon as possible to stabilize grading. 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. The improvement and 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. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

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.

7. PD012(G) - LANDSCAPE PLAN & MAINTENANCE (OTHER)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON STANDARD CONDITION) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping screening plan shall be submitted to the Director of the RMA - Planning Department. A plan review fee is required for this project. Fees shall be paid at the time of landscape screening plan submittal. The landscaping screening plan shall be in sufficient detail to identify the location, species, and size, height of the proposed landscaping screening and shall include an irrigation plan and Performance Criteria (PC) indicating the height of the screening at the time of planting with a time estimate of when the screening will achieve 100% of the required 18 foot height within 5 years of planting. The PC shall include a replacement plan in the event the screening vegetation does not survive or achieve the required 18 foot height requirement as specified in the PC or at the end of the 5th year which ever occurs first. The landscaping screening shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and 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, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape screening plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. 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 occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the performance Criteria with a surety or bond for the estimated replacement cost of the landscape screening and that the landscaping shall be installed and inspected.

On an on-going basis, all landscaped screening 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.

8. PD041 - HEIGHT VERIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of the RMA - Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

9. PD038 - WATER TANK APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.

Prior to final inspection or occupancy, the Owner/Applicant shall provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.

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

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio: of 1:1
- Replacement tree(s) shall be located within the same general location as the tree being removed.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to the RMA-Planning Department for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a 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.

11. PDSP0001 - CONSTRUCTION HOURS (NON STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Construction shall be limited to Monday through Friday from the hours of 8am-5pm.

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall have a notice visible from the street posted upon the property and on the building plans as a note. The notice/note shall indicate hours of operation and shall remain visible on site until final building inspection.

12. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist.

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to the RMA-Planning Department a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

13. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

14. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

15. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts and Air Quality impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, locations of truck staging areas and Best Management Practices to be implemented throughout the project. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of a building or grading permit, submit Construction Management Plan (CMP) to RMA-Planning Department and RMA-Public Works Department for review and approval.

Ongoing: The CMP shall be implemented on an ongoing basis throughout the construction/grading phase of the project.

16. EHSP01 - CDPH Permit Amendment

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:

1. Submit a permit amendment application including plans and specifications to CDPH.
2. Obtain CDPH approval of construction plans
3. Submit proof of CDPH review to Environmental Health Bureau

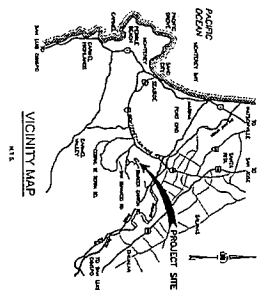
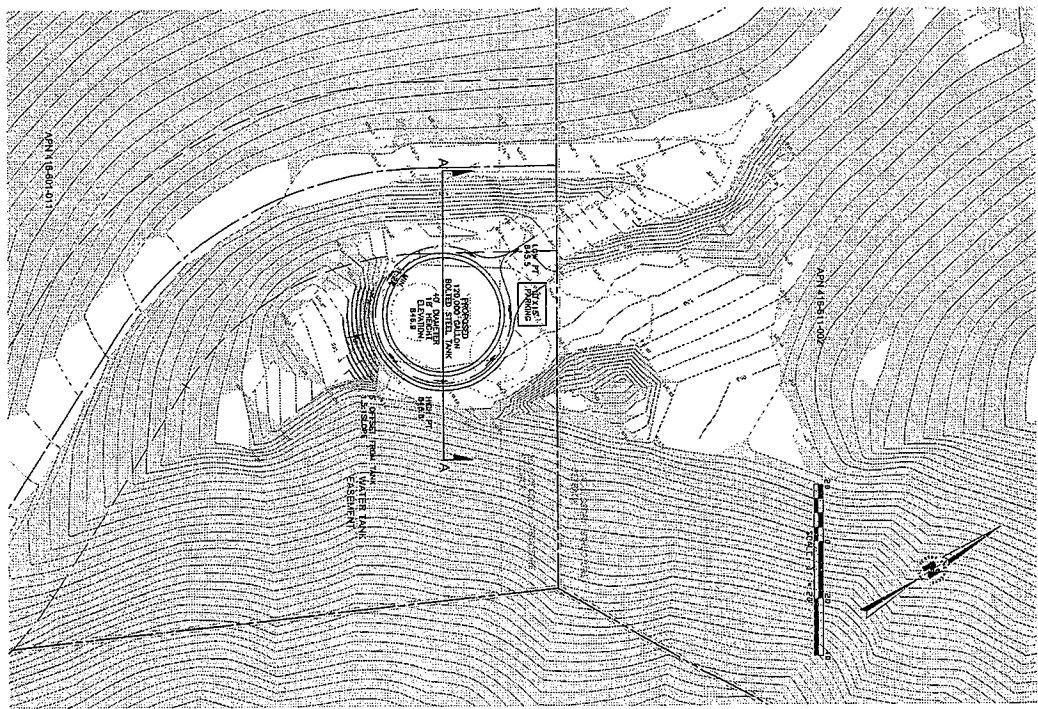
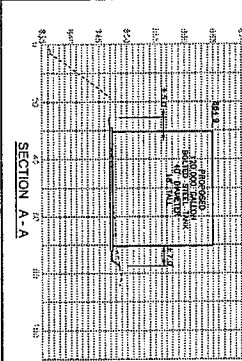
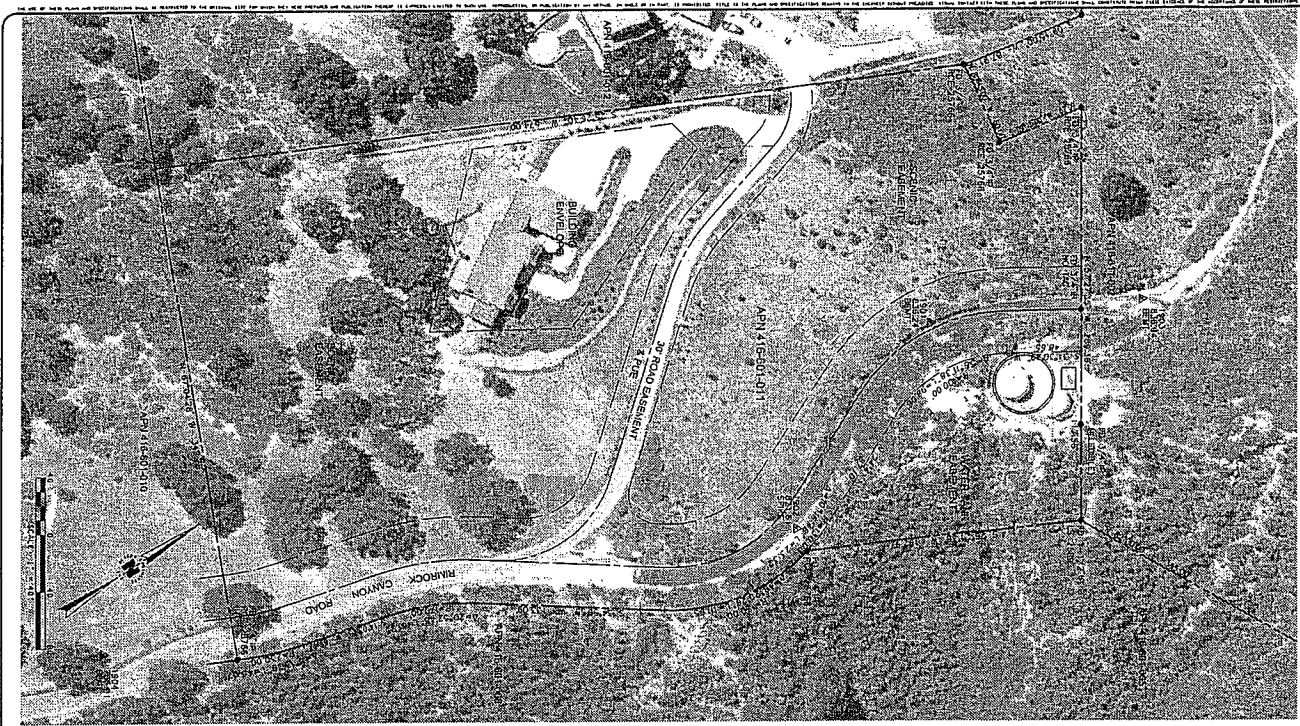
17. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to the issuance of a building permit the Owner/Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, the Applicant/Owner shall schedule fire department clearance inspection.



PROJECT DATA TABLE

LOT SIZE	4.18 ACRES (TOTAL LOT)
	0.41 ACRES (Baldwin Division)
	0.92 ACRES (North Division)
	1.18 ACRES (Buck Division & Run)
TOTAL DEVELOPABLE AREA	3.63 ACRES
PERMITTED BY	APN 416-601-011

EARTHWORK

CUT	27 CY
EMBANKMENT	23 CY (DRAINAGE)
TOTAL	50 CY
ASSUMING ONE SHOULDER / FOOTING	

LEGEND

(Symbol)	2" V/F/P
(Symbol)	ROAD 1/2" FROM PERMISSIBLE
(Symbol)	OPENINGS
(Symbol)	1/2" PROPOSED
(Symbol)	EXISTING EARTH
(Symbol)	PROPOSED EARTH
(Symbol)	PROPOSED CONTOUR
(Symbol)	PROPOSED 5% SLOPE
(Symbol)	PROPOSED 1% SLOPE
(Symbol)	PROPOSED 0% SLOPE
(Symbol)	PROPOSED 2% SLOPE
(Symbol)	PROPOSED 3% SLOPE
(Symbol)	PROPOSED 4% SLOPE
(Symbol)	PROPOSED 5% SLOPE
(Symbol)	PROPOSED 6% SLOPE
(Symbol)	PROPOSED 7% SLOPE
(Symbol)	PROPOSED 8% SLOPE
(Symbol)	PROPOSED 9% SLOPE
(Symbol)	PROPOSED 10% SLOPE
(Symbol)	PROPOSED 11% SLOPE
(Symbol)	PROPOSED 12% SLOPE

EROSION CONTROL NOTES

- ALL DISTURBED SURFACES MUST BE PROTECTED FROM EROSION. ALL TILES BETWEEN OCTOBER 12 AND APRIL 15.
- CONTINUED SURFACE VEGETATION DURING CONSTRUCTION SHALL BE KEPT TO A MINIMUM.
- ALL DISTURBED SURFACES SHALL BE PROTECTED AND MAINTAINED TO PREVENT EROSION. VEGETATION SHALL BE MAINTAINED AND PROTECTED TO THE EXTENT POSSIBLE. VEGETATION SHALL BE REPLANTED AND RESEEDING SHALL BE COMPLETED WITHIN 10 DAYS OF EROSION CONTROL. VEGETATION SHALL BE MAINTAINED AND PROTECTED TO THE EXTENT POSSIBLE. VEGETATION SHALL BE REPLANTED AND RESEEDING SHALL BE COMPLETED WITHIN 10 DAYS OF EROSION CONTROL.
- RESEEDING SHALL BE COMPLETED WITHIN 10 DAYS OF EROSION CONTROL. VEGETATION SHALL BE MAINTAINED AND PROTECTED TO THE EXTENT POSSIBLE. VEGETATION SHALL BE REPLANTED AND RESEEDING SHALL BE COMPLETED WITHIN 10 DAYS OF EROSION CONTROL.
- EROSION CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH DAY'S WORK.
- PAINT FROM THE GRADING OPERATION SHALL BE CONTROLLED. THE EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGH THE REMOVAL OF THE GRADING SITE TO PREVENT LAST PROBLEMS.

DATE: 10/17/2010
 SHEET: 1 OF 1
 SCALE: AS SHOWN

PREPARED FOR: CALIFORNIA AMERICAN WATER

SITE PLAN
 UPPER RIMROCK TANK SITE
 APN 416-601-011

BESTOR ENGINEERS, INC.

CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 9701 BLUE LAKEWAY LAKE, MONTEREY, CALIFORNIA 95020

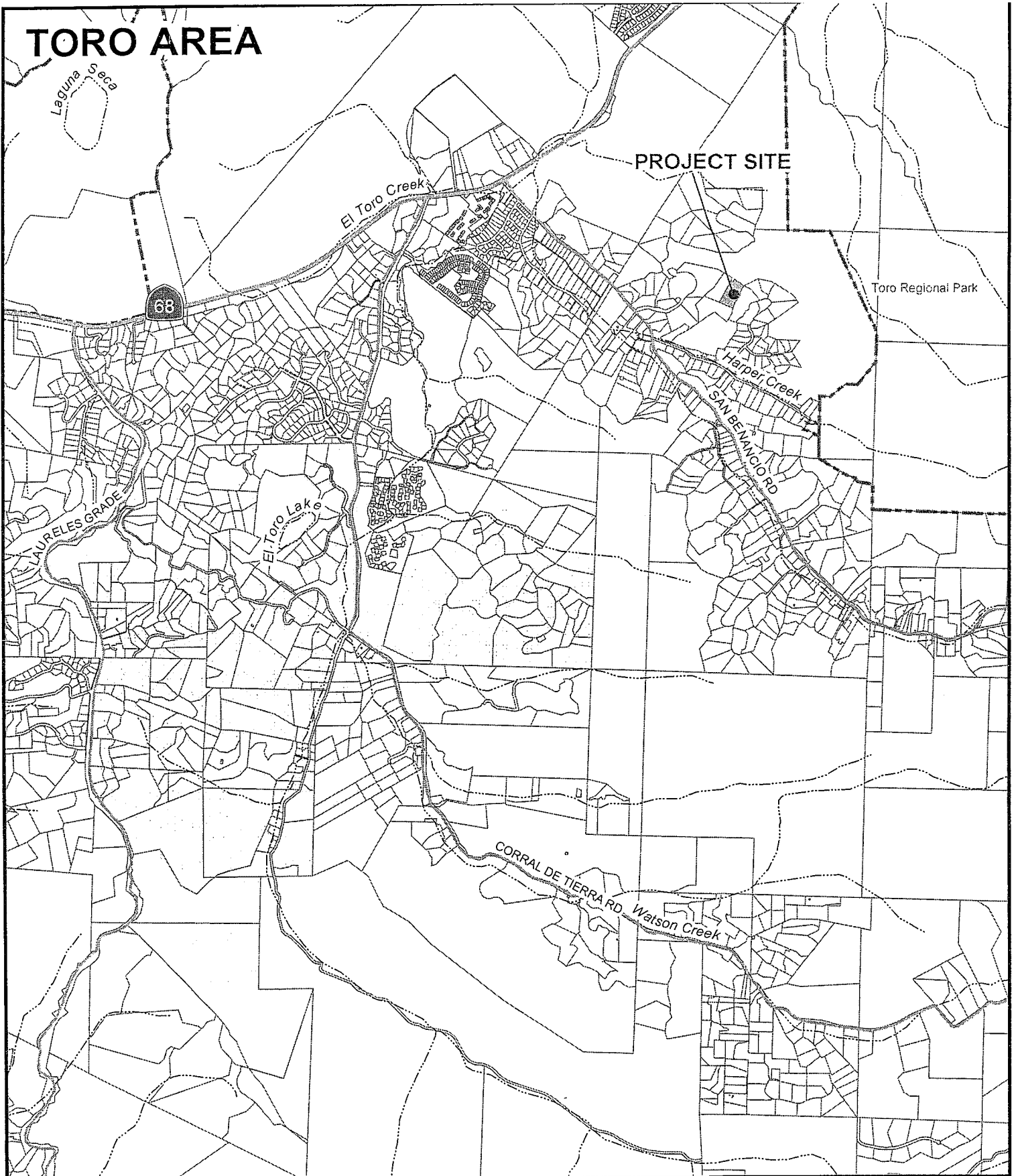
PRELIMINARY
 NOT FOR CONSTRUCTION

REVISIONS:

NO.	DATE	DESCRIPTION

EXHIBIT D
Vicinity Map



TORO AREA

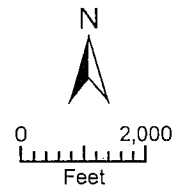


APPLICANT: RICHARDSON

APN: 416-601-011-000

FILE # PLN090087

 Water  Toro B-8 Area



PLANNER: NEGRETE

EXHIBIT E

Advisory Committee Minutes (Toro LUAC 11/8/2010 & 12/13/2010)

MINUTES
Toro Land Use Advisory Committee
Monday, November 8, 2010

**1. Site visit at 3:30 PM at 24522 RIMROCK CYN RD SALINAS (RICHARDSON LEWIS H & KATHERINE)
[CALIFORNIA AMERICAN WATER COMPANY]**

Attendees (Neighbors & General Public): Andi Harris (24512 Rimrock), Chris Schott (24513 Rimrock),
Dave & Sue Erickson (24533 Rimrock Ct), Toke Jayachandran (24503 Rimrock),
Steve & Lani Shearin (24523 Rimrock Ct), and Katherine Richardson (24522 Rimrock)

Attendees (LUAC members): Kerry Varney, Ron Vandergrift, Mike Weaver, Bonnie Baker, Mark Kennedy

By a show of hands, neighbors said they had homes equipped with fire sprinkler systems
Concerns with visibility of proposed tank
Concerns with CalAm intent
Concerns with access and construction logistics
Tanks went in, 1992, why the increase from 50,000 gallons to 120,000 gallons now?
Erosion concerns. Area has had erosion below tanks before.
Two geological/geotechnical reports were written regarding this tank application spot. Where are the reports?
What is the height of the flagging? Does it reflect the actual height of the tank?
Why can't the tank be buried?
How does Rimrock get water during construction?
Aren't two tanks better than one tank?

2. Meeting called to order by Kerry Varney **at** 4:15 **pm**

3. Roll Call

Members Present: Kerry Varney, Ron Vandergrift, Mike Weaver, Bonnie Baker, Mark Kennedy

Members Absent: Mike Mueller (Excused)

4. Approval of Minutes:

A. July 26, 2010 minutes, as amended:
Minutes for the July 26, 2010 were taken by LUAC member Mark Kennedy because LUAC Secretary Mike Weaver called, asked, and discussed his residential proximity with County Counsel prior to the July 26 Hearing. Wendy Strimling advised Mike Weaver that it was probably best not to participate in the deliberation or vote portion of the Hearing because Mike Weaver's personal residential property line is within 500 feet of Corral de Tierra Retail Village application property line. However, Mike Weaver could participate as an audience member in the public participation portion of the July 26, 2010 LUAC Hearing.
Mike Weaver was one of the speakers during the July 26, 2010 LUAC hearing on the Corral de Tierra Retail Village Shopping Center application during Public Comment. His comments included speaking to a "Fairness Issue" regarding the processing of two 10.9- acre properties directly across Corral de Tierra Road from one another.
Mark Kennedy's handwritten note on page 15 of the minutes of the July 26, 2010 Hearing after Mike Weaver's name looks like it could be interpreted as the word "For", however, on closer scrutiny, it is the word "Fair".

Mike Weaver asked that the handwritten portion of the LUAC Minutes for July 26, 2010 be clarified by amending them to reflect that he did not speak "For" the application during public comment.

Motion: As amended: Ron Vandergrift (LUAC Member's Name)

Second: As amended: Kerry Varney (LUAC Member's Name)

Ayes: Ron Vandergrift, Kerry Varney, Bonnie Baker

Noes: None

Absent: Mark Kennedy (had to leave early), Mike Mueller (excused absence)

Abstain: Mike Weaver did not participate in the deliberation or voting portions of the LUAC Hearing on the July 26, 2010 per advice of County Counsel (Corral de Tierra Retail Village)

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)** – Refer to attached project referral sheet(s)

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

Charles Burwell, 14440 Mountain Quail Road, announced he was attending today's LUAC Hearing because CalAm, dba Ambler Water Service, is also processing an application involving a request for larger storage tanks above the Corral de Tierra Meadows Homes. Mr. Burwell sits on the Meadows HOA Board.

8. **Meeting Adjourned:** 5:35 pm

Minutes taken by: Mike Weaver

Minutes received via email November 15, 2010

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: **November 8, 2010**

Project Title: RICHARDSON LEWIS H & KATHERINE (CALIFORNIA AMERICAN WATER CO)

File Number: PLN090087

File Type: PC

Planner: NEGRETE

Location: 24522 RIMROCK CYN RD SALINAS

Project Description:

Combined Development Permit consisting of a: 1) a Use Permit to place one (1) 120,000 gallon California American Company Water tank at the "Upper Rim Rock" site replacing two (2) 25,000 gallon tanks and Design Approval; 2) 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 and; and 3) Use Permit for the development over slopes of 30%. The property is located at 24522 RimRock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

Katherine Richardson, property owner, was present, CalAm has an access easement on a portion of her property.

Aman Gonzalez representing CalAm Ambler Water Service was present.

In addition Rimrock neighbors present included:

Chris Schott, 24513 Rimrock Ct

Dave & Sue Erickson, 24533 Rimrock Ct

Toke Jayachandran, 24503 Rimrock Cyn. Rd.

Steve & Loni Shearn, 24523 Rimrock Ct.

And from the Meadows of Corral de Tierra HOA:

Charles Burwell, 14440 Mountain Quail Rd.

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Aman Gonzales Employee of, and representing CalAm		X	<p>Presentation of proposed project by CalAm: 41 homes with no fire protection at the current time. The 120,000 gallon tank is for fire protection. Excavate two feet at current location to help minimize height of proposed tank. Water is for normal usage in all other cases. Sometimes water currently gets low during peak time usage with present tanks. If run dry have to deal with DEH</p>
Andi Harris	X		<p>Attended the site visit. Explained she was a schoolteacher and had to get back to her class. However, asked that concerns and comments raised at the site visit be included/addressed at the LUAC Hearing.</p> <p>These comments/concerns/questions include:</p> <ul style="list-style-type: none"> *By a show of hands, neighbors attending said they all had homes equipped with fire sprinkler systems *Concerns with visibility of proposed tank The site is such and so steep, can't plant trees *Concerns with CalAm intent *Concerns with access and construction logistics *Tanks went in, 1992, why the increase from 50,000 gallons to 120,000 gallons now? *Erosion concerns. Area has had erosion below tanks before. Developer Bud Harder had to address this with Phase II. *Two geologic/geotechnical reports were written regarding this tank application spot. Where are the reports? *What is the height of the flagging? Does it reflect the actual height of the tank? *Why can't the tank be buried? *How does Rimrock get water during construction? *Aren't two tanks better than one tank?

PUBLIC COMMENT CONTINUED:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
David Erickson	X		<p>Asks Aman Gonzalez: Regarding site preparation? How do you propose to construct this? Aman: Install a temporary storage tank nearby. Dig current site down two feet. Install concrete ring wall. Two to three months to build the shell. Then another two to three months...eight to nine months total to complete the project. Dave Erickson: Will you follow the geologist's recommendation? Aman Gonzalez: Yes Dave Erickson: So you will go down to bedrock? Aman Gonzalez: No Dave Erickson: Where is the temporary tank to be located? Aman Gonzalez: The temporary tank will be nearby on the Broccoli/Encina Hills property.</p>
Katherine Richardson	X		<p>Asks Aman Gonzalez: Can you guarantee the tank will only be used for fire protection? Aman Gonzalez: I don't know as we would guarantee that.</p>
Chris Schott	X		<p>If the purpose is for fire suppression, then there won't be any connections to any other? My concern is water can be piped elsewhere, Ferrini or Corral. My concern is this, larger tanks proximity to the (Broccoli) Encina property. I'm concerned with what the plumbing is for. Aman Gonzalez: The tank is for fire protection and water demands in Summer. It is part of the entire water system.</p>
Ron Vandergrift		X	<p>Question to Aman Gonzalez: Is there anything to preclude you from tying in this tank for fire suppression to something else? Aman Gonzalez: Legally I cannot answer that.</p>

PUBLIC COMMENT CONTINUED:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Charles Burwell		X	<p>I live in the Corral de Tierra Meadows. I have also been working with CalAm on a water tank issue above the Meadows of Corral de Tierra. It's been going on for about a year now. However, it is a different story now than it was one year ago. It may have something to do with the proposed Corral de Tierra Shopping Center?</p> <p>Aman Gonzalez: There are two 50,000 gallon tanks there now. We are proposing two 100,000 gallon tanks.</p> <p>Charles Burwell: A concern is the disruption of the soil area. CalAm should be required to be candid.</p> <p>Ron Vandergrift: The locals want to leave it alone.</p> <p>Bonnie Baker: A concern of mine is earthquakes. Soil disruption is a concern.</p> <p>What happens to a big tank? Does it roll down the hill onto the houses below it?</p> <p>Aman Gonzalez: We install flexible water connections on the tanks, inflow and outflow, so in the event of an earthquake they are flexible and do not break.</p> <p>Bonnie Baker: Did CalAm explore alternative sites?</p> <p>Aman: No</p>
Toke Jayachandran	X		<p>The current two tanks are close to the slope. I am worried about earthquakes and the effect an earthquake might have.</p> <p>Kerry Varney: What is the setback from the slope? What about potential erosion?</p> <p>Andi Harris expressed concerns about these during the site visit today.</p> <p>Aman Gonzalez: The geotechnical engineer that works for CalAm says it's ok.</p>
Chris Schott	X		<p>Regarding the plans, a change doesn't have to be permitted?</p> <p>Aman Gonzalez: No</p> <p>Chris Schott: Huh? I don't think so. I'd like to know where the water is coming from for the proposed Encina Hills, also Ferrini and Corral. The road to the top of Rimrock was never built or rated for cement trucks.</p>
Steve Shearn	X		<p>Is fire the issue?</p>

LUAC AREAS OF CONCERN:

