

Exhibit B

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

In the matter of the application of:

GURRIES HAROLD JR TR / CALIFORNIA AMERICAN WATER CO (PLN200266)

RESOLUTION NO. 21-037

Resolution by the Monterey County Planning Commission:

- 1) Find the project categorically exempt per Section 15302 of the CEQA Guidelines for replacing previously destroyed water line, and there are no exceptions pursuant to Section 15300.2 of the CEQA Guidelines; and
- 2) Approve a Combined Development Permit consisting of:
 - a) A Coastal Administrative Permit and Design Approval to allow installation of approximately 1,400 linear feet of water line;
 - b) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area;
 - c) A Coastal Development Permit to allow development within the Big Sur critical viewshed;
 - d) A Coastal Development Permit to allow development on slopes 30% or greater; and
 - e) A Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

(PLN200266) GURRIES HAROLD JR TR / CALIFORNIA AMERICAN WATER CO, 35681 Highway 1, Big Sur, CA, Big Sur Coast Land Use Plan (APN: 243-301-029-000).

The Gurries/Cal-Am application (PLN200266) for a Combined Development Permit came on for hearing before the Monterey County Planning Commission on October 27, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the 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.
 - a) During the course of review of this application, the project was reviewed for consistency with the text, policies, and regulations in:

- 1982 Monterey County General Plan;
- Big Sur Coast Land Use Plan (LUP);
- Coastal Implementation Plan (CIP) for Big Sur Coast; and
- Monterey County Zoning Ordinance (Title 20);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 35681 Highway 1, Big Sur (Assessor's Parcel Number 243-301-029-000), Big Sur Coast LUP. The parcel is zoned "WSC" (Watershed and Scenic Conservation). Implementation of water system facilities is a principal use allowed within this zone. The Kearns' residence is on the west side of Highway 1 and had water service from the Garrapata Creek pump station, located at the Gurries' 16.4-acre property on the east side of Highway 1. In 2017, the water service pipeline to the Kearns' residence was destroyed by heavy storms and flooding of Garrapata Creek. The existing Garrapata water pump station, owned and operated by Cal-Am, is located adjacent to Garrapata Creek. The proposed development is within 100 feet of environmentally sensitive habitat (ESHA), on slopes 30% or greater, within 750 feet of known archaeological resources, and within the Big Sur critical viewshed, each of which is subject to issuance of a Coastal Development Permit pursuant to Chapter 20.17.030 of Monterey County Zoning ordinance (Title 20). Therefore, approval of four Coastal Development Permits is required prior to implementation of this project.
- c) Big Sur Coast Land Use Plan Key Policy 3.2.1 prohibits all development visible from Highway 1 and major public viewing areas applicable to, though not limited to, utilities and grading. However, pursuant to 20.145.030.B.4 of the Big Sur Coast CIP, an exception for development within the critical viewshed allows placement of water lines provided they are buried or otherwise located so they are obscured from public view by vegetation. Location of the pipeline in a previous proposal was along Garrapata Trout Farm Road, which would have been both visible in the critical viewshed and within the federally endangered Smith's blue butterfly critical habitat. Although replacement of the pipeline in the creek would not be visible, this location would have required substantial encumbrance on environmentally sensitive riverine and riparian habitats. The water line will be underground for approximately 100 linear feet beginning at the water pumphouse on the Gurries' property east of Highway 1, and the aboveground pipeline will not be visible due the black color conduit integrated under existing vegetation along the hillside. At the knoll before Highway 1, the pipeline will be buried underground all the way across Highway 1 to reach the Kearns' property on the west side of Highway 1. Therefore, the project is consistent with the CIP for development within the Big Sur critical viewshed.
- d) A biological assessment (File No. LIB210096) was prepared in accordance with Section 20.145.040 of the CIP because portions of the 1,400 linear feet of water pipeline are within 100 feet of

environmentally sensitive habitat areas (ESHA). Specifically, the pipeline attaches to the Garrapata water facility pump station that is located within 150 feet of the bank of Garrapata Creek (20.145.040.C.1.d). However, attachment to the existing pump station requires no disturbance to vegetation. Further, the biological assessment reports no evidence of species with protected or endangered state or federal status as surveyed along the entire