<p>Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)</p>	<p>Policy/Ordinance Reference (If Known)</p>	<p>Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)</p>
<p>Ron Vandergrift: The site visit showed him the local roads up there are in nice condition. Concrete trucks and all can do much damage. It is expensive to repair. Ron found out from his driveway being broken by concrete trucks. And the damage sometimes doesn't show up right away.</p>		<p>Suggests a \$100,000 escrow account be set up in case the private road is damaged</p>
<p>Mike Weaver: The flagging is very visible and was the way he initially found the location. Suggests the tank should be buried underground. The County required the water storage tanks to be under grounded for Markham Ranch, Vista Dorada and Laureles Estates in Toro, Grey Eagle in North County and even the low income Moro Cojo near Castroville. It is nothing new. The flagging is visible from Corral de Tierra, and it sure is visible to the neighbors, especially the Richardson's. And for the record, Weaver buried his well water storage tank in Corral de Tierra.</p> <p>Aman Gonzalez responds that the PUC won't allow CalAm to bury the tanks.</p> <p>Mike Weaver: Doesn't believe that is true. Can CalAm can get a letter from the PUC stating that?</p>		<p>Require the tank(s) to be under grounded due to both visibility and soil stability concerns.</p>
<p>Mike Weaver: There has been much testimony and many concerns. We need to see and read the two geology reports written for this project. They were not included in today's LUAC packet. It is also possible that Mr. Gonzalez may not be being given all the information by CalAm management. For example, here is a copy of a submittal to the PUC by CalAm, from a CalAm attorney. Included in the submittal to the PUC is a map that shows water tanks and 8" water mains extending from Rimrock into Encina Hills. It also shows the access road that goes to the top of Rimrock extending into Encina. Here is a copy of this map for the record, so all can see it and have it submitted with the meeting notes. (Pass around)</p> <p>How much of the storage is needed for fire protection in Rimrock?</p> <p>Do we have those calculations?</p>		<p>Additional information needed</p>

LUAC AREAS OF CONCERN CONTINUED:

<p>Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)</p>	<p>Policy/Ordinance Reference (If Known)</p>	<p>Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)</p>
<p>Kerry Varney: Visibility is an issue. At 18 feet people can see it. We walked around the existing tanks on the site visit. Can't plant to screen because of the steep slope. I got lost myself but found the tank locations by seeing the orange banner. Aman was sent out by CalAm but it is suspicious. Is it a need for fire protection? OK. But don't sell me something that's not true. We need additional information.</p> <p>Bonnie Baker: Concerned about earthquakes and a heavy tank on the crest of a steep mountain.</p> <p>Ron Vandergrift: A \$100,000 escrow account needs to be established to protect the homeowners and to repair potential damage to their roads.</p> <p>Mark Kennedy: The size of the tank and neighbors concerns is our charter, not enough water is not. Visibility, height, underground? What is our charter?</p> <p>Bonnie Baker: The height and size of the proposal is ridiculous. I suggest we continue to get more information and clarity.</p> <p>Kerry Varney: Aman, can you obtain the soils reports, and investigate lowering the tanks into the ground? Can a soils engineer come to the meeting? Aman Gonzalez: Lowering the tanks is NOT an option. The PUC won't allow it. Mike Weaver: Do you have a letter or can you get a letter from the PUC that states that? I don't think that is true. Aman Gonzalez: We have 40,000 customers on the Monterey Peninsula. I have a letter from the PUC that sort of says something like that. Mike Weaver: There are 399 customers on the Ambler System and it is a separate system from the Monterey customers. It is in a different area from the Monterey customers. We are in Toro.</p>		<p>If it meets all criteria lower tank to no higher than current tank height.</p> <p>Need additional information.</p> <p>Geology/geotechnical reports needed</p> <p>Can the neighbors be protected from nine months of construction? They want more information on the plans.</p> <p>Lower tank into the ground? Alternative site?</p>

LUAC AREAS OF CONCERN CONTINUED:

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)
<p>Aman Gonzalez: I may be able to get a Soils Engineer to come for an hour. Kerry Varney: If lowering the tank is not an option what are other alternatives? Aman Gonzalez: Paint it green. Kerry Varney: Can it be a lower broader tank? Aman Gonzalez: There's not a big enough footprint up there. Maybe we could paint trees on the tank?</p>		

ADDITIONAL LUAC COMMENTS

Kerry Varney: I am going to make a motion to deny the project
 Mark Kennedy: It is a recommendation only. But, I'll second the motion to deny.
 Kerry Varney: We have a motion and a second. We'll go to a vote. Discussion?
 Mike Weaver: The stated intent is for fire protection. Let's not recommend denying these people in Rimrock water for fire protection. As I suggested earlier and we discussed, let's get more information. Specifically, I think we should continue the hearing for two weeks and get the following:

- *The two existing geology reports for this location
- * Calculations as to just how much storage tank water is needed for fire protection for Rimrock.
- * Cal Am provide a letter from the PUC to CalAm stating they won't allow underground tanks
- * A soils engineer to help answer the neighbor's questions, including questions about earthquakes/ground shaking/liquefaction.
- * Provide an opportunity for Aman Gonzalez to talk to upper management and get the details and facts on this application.

Then we can make an informed recommendation to the Planning Commission. It is not about a charter issue. It is the Toro Area Plan, and helping neighbors here, and make a recommendation for a better project.

Kerry Varney: You know. I think I'd like to withdraw my motion.
 Mike Weaver: There was a motion and a second and a call for the vote.
 Kerry Varney: OK let's vote: Motion to deny

FIRST RECOMMENDATION:

Motion by: Kerry Varney (LUAC Member's Name)

Second by: Mark Kennedy (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

AYES: 0

NOES: Weaver, Baker, Varney, Kennedy, Vandergrift

ABSENT: Mueller

ABSTAIN: 0

SECOND RECOMMENDATION:

Motion by: Mike Weaver (LUAC Member's Name)

Second by: Bonnie Baker (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: LUAC requests additional information:

*The two geology reports for this location

* Calculations as to just how much storage tank water is needed for fire protection for Rimrock

* A letter from the PUC to CalAm stating they won't allow underground tanks

* A soils engineer to help answer the neighbor's questions, including questions about earthquake issues.

* Give an opportunity for Aman Gonzalez to talk to upper management and get the details and facts on the application.

Then we can make an informed recommendation to the Planning Commission. It's not a charter issue. It is the Toro Area Plan and helping neighbors here, for a better project.

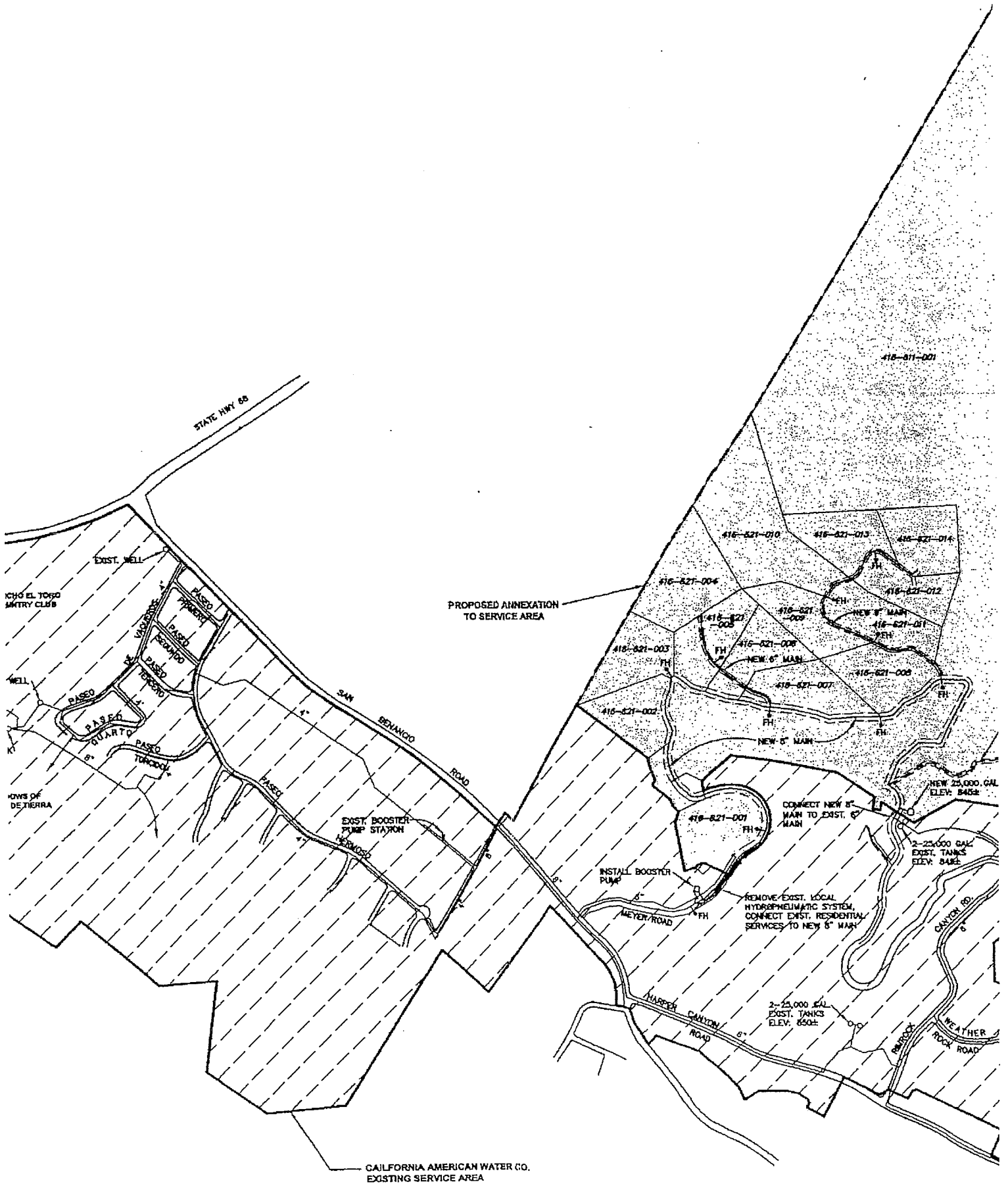
Continued to what date: Two weeks (November 22, 2010)

AYES: Weaver, Baker, Varney, Kennedy

NOES: None

ABSENT: Mueller

ABSTAIN: Vandergrift



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PROPOSED ANNEXATION
TO SERVICE AREA

EXIST. BOOSTER
PUMP STATION

INSTALL BOOSTER
PUMP

REMOVE EXIST. LOCAL
HYDRO-PNEUMATIC SYSTEM,
CONNECT EXIST. RESIDENTIAL
SERVICES TO NEW 8" MAIN

2-25,000 GAL
EXIST. TANKS
ELEV. 850±

NEW 25,000 GAL
EXIST. TANKS
ELEV. 840±

2-25,000 GAL
EXIST. TANKS
ELEV. 840±

CALIFORNIA AMERICAN WATER CO.
EXISTING SERVICE AREA

NAME

AMAN GONZALEZ CALIFORNIA AMERICAN WATER 8316463230
CHRIS SCHOTT 24513 RIMROCK CT. SALINAS 831484-1576
DAVE + SUE ERICKSON 24533 RIMROCK CT 484-2286
TORE JAYACHANDRAN 24503 RIMROCK CYN RD 831-484-9680
Steve + Lani Shearn 24523 Rimrock Ct. 484-1235
Kate Richardson 24522 Rimrock Cyn Rd 484-2912
CHUCK BURWELL 14460 Mt. Q. Rd 484-5705
Mark Kennedy 22396 Monroe Pl. 484-2352

MINUTES
Toro Land Use Advisory Committee
Monday, December 13, 2010

1. Meeting called to order by Kerry Varney at 4:05 pm

2. **Roll Call**

Members Present: Bonnie Baker, Mike Weaver, Kerry Varney, Mark Kennedy

Members Absent: Ron Vandergrift (Excused), Mike Mueller (Excused)

3. **Approval of Minutes:**

A. November 8, 2010 minutes

Motion: Kerry Varney (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Varney, Baker, Kennedy, Weaver

Noes: None

Absent: Vandergrift, Mueller

Abstain: None

4. **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

5. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

7. **Meeting Adjourned:** 5:30 pm

Minutes taken by: Mike Weaver

Minutes received via email December 20, 2010

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: **December 13, 2010**

Project Title: RICHARDSON LEWIS H & KATHERINE (CALIFORNIA AMERICAN WATER CO)
Item continued from 11/8/10 meeting

File Number: PLN090087

File Type: PC

Planner: NEGRETE

Location: 24522 RIMROCK CYN RD SALINAS

Project Description:

Combined Development Permit consisting of a: 1) a Use Permit to place one (1) 120,000 gallon California American Company Water tank at the "Upper Rim Rock" site replacing two (2) 25,000 gallon tanks and Design Approval; 2) 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 and; and 3) Use Permit for the development over slopes of 30%. The property is located at 24522 RimRock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

Property owner Katherine Richardson was present.

CalAm, who has an easement on a portion of the Richardson property, was represented by Aman Gonzalez.

Also present were Rimrock II neighbors, Toke Jayachandran, Sue Erickson, Chris Schott, Lani Shearn, Steve Shearn, and from the Meadows of Corral de Tierra HOA Board, Charles Burwell

PUBLIC COMMENT:

Kerry Varney opened the meeting. This is a CONTINUED HEARING on this CalAm tank issue from Monday, November 8, 2010. A site visit was made by the LUAC and testimony was taken from the public on November 8, 2010 and as a result of that, three items were requested from the applicant by the LUAC for this continued LUAC Hearing,

- 1) The two referenced geology reports
- 2) A letter from the fire dept. clarifying how much storage they need
- 3) A letter from the PUC stating they do not allow underground storage tanks.

Varney said the Committee received via email from the project planner a 137-page geology report and a two-page letter regarding the geology.

Aman Gonzalez stated those were the reports available. Regarding the PUC, they allow underground tanks, however, the Department of Ratepayer Advocates in the PUC looks out for expenditures that may drive up customer rates. It is more expensive to put a tank underground, almost twice as much. Regarding the fire department and the size of tank needed, they like to have 1,000 gallons per minute for up to two hours supply, thus the need for a 120,000-gallon storage tank. Aman had a clarifying letter from MCRFD to this.

Aman refers to the report. The upper five feet of soil is sandy. At five foot depth is bedrock. 5 - 25 feet is bedrock, raising the cost of putting a tank below ground. Aman said CalAm is willing to lower the tank another 2 maybe 3 feet to get to bedrock. May get the tank to 15 feet high, maybe 16 feet high above ground. Willing to take a look. He notes that they still have not finalized the site.

PUBLIC COMMENT CONTINUED:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Sue Erickson	X		Asks, how high is the current tank sticking up? Aman answers it is 12 feet tall. Sue Erickson notes the new tank would be taller and larger. She is against the whole thing.
Chris Schott	X		Notes his water rates have gone up 85% since CalAm took over Ambler. Would like to see the height of the tank get below 15 feet tall. He has to look at it.
Steve Shearn	X		Notes that the current tank is "in my front yard." It is very visible.

Mike Weaver states he read the 137-page geology report and the two-page letter. It was informative. There are concerns with sandy soil, liquefaction, earthquakes, and there are neighbor's testimony of soil sloughing in the cliff area below the current tank. The location of the tank is in quite a dangerous place, perched as it is on the top edge of a cliff. There was a lot of "boilerplate" language in the report, apparently there, to help protect the author(s) from future litigation regarding the placement of a new storage tank. There were provisos that specific plans had not been done yet, and that authors should be on site to inspect when work gets underway. The Geo report noted that they needed to see the development plans.

The term "ORDINARY RISK" was used several times to refer to a new tank in this location. Located towards the rear of the geology report was a chart titled "Scale of Acceptable Risks from Non-Seismic Geologic Hazards".

Ordinary Risk is defined as being basically ok for most commercial type structures and would probably be ok if this was on the flatlands somewhere. However, there are three lower risk levels above ordinary risk. These lower risk categories deal more with acceptable risks for utility structures, emergency structures dealing with fire, and structures dealing with more people or population of people. Low Risk, very low risk, extremely low risk. Weaver noted the current tank location, above-ground, and hovering at the edge of the cliff, poses a risk not only for the houses located below it, but a risk in the event of a fire, or earthquake. People and fire departments need their water.

Finally, the tank IS on property owned by the Richardson's. It creates a liability for them. There is language in the report that the owner's, the Richardson's, would have to be willing to accept ordinary risk with the location of this larger storage tank.

Aman doesn't disagree. He goes on to explain that CalAm originally was considering two 90,000-gallon tanks for a capacity of 180,000 gallons. It was decided to instead put in one 120,000-gallon tank and at some point in the future explore installing an additional 60,000-gallon tank.

Varney notes that on the recent Field Trip to this site that the current tank was like two feet from the edge of the cliff. He asks if this new proposed tank is for the purpose of serving the property of these people in Rimrock?

Aman states it is for this specific development, not elsewhere. There are 41 homes to be served.

Weaver states that according to the Chair of the HOA there are 32 homes in Rimrock I and 12 homes in Rimrock II. A total of 44 homes. Some of the homes in Rimrock I do not have fire sprinkler systems installed in them.

PUBLIC COMMENT CONTINUED:

Aman states that a total of 41 Rimrock homes are served by this tank regardless of individual home fire sprinkler systems. The other Rimrock homes are served by another storage tank.

Neighbor Steve Shearn expresses concern about the size of the proposed tank.

Aman states the tanks located there now are undersized. He's discussed this with Dorothy Priolo of MCRFD and has a letter regarding fire flow requirements. It's not based on the number of homes. It is based on 120,000 gallons of water needed, at 1,000 gallons per minute, per one structure fire for two hours of fire fighting. The letter from MCRFD reads, "The fire flow portion of a water system is inherently calculated based on individual buildings, not neighborhoods."

Toke Jayachandran asks if CalAm is then planning on coming back for a second tank?

The Shearn's express concern that the application is for one tank, now there are two?

Aman states that a second tank would be a result of a future rate case, maybe 3-4 years. CalAm would have to go back to the PUC to get approval.

Neighbor Chris Schott states CalAm should lower the tank height.

Aman states that the five homeowners here today have fire sprinkler systems in their homes. Possibly as many as 120 might. However, they still need tank capacity to serve the 1,000 gallons per minute for two hours. An additional tank would serve a purpose of 30% maximum demand, additional storage for peak hour usage.

Chris Schott asks if the fire protection is inadequate until the 60,000-gallon tank is installed?

Aman states that a second tank "is down the road". It has to front to the North so they cannot change the tank one size or dimensions.

Toke Jayachandran asks if CalAm hired the geotech engineers that produced the reports?

Aman states they did and that is not uncommon.

Bonnie Baker again expressed concern regarding the plan to excavate down then compact the soil under the proposed new tank. The tank location and the soil types are safety concerns.

Weaver again suggests putting the tank underground. After all, the storage tanks for nearby Markham Ranch, and Vista Dorada are underground, as are the tanks at Moro Cojo in North County, as well as others.

CalAm owns some of these systems.

He has a question regarding storage capacity for fire protection. Bill Weaver sent a letter recently to the County responding to the DEIR for the proposed Corral de Tierra Shopping Center. One of his concerns was if Ambler Water has the storage capacity to suffice in the event of a big fire. Once the gravity storage tanks are empty, how can the well pumping capacity keep up? He asked to be provided specific data on this.

The County's response in the FEIR was, "The Ambler Water Service system is permitted by the PUC and is sized to meet the requirements established by that agency. This does include fire protection. There currently is an application submitted by CalAm to construct larger tanks off San Benancio Road. The County believes that this will provide additional fire suppression capability."

Weaver states that the key to this application is adequate water storage for fire protection. Are the Ambler ratepayers paying for fire protection or CalAm capacity for new growth?

Aman Gonzalez (CalAm) states this San Benancio tank location is for water storage capacity for RimRock. CalAm has an application submitted with Planning and will be coming back with a separate application for storage tanks proposed to be located above the Meadows of Corral de Tierra Subdivision in the future for Corral de Tierra.

PUBLIC COMMENT CONTINUED:

Kerry Varney reminds the LUAC that Ron Vandergrift suggested a \$100,000 Bond to ensure the roads in Rimrock would be repaired if construction trucks did damage to them. Is that an excessive amount?

Aman states that CalAm would be liable for any construction damage to roads, curbs, etc. and would make good on repairing them.

It is suggested to the neighbors in attendance that digital photos of the roads are taken before and after.

Aman agrees that is appropriate.

Kate Richardson, property owner, asks about all the recommendations. Recommendations as to maintenance. There are 34 recommendations.

Aman answers those are conditions of approval and it is necessary for CalAm to comply with them.

Steve Shearn asks for clarification, is this new tank specifically for the Rimrock development, because the proposed Encina Hills project is next door?

Aman Gonzalez answers that it is for the current system that is there. He states he has discussed this issue with an attorney that works for CalAm. There is an issue before the PUC now regarding Encina Hills annexation. That is Proceeding Number C10-08-022. That is different.

Kerry Varney states there are three issues before the LUAC

- 1) a 120,000-gallon tank
- 2) a use permit to exceed 15 feet height
- 3) a use permit to encroach on a 30% slope

Mark Kennedy asks why if the current tank is not large enough, it took ten years for CalAm to come forward with a plan to replace it?

Aman answers that the trigger was a leaking tank. One of the current tanks was leaking. Replacing a tank first causes a trip to CalAm Planning. Planning figures how much is needed and how to go about it without having to go to a rate case.

Kerry Varney: How do you feel about building on a 30% slope?

Bonnie Baker: There is already erosion.

Aman Gonzalez: The 30% part is just a sliver. He shows on the map. It is the toe of the adjacent hill.

Mark Kennedy: So \$600,000 needs to be spent and is required by the Fire District and the County. Correct?

Aman Gonzalez: General Order Number 103, we have to provide what the customer needs. If replacing tanks we have to bring it up to fire code. If we change a tank we need to bring it up to fire code. The current tanks have a usable capacity of 32,000 gallons, less than the 50,000 gallon combined size of the two tanks. The new tank will be designed to have 120,000 usable gallons.

Toke Jayachandran: Has concerns about tank size and the stability. He notes there was a big earth slide in 1995.

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)
Bonnie Baker Proposed tank is too high and too visible to surrounding areas. There is risk and safety worries There is erosion		
Mike Weaver Proposed tank project assumes "ordinary risk". It is inadequate for this application.		Put tank underground for both safety and aesthetic reasons.
Kerry Varney Is it possible to build a tank with lower broader dimensions?		Aman states it won't work as they need to leave room at the site for a potential 60,000-gallon future tank to serve Rimrock.
Kerry Varney Lower the tank somehow to try to find a way to approve it?		

ADDITIONAL LUAC COMMENTS

Kerry Varney: Always something new coming up regarding fire protection. The risk with this project is erosion and the calculation that it is ordinary risk.

Mike Weaver: The original developer and the previous owner of Ambler Water didn't do anyone any favors by putting that storage tank area in a dangerous spot. That was during Rimrock I. Then Rimrock II was built. Now you have million dollar homes with a large storage tank sitting on the cliff in front of them. It's not CalAm's fault the tanks were put in that location. However, the proposed solution kind of cheapskates it, and it doesn't reduce the risk. That new tank will be there for a long time and needs a long-term solution. It also needs a solution that the property owners, the Richardson's, can live with. Underground that tank, just like has been done elsewhere in Toro would be safer and less visible. Concerns about the amount of truckloads of dirt it would take to do this need to be put into the perspective of the 44 homes in the area. Many of them needed quite a bit of grading. Many of them are on slopes.

Bonnie Baker: The referenced 60,000-gallon tank that may come later. That may serve others later?
Aman Gonzalez answers that if Encina annexation is allowed they would have to provide their own water storage.

RECOMMENDATION (MOTION #1):

Motion by: Baker (LUAC Member's Name)

Second by: Weaver (LUAC Member's Name)

- X Deny project as proposed (Not an option for the LUAC to vote on; typed in the minutes' template by the LUAC)
- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: _____ Varney, Baker, Weaver (3)

NOES: _____ Kennedy (1)

ABSENT: _____ Mueller, Vandergrift

ABSTAIN: _____ None

RECOMMENDATION (MOTION #2):

Motion by: _____ Kennedy (LUAC Member's Name)

Second by: _____ Varney (LUAC Member's Name)

Motion to approve if tank height is no higher than 15 feet

_____ Support Project as proposed

X Recommend Changes (as noted above)

_____ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: _____ Kennedy, Varney (2)

NOES: _____ Baker, Weaver (2)

ABSENT: _____ Mueller, Vandergrift

ABSTAIN: _____ None

Motion fails for lack of a majority

RECOMMENDATION (MOTION #3):

Motion by: Varney (LUAC Member's Name)

Second by: Kennedy (LUAC Member's Name)

Motion to approve project with changes. Ok to slightly infringe on adjacent 30% slope. Underground the storage tank and guarantee that the neighborhood roads will be repaired if damaged during construction.

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Varney, Kennedy, Baker, Weaver (4)

NOES: None

ABSENT: Mueller, Vandergrift (2)

ABSTAIN: None

Motion passes with a majority of the vote

444 Airport Blvd, Suite 106
Watsonville, CA 95076
Phone: 831-722-9446
Fax: 831-722-9158

December 9, 2010

Project No. 0906-M254-C11

Cal-Am Water Company
P.O. Box 951
Monterey, CA 93940-5758

Attention: Mr. Aman Gonzalez

Subject: Geotechnical and Geologic Investigation
Upper Rim Rock Canyon Tank Site
APN 416-601-011 & 416-611-002
Rimrock Canyon Road
Monterey County, California

Dear Mr. Gonzalez,

As you know, we completed a Geotechnical and Geologic Investigation for the above referenced site dated March 18, 2009.

The project has changed from the originally planned two 90,000 gallon tanks to a single 120,000 gallon tank. The location of the single 120,000 gallon tank is in the same general area as the originally planned two 90,000 gallon tanks.

As you may recall, our prior report included a slope stability analysis of the hillside area below the tanks (reference pages 6-8 of our Geotechnical Report). Our analysis indicates the hillside was stable under both static and pseudo-static (seismic) conditions.

Based on the drawings we have reviewed to date, it is our opinion the single tank project is an acceptable alternative to two 90,000 gallon tanks.

Should you have any questions regarding this letter, please contact our office. We can be reached at (831) 722-9446.

Very truly yours,

PACIFIC CREST ENGINEERING INC



Michael D. Kleames, G.E.
Vice-President/Principal Geotechnical Engineer
G.E. 2204
Exp. 3/31/12

Copies: 3 to Client

MONTEREY COUNTY REGIONAL FIRE DISTRICT

Michael B. Urquides, Fire Chief
Paul Pilotte, Division Chief/Fire Marshal
David Sargenti, Division Chief/Training and Safety

19900 Portola Drive
Salinas, California 93908
(831) 455-1828 FAX (831) 455-0646
www.mcrfd.org

December 13, 2010

Mr. J. Aman Gonzalez
Senior Project Manager
California American Water
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950

Re: Clarification - Proposed Phasing of Water Storage Tank Capacity - Upper Rimrock Area

Dear Mr. Gonzalez:

Pursuant to your request, this letter is sent to provide additional clarification regarding the method by which fire flow is calculated for this tank installation project using the 2007 California Fire Code as originally outlined in my letter dated September 22, 2010.

The fire-flow rate calculation method found in Appendix B of the California Fire Code, is titled, "Fire-Flow Requirements for Buildings." Section B101.1 (Scope) states:

*"The procedure for determining fire-flow requirements for **buildings or portions of buildings** hereafter constructed shall be in accordance with this appendix." (emphasis added)*

Based on the scope of Appendix B of the California Fire Code, the fire-flow portion of a water system is inherently calculated based on individual buildings, not neighborhoods.

If you have any questions regarding this information, please contact me at (831) 455-1828.

Sincerely,



DOROTHY PRIOLO
Deputy Fire Marshal

Serving the Northern Salinas Valley, the Highway 68 Corridor, and the Community of Chualar

SCALE OF ACCEPTABLE RISKS FROM NON-SEISMIC GEOLOGIC HAZARDS ⁴		
Risk Level	Structure Type	Risk Characteristics
Extremely low risk	Structures whose continued functioning is critical, or whose failure might be catastrophic: nuclear reactors, large dams, power intake systems, plants manufacturing or storing explosives or toxic materials.	1. Failure affects substantial populations, risk nearly equal nearly zero.
Very low risk	Structures whose use is critically needed after a disaster: important utility centers; hospitals; fire, police and emergency communication facilities; fire station; and critical transportation elements such as bridges and overpasses; also dams.	1. Failure affects substantial populations. Risk slightly higher than 1 above.
Low risk	Structures of high occupancy, or whose use after a disaster would be particularly convenient; schools, churches, theaters, large hotels, and other high rise buildings housing large numbers of people, other places normally attracting large concentrations of people, civic buildings such as fire stations, secondary utility structures, extremely large commercial enterprises, most roads, alternative or non-critical bridges and overpasses.	1. Failure of a single structure would affect primarily only the occupants.
"Ordinary" risk	The vast majority of structures: most commercial and industrial buildings, small hotels and apartment buildings, and single family residences.	<ol style="list-style-type: none"> 1. Failure only affects owners /occupants of a structure rather than a substantial population. 2. No significant potential for loss of life or serious physical injury. 3. Risk level is similar or comparable to other ordinary risks (including seismic risks) to citizens of coastal California. 4. No collapse of structures; structural damage limited to repairable damage in most cases. This degree of damage is unlikely as a result of storm with a repeat time of 50 years or less.
Moderate risk	Fences, driveways, non-habitable structures, detached retaining walls, sanitary landfills, recreation areas and open space.	<ol style="list-style-type: none"> 1. Structure is not occupied or occupied infrequently. 2. Low probability of physical injury. 3. Moderate probability of collapse.

⁴ Non-seismic geologic hazards include flooding, landslides, erosion, wave runup and sinkhole collapse

EXHIBIT F

Letter from Monterey County Regional Fire Protection District
Dated September 22, 2010

MONTEREY COUNTY REGIONAL FIRE DISTRICT

Michael B. Urquides, Fire Chief
Paul Pilotte, Division Chief/Fire Marshal
David Sargenti, Division Chief/Training and Safety

19900 Portola Drive
Salinas, California 93908
(831) 455-1828 FAX (831) 455-0646
www.mcrfd.org

September 22, 2010

Mr. J. Aman Gonzalez
Senior Project Manager
California American Water
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950

Re: Proposed Phasing of Water Storage Tank Capacity - Upper Rimrock Area

Dear Mr. Gonzalez:

Pursuant to your request, the Monterey County Regional Fire District would agree to the proposed phasing of the water storage tank capacity for the Upper Rimrock storage tank site, which you have indicated serves 41 homes.


In your request, you explained that the first phase of the water storage proposed to be provided would total 120,000 gallons with additional water storage to be added at a future date. According to Appendix B of the 2007 California Fire Code, the fire flow rate required for one- and two-family dwellings not protected with residential fire sprinklers is 1,000 gpm with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours.

In your email message dated today, you have further indicated that the pump station refill rate has a "95 gpm total capacity and a 45 gpm firm capacity", and the average daily demand is "approximately 17 gpm" and the maximum daily demand is "approximately 33 gpm" by domestic water usage.

Based on the data that you have provided, it appears that the first phase water storage capacity will be able to meet both the fire flow and domestic water needs of the 41 homes that the Upper Rimrock Storage Tanks will serve.

If you have any questions regarding this information, please contact me at (831) 455-1828.

Sincerely,



DOROTHY PRIOLO
Deputy Fire Marshal

Serving the Northern Salinas Valley, the Highway 68 Corridor, and the Community of Chualar

EXHIBIT G
Negative Declaration

County of Monterey
 State of California
NEGATIVE DECLARATION

FILED

JAN 06 2012

STEPHEN L. VAGNINI
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	Lewis H. & Katherine Richardson (Cal-Am)
File Number:	PLN090087
Owner:	Lewis H. & Katherine Richardson
Project Location:	24522 Rimrock Canyon Road, Salinas
Primary APN:	416-601-011-000
Project Planner:	Valerie Negrete
Permit Type:	Use Permit, Tree Removal Permit and Design Approval
Project Description:	Combined Development Permit consisting of a: 1) a Use Permit to place one (1) 120,000 gallon California American Company Water tank at the "Upper Rim Rock" site replacing two (2) 25,000 gallon tanks and Design Approval; 2) 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; and a Tree Removal Permit for the removal of a protected tree (one 8" oak tree); and Design Approval. The property is located at 24522 Rimrock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan.

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:	Monterey County Board of Supervisors
Responsible Agency:	County of Monterey
Review Period Begins:	January 6, 2012
Review Period Ends:	February 6, 2012

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, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Richardson (Cal Am), File Number PLN090087) at 24522 Rimrock Canyon Road, Salinas (APN 416-601-011-000) (see description below). The Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California, Monterey Public Library and Salinas Public Library. The Planning Commission will consider this proposal at a meeting on February 9, 2012 in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from January 6, 2012 to February 6, 2012. Comments can also be made during the public hearing.

Project Description: Combined Development Permit consisting of a: 1) a Use Permit to place one (1) 120,000 gallon California American Company Water tank at the "Upper Rim Rock" site replacing two (2) 25,000 gallon tanks and Design Approval; 2) 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; and a Tree Removal Permit for the removal of a protected tree (one 8" oak tree); and Design Approval. The property is located at 24522 Rimrock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do

not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: Richardson (Cal-Am); File Number PLN090087

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- _____ No Comments provided
- _____ Comments noted below
- _____ Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: galacatos@usace.army.mil; Paula Gill: paula.c.gill@@usace.army.mil; or Bryan Matsumoto: bryan.t.matsumoto@usace.army.mil)
3. County Clerk's Office
4. Association of Monterey Bay Area Governments
5. North Monterey County High School District
6. Monterey County School District
7. Monterey Peninsula Unified School District
8. Carmel Unified School District
9. Pacific Gas & Electric
10. Monterey Bay Unified Air Pollution Control District
11. Monterey County Regional Fire Protection District
12. Monterey County Water Resources Agency
13. Monterey County Public Works Department
14. Monterey County Parks Department
15. Monterey County Division of Environmental Health
16. Salinas Public Library
17. Monterey Public Library
18. Lewis and Katherine Richardson, Owner
19. Aman Gonzalez (Cal-Am), Agent
20. Property Owners within 300 feet (Notice of Intent only)
21. Michael Weaver
22. The Open Monterey Project
23. LandWatch
24. Front Counter Copy
25. Planners Copy, Valerie Negrete
26. Public Utilities Commission

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: Lewis H. & Katherine Richardson

File No.: PLN090087

Project Location: 24522 Rimrock Canyon Road, Salinas

Name of Property Owner: Lewis H. & Katherine Richardson

Name of Applicant: California American Water C/O Aman Gonzalez

Assessor's Parcel Number(s): 416-601-011-000

Acreage of Property: 4.82 Acres

General Plan Designation: Residential - Low Density 1AC/U

Zoning District: LDR/B-6-D or "Low Density Residential with a Building Site and Design Review overlay"

Lead Agency: Monterey County Planning Department

Prepared By: Valerie Negrete, Assistant Planner

Date Prepared: December 19, 2011

Contact Person: Valerie Negrete

Phone Number: (831) 755-5227

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The property is located at 24522 Rimrock Canyon Road, Salinas. The subject application is for the replacement of two (2) existing 25,000 gallon water tanks with one (1) 120,000 gallon water tank within an existing .40 acre water tank easement. The site is accessible through a dirt road located to the southwest of the existing single family dwelling. The tank replacement is needed to provide fire suppression to the existing 41 homes (Source IX. 10) the tanks serve. The replacement will involve the removal of two (2) coast live oak trees, one 8" in diameter and the other of 4" in diameter. Monterey County Code Section 21.64.260 requires a tree removal permit for any protected tree, in this case an oak tree which is 6" or more in diameter is a protected tree. Therefore, the project will include a tree removal permit for the removal of one (1) 8" oak tree. In order to support tree removal, the County must find that the removal is the minimum required in the circumstances of the case and that removal will not involve an adverse environmental impact. The replacement tanks are confined to the tank easement and tree removal is unavoidable. Ninety five percent (95%) of the tank easement area is disturbed and without vegetation. With a standard condition of approval for tree replacement, the removal of one (1) oak tree will be less than significant.

The 120,000 gallon replacement tank will be 18 feet high. The district height limit for a non-habitable accessory structure is 15 feet. However, Monterey County Zoning Code Title 21 height and setback exceptions Section 21.62.0202.B provides for "towers, poles, water tanks and similar structures to be erected to a greater height than the limit established for the district" with a Use Permit. With a standard condition of approval requiring landscaping and vegetation to be at least 18 feet high, the impacts to surrounding aesthetics will be less than significant (See VI for more discussion).

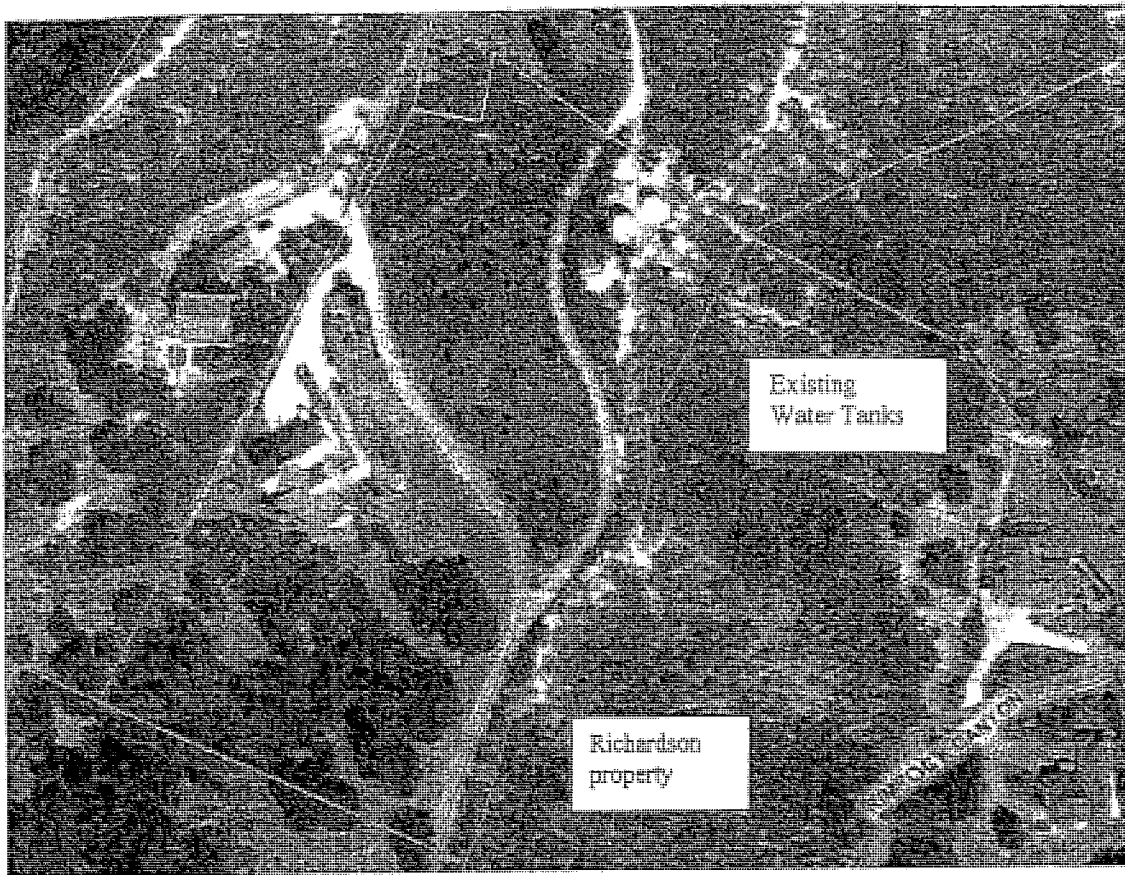
Because the existing tank easement is located on the knoll of an existing hill, there will be encroachment of 230 square feet on 25% slopes for the placement of the replacement 120,000 gallon tank (Source IX. 1). Monterey County General Plan, Section OS-3.5, states that where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required. In this case, the impact will cover a total area of 230 square feet thereby not requiring a discretionary permit.

B. Surrounding Land Uses and Environmental Setting:

The site is a 4.76 acre property located within a developed subdivision known as the Harper Canyon subdivision recorded February 5, 1991, Cities and Towns, Volume 17, Page 33 as Lot 11. The property is located on the side of sloping hill where the north portion of the property is largely in areas over 25% slopes and over half of the property is located within a scenic and conservation easement. The southern portion of the property is slightly sloped and contains an existing approximate 2,736 square foot single family dwelling. The north portion of the property contains a .40 acre water tank easement, which is located atop a narrow bedrock southward-descending ridge crest above very steep slopes to the east and moderately steep slopes to the west (Source IV. 7). The eastern slope of the ridge crest is raw and fluted with numerous erosion rills, gullies and debris flow scars (Source IV.7). The water tank easement contains two (2) existing

25,000 gallon water tanks which serve 41 homes below. Within the tank easement, immediately north of the existing tanks, is a 150 square foot parking area for utility and maintenance vehicles.

Figure 1: Aerial Site Plan of Richardson property



C. **Other public agencies whose approval is required:** The Public Utilities Commission approval is required for the replacement however no other agency, besides the Monterey County Planning Department, approval is required.

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

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

General Plan / Area Plan

The proposed expansion of an existing water tank is consistent with the Toro Area Plan, 2010 General Plan and Monterey County Zoning Ordinance. The property is located within a Low Density Residential district which allows for the proposed use. No potential impacts were identified during staff review. The project was found to be consistent with standards provided in the Toro Area Plan, 2010 General Plan and Monterey County Zoning Ordinance. (Source: IX. 1, 2, 3) CONSISTENT.

Air Quality Management Plan

Consistency with the Air Quality Management Plan is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP (Source: IX. 5). In this case, the replacement of an existing water tank to serve existing customers will not cause an increase in population.

The Association of Monterey Bay Area Governments (AMBAG), the 2008 *Population, Housing Unit, and Employment Forecasts* adopted by the AMBAG Board of Directors, are the forecasts used for this consistency determination. The proposed project includes the replacement of two (2) existing 25,000 gallon water tanks to one (1) 120,000 gallon water tank in order to provide adequate fire flow in the event of an emergency. The replacement will not contribute to an increase in the population forecasts of the 2008 AQMP and would not result in substantial population changes. The tanks currently serve 41 homes and after the project the tank will serve fire flow and domestic water needs of the existing 41 homes. Therefore, the project is consistent with the 2008 regional forecasts and the Air Quality Management Plan (Source: IX. 5). CONSISTENT

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 and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |

- | | | |
|---|--|--|
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <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: See discussion in Section VI for further analysis.

2. Agriculture and Forest Resources: The project is will not 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. The project is a developed lot located within a residential zoning designation, Low Density Residential with a Building Site and Design Control overlays. The property does not contain a Williamson Act contract or conflict with Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland. The proposed is a replacement of an existing water tank for residential use and therefore will not result in a conversion of farmland to a non-agricultural use. (Source IX 1, 2, 6) *Therefore, the proposed project would not result in impacts to agricultural or forest resources.*
8. Hazards/Hazardous Materials: The project does not involve the use of any hazards or hazardous materials. The site is a developed residential lot within an existing subdivision. The replacement of the water tank is needed to provide fire flow to the existing homes thereby reducing the risk of fire damage to each customer the tank serves. *Therefore, there will be no impact on hazards or hazardous materials.*
10. Land Use/Planning: The project will not physically divide a community, as it is a replacement of two existing 25,000 water tanks to one 120,000 gallon tank in order to provide fire suppression and domestic water for the existing connections it serves. The project is consistent with the Toro Area Plan the 2010 General Plan, and the Monterey County Zoning Ordinance Title 21. The project as proposed will not conflict with any

applicable conservation plan, natural community plan, or existing agricultural activities. The proposed water tank replacement will be situated within an existing water tank easement on a developed residential lot. Water system facilities including wells and storage tanks are an allowed use within the Low Density Residential zoning designation with a discretionary permit. In this case, the existing tanks serve 41 homes and after the tank replacement will serve 41 homes. (Source: IX. 1, 2, 3, 4, 6, 10) *Therefore, there will be no impact on land use.*

11. Mineral Resources: The replacement of an existing water tank will not impact mineral resources. No mineral resources or resource recovery sites have been identified on the site or in the area (Source: IX. 1, 3, 6). *Therefore, the proposed project would not result in impacts to mineral resources.*
12. Noise: Operation of the water tank will not violate any County noise standards. The closest sensitive receptor is approximately 305 feet (south) of the water tanks however the tanks do not make any noise. A standard condition of approval will be added to ensure that construction will take place between the hours of 8-5, Monday through Friday. The replacement of the tank will not expose persons to vibration or groundborne noise, noise levels in excess of standards established by the general plan or noise ordinance. The replacement tanks will not contribute a substantial permanent or periodic increase in ambient noise. The tanks face Rimrock Canyon (southwest), and will be surrounded by developed residential homes in which it will serve. The tanks are not located within an airport land use plan or airstrip. (Source IX. 1, 2, 6, 12) *Therefore, temporary construction activities and ongoing operational noise will have no impact on sensitive receptors.*
13. Population/Housing: The proposed project is located within a LDR/B-6 Zoning District and will not impact population or housing. The proposed tank replacement does not conflict with the 2010 General Plan and Zoning Ordinance. The tank replacement does not involve new connections and therefore is not viewed as growth inducing and does not displace existing housing or change land use that restricts the development of housing. The tank is located within an existing subdivision on a developed lot. There are no plans for additional housing. (Source: IX. 1, 2, 5, 13) *Therefore, the project will have no impact on population or housing.*
14. Public Services: The proposed project is a public utility project which is needed to provide fire flow for the existing residents the tank serves. The project will provide much needed fire protection for the surrounding homes (41 homes) it serves. The replacement will involve the removal of one protected tree (8" oak) and minor grading for the building pad of 57 cubic yards of cut, 3 cubic yards of fill with an export of 54 yards net exported fill soil. All replacement work will be under the supervision of a licensed registered engineer. The project will increase fire protection to an acceptable level. The project does not involve changes to police protection, service ratios to local schools will not be impacted, nor park service or other public facilities. (Source; IX. 1, 2, 7) *Therefore, there will be no impacts on public services.*
15. Recreation: The proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities, which would cause substantial physical deterioration of the facility or its acceleration. The project does not include recreational facilities, nor does it require the construction or expansion of recreational facilities, nor does it require the construction or expansion of recreational facilities that might have an

adverse effect on the environment. (Source: IX. 1, 2, 3, 6) *Therefore, there will be no impact on recreational resources.*

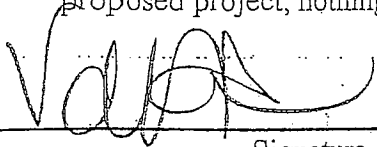
16. Transportation/Traffic: The project site is accessed from a dirt road private road immediately off of Rimrock Canyon Road. The project involves the replacement of an existing water tank and will not generate additional traffic to Rimrock Canyon Road. The project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, or result in a change in air traffic patterns, or substantially increase hazards due to a design feature. The dirt access road is not open to the public and is strictly for monitoring and/or maintenance of the water tank by California American Water personnel. The project will not result in inadequate emergency access as the project does not propose any new infrastructure. The tank replacement does not conflict with any policies on public transit, bicycle, or pedestrian facilities. There is an existing 150 square foot parking pad area for personnel within the water tank easement. (Source IX: 1, 2, 3) *Therefore, there will be no impact on transportation and traffic.*
17. Utilities/Service Systems: The proposed project will not generate wastewater and therefore would not be subject to wastewater treatment requirements. The project is a replacement of an existing water tank and will not require new expanded wastewater facilities. The water tank will provide storage for water. Cal-Am would use existing water sources to supply the tank. There will be no impact in obtaining a new water supply. The replacement will involve the demolition of the existing water tank for a larger tank (Source IX. 1, 2). *Therefore, there will be no impact on utilities or service systems.*

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Valerie Negrete



Date

Assistant Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Aesthetics 1(a) (b) (c): Less than Significant - The proposed project will sit at 18 feet high and will be visible from Rimrock Canyon, a private road, and at least a few homes to the south of the site on Rimrock Canyon within the Harper Canyon subdivision. The proposed is not considered ridgeline development, which by definition in the Monterey County Code Title 21, Section 21.06.950, as development which has the potential to create a silhouette on the crest of a hill when viewed from a common public viewing area. The site is accessed from Rimrock Road and Harper Canyon Road from San Benancio Road off of Highway 68. San Benancio Road, which is .43 miles from the site, is designated within the Toro Area Plan as a Scenic Highway and Highway 68, which is designated as a State Scenic Highway, is located over 1.07 miles west of the property. The tank is not visible from either of these segments (Source: IV 3, 6). Monterey County General Plan policy T-3.1 and T-3.2 require land use, architectural, and landscaping controls be applied, and sensitive site design encouraged, to preserve Toro's visually sensitive areas and scenic entrances of River Road and Highway 68 intersection. In this case, the site is not visible from Highway 68 and the zoning designation already requires design review of structures to ensure development matches the neighborhood character and visual integrity of the neighborhood. Design control has been implemented to ensure that the replacement tank match the colors and materials of the surrounding vegetation (Source IX. 1, 2, 3, 6). The replacement tank will match the existing colors of "TNEMEC Warm Sun" (tan beige). *Therefore, there will be a less than significant impact to a scenic vista or a scenic resource.*

Aesthetics 1 (c): Less than Significant - The project was staked for a visual assessment according to the Monterey County Staking criteria adopted by the Board of Supervisors, Resolution No. 09-360. The site is accessed from Rimrock Canyon Road, which is a steep windy road. The tank easement is located towards the upper northwest corner of the property. As you drive towards Rimrock Canyon, you can't see the staking of the proposed tank. The tank is visible however from the Richardson property, which is private property (see Figure 2 below). The easement is surrounded by a conservation and scenic easement and contains dense

vegetation which shields the view of the existing tank. In accordance with General Plan policy T-3.1, within areas designated as "visually sensitive" on the Toro Scenic Highway Corridors and Visual Sensitivity Map, landscaping or new development may be permitted if the development is located and designed in such a manner that will enhance the scenic value of the area. Although the site is not located on a scenic highway (See VI.1 above), landscaping to reduce the view of the tank from Rimrock Canyon Road will be required. As a standard condition of approval, the replacement tank will be painted the same as the existing colors of beige to match the existing dense vegetation surrounding the tank. Vegetation will be required to grow taller than the 18 foot high tank. (Source IX. 1, 2, 6). *Therefore, there will be a less than significant impact to the existing visual character or quality of the site and its surroundings.*

Figure 2: View from Richardson property of staking



Aesthetics 1(d): No Impact – There is no new lighting planned for the replacement tank. A standard condition of approval will be placed requiring that any additional lighting be low glare, non-reflective and downward lit. General Plan policy T-3.5 requires that exterior/outdoor lighting shall be located, designed, and enforced to minimize light sources and preserve the quality of darkness. Because there are no new light sources proposed there will be no impact to lighting and aesthetics. (Source IX. 1, 2, 3, 6). *Therefore, there will be no impact as a result of a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*

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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.2.

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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

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 within the North Central Coast Air Basin (NCCAB). As of January 2009, Monterey County is in attainment for all federal air quality standards and state standards for Carbon Monoxide (CO), Nitrogen Dioxide (NO₂), and fine particulate matter (PM_{2.5}). Monterey County is in non-attainment for PM₁₀ and is designated as non-attainment-transitional for the state 1-hour ozone standard. Data is not available concerning the state 8-hour ozone standard. Table 2 below depicts the attainment status for the NCCAB region. If a region is in non-attainment, the air quality in the area fails to meet standard and if there is attainment then the area meets standard.

Table 3: Air Resources Board Attainment Status

Current Attainment Status of the North Central Coast Air Basin

Pollutant	Federal	State
Ozone (O ₃)	Attainment*	Non-attainment **
Carbon Monoxide (CO)	Attainment	Monterey County - Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Inhalable Particulates (PM ₁₀)	Attainment	Non-attainment

Fine Particulates (PM _{2.5})	Unclassified/Attainment***	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment

* The Federal 1 hour standard was revoked in the NCCAB on June 15, 2005. The standard provided is for an 8-hour period.

** Effective July 26, 2007, the ARB designated the NCCAB a non-attainment area for the State ozone standard.

*** In 2006, the Federal 24-hour standard for PM_{2.5} was revised from 65 to 35 µg/m³. Although new designations have not been made as of August 2008, at the date of MBAQMP 2008 publication, it is expected that the NCCAB will be designated attainment.

Source: MBUAPCD Website (MBUAPCD 2008)

Air Quality: 3 (a), (b), (e), (f) No Impact – Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). A project's consistency with AQMP district population is an indication of a project's cumulative impact on air quality. It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Generally, in the long-term, the primary source of air emissions is vehicular traffic. The project will not conflict with or obstruct implementation of the applicable air quality plan or violate any air quality standard or contribute substantially to an existing or projected air quality violation. (Source IX. 1, 2, 5). *Therefore, there will be no impacts to applicable air quality plans, air quality standard or an existing or projected air quality violation, sensitive receptors, or result in the exposure of creating objectionable odors affecting a substantial number of people.*

Air Quality: 3 (c), (d) Less than Significant – During construction of the replacement water tank dust would be generated from exposed soils during grading of the tank site. Best management practices for construction and grading activities include watering exposed soil to minimize the potential for dirt to become airborne through wind erosion and re-plantation of graded areas as soon as possible to stabilize grading. For construction vehicles, adherence to state-required idle restrictions and use of properly maintained and tuned equipment with diesel particulate matter filters would minimize vehicle exhaust related emissions during construction. The tank replacement will take approximately three (3) months to complete. The replacement of a water tank will not effect the regional traffic planning efforts and will not cause significant increases in traffic congestion in the area. A standard condition of approval requiring Best Management Practices will be implemented. (Source IX. 1, 2, 5). *Therefore, there would be a less than significant impact to pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard, or construction-related air quality.*

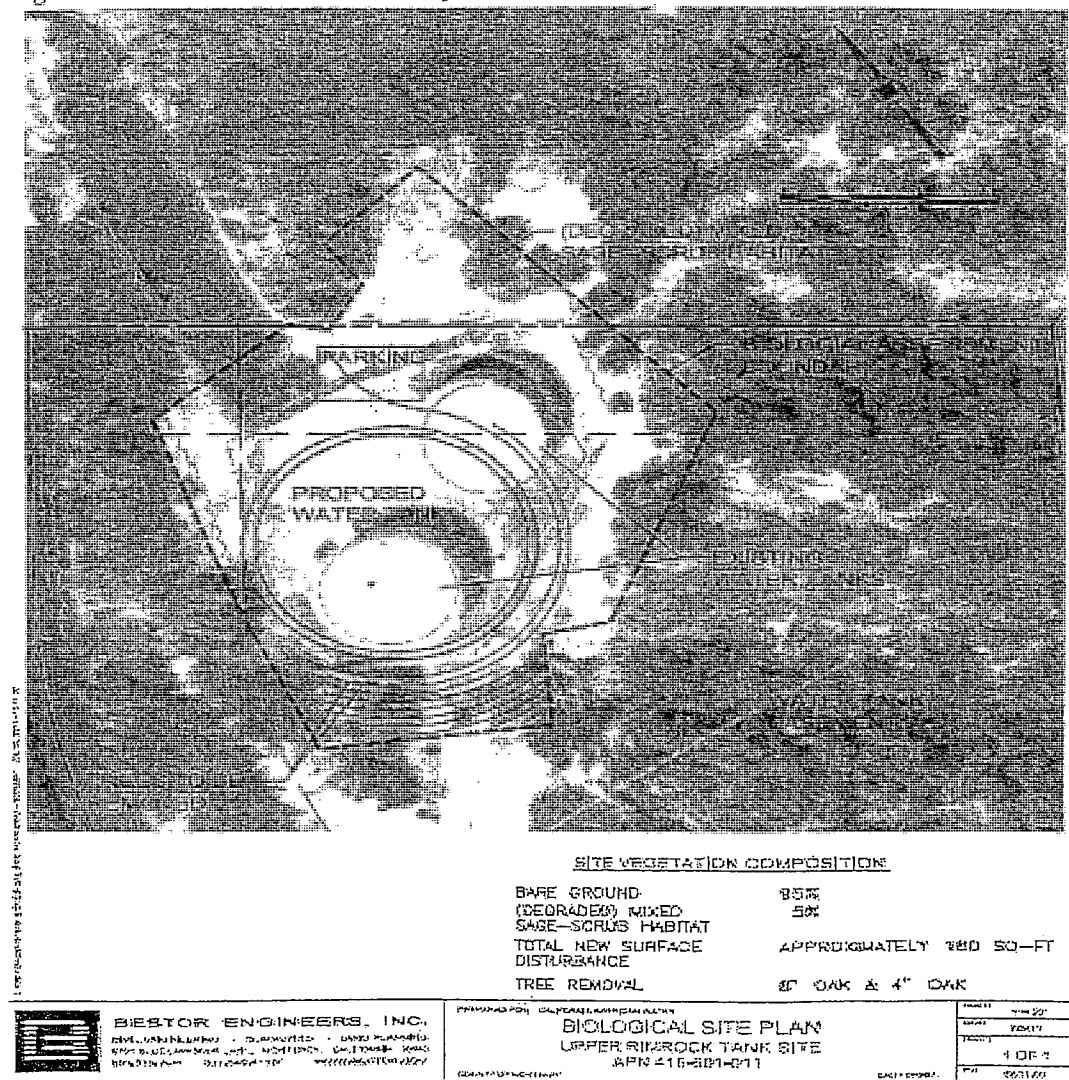
4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, 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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Biological Resources: 4 (a), (b), (c), (d) Less than Significant - A biological assessment was conducted on October 19, 2010 by EMC in order to determine any impacts the proposed development may have on any biological resources. The majority of the proposed building area for the replacement tank is compacted and bare with no vegetation, approximately 95% of the building area (See Figure 4 below), the remaining 5% of the project area is degraded. The degraded area was comprised of chamise, coyote brush, sticky monkey flower, Coast live oak and poison oak. No state and or federally listed plant communities, wildlife migration corridors, protected plant communities or wetlands were observed on site. (Source IX. 6, 9). *Therefore, there will be a less than significant impact to species identified as a candidate, sensitive, or special status species, on any riparian habitat or other sensitive natural community, federally protected wetlands as defined by Section 404 of the Clean Water Act.*

The project will require the removal of several manzanita, coyote brush and sage plants located on the corridor of the new replacement tank area. Impacts to these removed plants are considered less than significant and would not require any mitigations (Source IX. 6, 9). The project area contained a nest of dusky-footed woodrats; however this species is not listed as special status or afforded any protection under state or federal laws. Even though, as a condition of approval the applicant will be required to conduct a pre-construction survey for raptors or nesting birds prior to construction or tree removal. Any tree removal or construction activity that occurs during the typical bird nesting season (February 22-August 1), the project shall retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds or raptors are found on the project site, an appropriate buffer plan or appropriate replacement shall be established by the project biologist. (Source IX. 6, 9). *Therefore, there will be a less than significant impact to any native resident or migratory fish or wildlife species.*

Figure 4: Habitat within the Project Area



Source: Denise Duffy Biological Assessment

Biological Resources: 4 (e) Less than Significant- The proposed project will require the removal of 2 oak trees of 4" and 8" in diameter. Monterey County Code Section 21.64.260 requires a tree removal permit for any protected tree, in this case an oak tree 6" or more in diameter is protected. Therefore, the project will include a tree removal permit for the removal of one (1) 8" oak tree. Due to the small size of the 8" oak tree, it is unlikely that the trees would support nesting. Typically, trees 15 feet in height or larger would be considered suitable habitat for nesting raptor habitat. In order to avoid any potential impact to potentially nesting migratory birds, the applicant will be required to schedule tree removal outside of the breeding migratory bird nesting season (September through January 31st). If tree removal is schedule during breeding season (February 1st to August 31st), the applicant will be required to have a qualified biologist conduct a pre-construction survey within 48 hours of commencement of ground disturbance. If nesting birds or raptors are found on the project site, an appropriate buffer plan or appropriate replacement shall be established by the project biologist. The General Plan policy T-3.7, states that removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. To date, an ordinance has not been adopted specifically addressing the Toro Planning Area trees, therefore absent the ordinance, permit requirements and replacement criteria, regulations for tree removal continue to be followed under Monterey County Code Title 21 (Source IX. 12, 6, 9). *Therefore, there will be a less than significant impact to local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

Biological Resources: 4 (f) No Impact – The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is not located within an area with an existing plan (Source IX. 1, 6, 9). *Therefore, there will be no impact to any adopted Habitat Conservation Plan, Natural Community Conservation Plan.*

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Cultural Resources: 5 (a), (b), No Impact - The project does not involve substantial adverse change in the significance of a historical resource as defined in 15064.5. The site is not a

designated historic resource or eligible for listing in the California Register of Historical Resources. The project does not involve a structure, building or object which is historically significant. The project involves the replacement of an existing water tank. (Source IX. 1, 8). *Therefore, the project will have no impact on culture resources as defined by 15064.5.*

Cultural Resources: 5 (c), (d) Less than Significant – The property is listed in the Monterey County Geographic System website (GIS) as high for the potential of cultural resources occurring on site. An archaeological reconnaissance was conducted for the site and concluded that no resources were present in the project area. No resources have been identified at or near the project site. The site is not located in a cemetery or near any place where human remains were buried. Therefore, the project will not cause a substantial adverse change in the significance of a historical structure or archeological resource. As it is always a possibility that a resource may exist, a standard condition of approval will be added to the project stating that 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. (Source IX. 1, 8). *Therefore, the project will have a less than significant impact on any unique paleontological resources or any human remains.*

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

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Conclusion/Mitigation: Geology and Soils 6 (a) (i) - (iv) Less than Significant – A geotechnical and geological report was prepared by Pacific Crest Engineering dated March 18, 2009, in order to assess the proposed project. Within Monterey County, project sites may experience ground shaking, ground surface rupture, liquefaction and lateral spreading and seismically induced slope instabilities. There was no presence of water below the tank site, therefore, the likelihood of lateral spreading and liquefaction is not possible. The project is located 20 miles from the San Andreas Fault which could experience the most amount of ground shaking during an earthquake event. The nearest known active or potentially active fault is mapped at 2.9 miles from the site, the Rinconada, so the potential for ground surface rupture at the site is low. It is not expected that the site would experience liquefaction or landslides due to the presence of cohesive soils, significant fine content and lack of clean cohesionless sands in the project area. The site did not contain groundwater, therefore lateral spreading and liquefaction factors were not present. The tank will be built in accordance with the latest edition of the California Building Code which will decrease the probability that the tank will experience major damage during a seismic event. (Source IX. 1, 2, 7, 12). *Therefore, the project will have a less than significant impact of loss, injury, or death from the rupture of a known earthquake fault, strong seismic ground shaking occurrence, seismic-related ground failure or landslides.*

Geology and Soils 6 (b), (c) Less than Significant – The north portion of the property contains a .40 acre water tank easement, which is located atop a narrow bedrock southward-descending ridge crest above very steep slopes to the east and moderately steep slopes to the west (Source IV. 7). The eastern slope of the ridge crest is raw and fluted with numerous erosion rills, gullies and debris scars, which have likely contributed sediment to the area below the tank site as the top of the ridge and the slope retreat through the process of erosion and landsliding (Source IV.7). The replacement of the water tank will involve 57 cubic yards of cut and 3 cubic yards of fill with an export of 54 cubic yards. (Source IX. 1, 2, 7, 12).

Removal of native vegetation, including trees and the proposed cut and fill for the building pads, will leave exposed loose soils at the site. Loose, exposed top soils can erode rapidly when mixed with water. (Source IX. 1, 2, 7, 12). The site drainage and erosion control plans are essential to reducing the impact of erosion on the site. Recommendations in the soils report echo Monterey County standard practices for drainage control. Standard erosion control practices include the use of covering or vegetating exposed soils, using silt fences or straw bales to contain surface runoff, and, where possible, to complete soil disturbing activities out side of the rainy season from October 15 through April 15. The Monterey County RMA-Building Department, Grading Division reviews all request for winter grading and must make an exception to allow grading during this time. *Therefore, there would be a less than significant impact to soil erosion or the loss of topsoil, 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.

Geology and Soils 6 (d), (e) Less than Significant – Soil at the site is highly variable within the marine and fluvial terrace deposit materials, not considered expansive. Slope stability analysis, which looked at the cross sections and critical failure planes determined that the safety factor conditions rated at a 2.2 which is greater than the minimum safety factor of 1.5. In general the soils at the site were found to be acceptable provided that the geotechnical report recommendations are followed. Standard conditions of approval will be added to the project to include final grading and foundation designs be reviewed by the geotechnical engineer prior to work being performed. Compliance with the Uniform Building Code's current edition for the additions foundation design and construction was recommended in the report. The condition will require, measures itemized in the geotechnical and geological report prepared by Pacific Crest Engineering dated March 18, 2009, which included surface vegetation, tree roots and organically-contained topsoil be removed from the area to be graded and depths of removal be observed by a licensed geotechnical engineer. Cut and fill slopes shall be engineered meeting minimum density requirements of the geotechnical report recommendations. The condition will require that prior to finaling of any work performed on site, the applicant submit evidence from a geotechnical engineer stating that work was performed in accordance with the geotechnical report recommendations. (Source IX. 1, 2, 7, 12). *Therefore, the project will have a less than significant impact on expansive soils, as defined in Chapter 18A of the 2007 California Building Code Have or soils incapable of adequately supporting the use proposed.*

7. GREENHOUSE GAS EMISSIONS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Greenhouse gases such as Carbon Dioxide and Methane contribute to the "ozone" effect that leads to global warming. The replacement of an existing water tank in an existing water tank easement is not a significant contributor to the global problem. Construction activities associated with the project will generate minor amounts of greenhouse gas emissions generated from tree removal, grading and construction equipment. (Source 1, 2, 3, 5)

Greenhouse Gases 7 (a): Less-than-Significant Impact - The proposed development would generate greenhouse gas emission through removal of a tree (one 8" oak) and vegetation (See VI.4) which not only processes carbon dioxide and releases oxygen back into the air, but also releases CO₂ once removed and composted, or burned. Tree removal is less than significant. Greenhouse gases may also be created through use of construction equipment, vehicle trips, and

existing stationary operations within the developed lot from uses such as furnaces, fireplaces, and hot water heaters. However, the replacement project will take no more than 3 months to complete. 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 replacement of the water tank. (Source 1, 2, 3, 5) *Therefore, the project will have a less than significant impact on greenhouse gas emissions, either directly or indirectly.*

Greenhouse Gases 7 (b): No Impact - 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 (CARB) whose thresholds have been established. The project is a replacement of an existing water tank and will not generate an additional residential unit. GHG sources targeted in such plans generally involve vehicle miles traveled reductions, waste diversions, and technologies such as electric vehicles, and renewable energy sources, not projects such as this. (Source 1, 2, 3, 5) *Therefore, the project will have no impact on an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

8. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.8.

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?	<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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Hydrology and Water Quality 9 (a): No Impact – Construction of the replacement tank would be subject to the Monterey County Grading and Erosion Control Ordinance Compliance with ordinance requirements would be expected to avoid violation of water quality standards. There are no waste discharge requirements applicable to the proposed tank replacement. Because less than an acre of land would be disturbed during construction, the project would not require preparation of a Storm Water Pollution Prevention Plan and would not need to obtain coverage under the Statewide Construction Storm Water Permit. (Source 1, 2, 7) *Therefore, the project will have no impact on any water quality standards or waste discharge requirements.*

Hydrology and Water Quality 9 (b): Less Than Significant – The project would not deplete groundwater supplies or interfere substantially with groundwater recharge. The tank replacement will serve 41 existing residential homes and will use existing water sources thereby not using additional groundwater sources. (Source 1, 2, 7, 10) *Therefore, the project will have a less than significant impact on groundwater supplies or interfere substantially with groundwater recharge.*

Hydrology and Water Quality 9 (c), (d): Less Than Significant The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. The project will require grading of 57 cubic yards of cut and 3 cubic yards of fill with an export of 54 cubic yards, and erosion control would be necessary during construction. A geotechnical report was prepared by Pacific Coast Engineers and will require erosion control measures and slope stability analysis prior to any construction activity. As a

condition of approval, prior to the issuance of grading or building permits, the applicant will be required to submit an erosion control plan prepared by a registered civil engineer detailing specifications to prevent runoff from leaving the construction site. After grading for the replacement tank and construction of the replacement tank, the disturbed areas will be landscaped which will include vegetative cover to prevent erosion and sedimentation during tank operation. (Source 1, 2, 7) *Therefore, there will be a less than significant impact on the existing drainage patterns of the site or rate or amount of surface runoff in a manner which would result in flooding on- or off-site.*

Hydrology and Water Quality 9 (e), (f): No Impact –The project will not 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. The project will not otherwise substantially degrade water quality. The proposed is a replacement of two (2) existing 25,000 gallon water tanks for one (1) 120,000 gallon water tank for fire suppression and domestic water for existing connections. (Source 1, 2, 7) *Therefore, there will be no impact on runoff water which would exceed the capacity of existing or planned stormwater drainage systems or degrade water quality.*

Hydrology and Water Quality 9 (g), (h), (i), (j): No Impact - The project site is not located within a flood zone and will not 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 or place within a 100-year flood hazard area structures which would impede or redirect flood flows. The replacement tank will not 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 or expose persons to inundation by seiche, tsunami, or mudflow. If the tank had a leak, Cal Am personnel would notice erosion gullies or channels forming which would carry silt down below. In addition, in order for the tank to be impacted by flooding, there would need to be long periods of prolonged rainfall to saturate the soil, or a major flood event saturating the soil which is not likely. Cal Am personnel inspect the tanks regularly for leaks or any potential issues with the tank functions (Source 1, 2, 7, 12). *Therefore, the project will not place housing within a 100-year flood hazard area, Place within a 100-year flood hazard area structures which would impede or redirect flood flows, Expose people or structures to a significant risk of loss or Inundation by seiche, tsunami, or mudflow.*

10. LAND USE AND PLANNING	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.10.

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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.11.

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?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<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:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.12.

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)?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.13.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.14.

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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.15.

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?	<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?	<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?	<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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.16.

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?	<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?	<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?	<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?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV. 17

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Mandatory Findings of Significance (a): Less than Significant – The majority of the proposed building area for the replacement tank is compacted and bare with no vegetation, approximately 95% of the building area, the remaining 5% of the project area is degraded. The project was found not to have the potential to degrade the quality of the environment. The project is not located near any fish or wildlife species, therefore the project would have a less than significant impact on fish and wildlife populations. The project would involve the removal of one protected 8" oak tree however a tree of this size is not considered appropriate habitat to sustain any nesting or avian species. The applicant will be required, as a condition of approval, to conduct a pre-construction survey for removal between February 22nd - August 1st to ensure that no impacts to nesting birds occur. If nests are discovered, the applicant shall work with a biologist to establish an appropriate buffer or replacement (See Section VI. 4 for further discussion). *Therefore, the project was found to have a less than significant impact to wildlife species or plant communities.*

The project site is located in an area that is high in probability for cultural resources however, an Archeological Report was prepared and concluded that no resources were found to exist on the site. Even so, the likelihood of resources being found on the site is always a possibility therefore the applicant will be required to stop work immediately and contact the County if resources are discovered during the course of construction. The site did not contain any historical structures,

objects or buildings, rather the site is a developed lot (See Section VI.5 for further discussion). *With a standard condition of approval for the protection of any unanticipated cultural resources, the project will have a less than significant impact on cultural resources or California history or prehistory.*

Mandatory Findings of Significance (b): No Impact – The proposed tank replacement is needed for fire safety for the existing connections the current tanks serve. There will be no cumulative impacts as a result of the replacement as the tanks will use existing water and no expansion is proposed. *Therefore, the project was found to have no cumulative impact on projects in the area.*

Mandatory Findings of Significance (c): Less than Significant Impact – The tank replacement will be visible from Rimrock Canyon Road, a private road and not visible from any State Scenic Highway or any of Toro's visually sensitive areas. Currently, dense vegetation shield the majority of the tank from view from below. The applicant will be required, as a condition of approval, to continue to landscape the area surrounding the tank (within their easement) with native plants that will grow higher than the 18 foot tank (See Section VI.1 for further discussion).

Construction and grading for the replacement tank will omit temporary airborne dirt, however the applicant will be required to use Best Management Practices of watering exposed areas and re-vegetating exposed soils (See Section VI.3 for further discussion). Removal of an oak tree for the project would generate a small amount of greenhouse gases, however the emission is less than significant. (See Section VI.7 for further discussion). The site (as with any in Monterey County) may experience some ground shaking, ground surface rupture, liquefaction and lateral spreading and slope instability at some point however, the applicant will replacement the tank in accordance with the latest edition of the California Building Code and under the direction of the soils engineer which will decrease the probability that the tank will experience major damage during a seismic event. Any top soil exposed during grading will be immediately covered and seeded to control runoff. The tank will not be located on expansive soil and soils in the project area were found to be adequate to support the tank replacement (See Section VI.6 for further discussion).

The replacement tank will use existing ground water supplies to serve its connections therefore there will not be an impact to groundwater supplies. The tank will not be situated to alter the existing drainage patterns of the site or the area. The current tanks sit on the farthest part of the hill above an existing dwelling and will not result in erosion or siltation on or off site (See Section VI.9 for further discussion). *Therefore, the project as a whole will have a less than significant impact on environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.*

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

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 PLN090087 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application/Plans
2. 2010 Monterey County General Plan
3. Toro Area Plan
4. Title 21 of the Monterey County Code (Zoning Ordinance)
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008
6. Site Visit conducted by the project planner on November 5, 2010
7. "Geotechnical and Geological Investigation for Upper Rim Rock Canyon Tank Site", prepared by Pacific West Engineering, dated March 2009 (LIB100154)
8. "Preliminary Archeological Reconnaissance of Assessors Parcel Number 416-601-011-000", prepared by Archeological Consulting, dated march 10, 2010 (LIB100190)

9. "Letter of Findings for a Reconnaissance Level Biological Site Assessment, Upper Rimrock Site", prepared by EMC, dated November 5, 2010 (LIB110081)
10. Letter from Dorothy Priolo regarding fire flow dated September 22, 2010
11. Environmental Health and Safety online. "Where Is Asbestos Commonly Found In the Home, When and How Should It be Removed?"
<http://www.ehso.com/cssasbestos/asbestosfoundwhere.htm>, December 19, 2011
12. Monterey County Geographic Information Systems, GIS, accessed December 20, 2011
13. Forest Resource Evaluation letter from Bill Ruskin dated August 19, 2011

List of Figures

- Figure 1: Aerial Site Plan of Richardson property
- Figure 2: View from Richardson property of staking
- Figure 3: Air Resources Board Attainment Status
- Figure 4: Habitat within the Project Area

EXHIBIT H
Comment during 30 day review (Mike Weaver)

Negrete, Valerie x5227

From: Michael Weaver [michaelrweaver@mac.com]
Sent: Sunday, February 12, 2012 4:35 PM
To: Negrete, Valerie x5227
Subject: PLN090087/Richardson/CalAm-Ambler Water tanks

Monterey County Planning
c/o Valerie Negrete, Planner

Re: Cal/Am-Ambler Water plans to replace two
25,000 gallon water storage tanks with one 120,000
gallon storage tank.

Property Owners: Lewis H. & Katherine Richardson
Address: 24522 Rimrock Cyn Rd, Salinas
APN: APN 416-601-011-000
Planning Identification: PLN090087

February 12, 2012

Dear Ms. Negrete,

I believe you told me that February 12, 2012 was the cut off date for
comments
on this referenced project. I would therefore like to supplement my
earlier comments with
the following:

* Public Health and Safety: The proposed larger heavier tank sits on
the edge of a cliff
above other houses. A risk analysis lists it as ordinary or average
risk which may be fine
for a water tank sitting on the flatlands of Oklahoma. There is
considerably more risk here
due to earthquakes in California and liquefaction during wet Winters.
This is a significant
impact. The Richardson's, as property owners, could be held liable.

* Alleged Need: The Initial Study describes the need as being for
existing residents
potable water as well as for existing residents fire protection.
However, nowhere
is it mentioned there are two additional existing water storage tanks
fairly close by.
These other two tanks are located in Rimrock also.
These other two tanks were not disclosed to the members of the
public, or the
Toro LUAC during a field trip to the site. Thus the project
description is not clear,
and inconsistent. The project is growth inducing. This is a
significant Impact.
Further, the County is processing an application for additional
larger tanks
above the Meadows of Corral de Tierra. This is a piecemeal approach.

* Aesthetics: The current tanks sit on an easement in the
Richardson's front yard.
They'll be asked to accept a significantly larger and taller tank in
their view-shed.
Their immediate neighbors share this view. It affects property values. This is a
significant impact. Additionally, the orange flagging is visible from many places in Toro.

* Financial: The current 398 customers of CalAm's Ambler Water are
being asked

to accept higher water utility rates because of this proposed project. CalAm is processing an application requesting higher rates for Ambler Water now at the CPUC.

The proposed higher rates are tied to larger storage tanks in both Rimrock and the Meadows.

The 398 current Ambler Water customers should be publicly noticed of the possibility of higher rates. Cumulatively, this is a significant impact.

* Lack of baseline information: As my earlier letter with attachment pointed out, People are currently waiting on information from the CPUC, the MCRFD, and the California DPH, regarding just what exists now in terms of water tank storage capacity for this Ambler Water system. Different numbers submitted at different times to different people, by CalAm regarding the Ambler Water system they purchased in 1998 have many people scratching their heads. Current accurate information needs to be shared with Monterey County Planning.

I request an EIR due to the number of, and the significance of the impacts.

Thank you,
Mike Weaver
831-484-6659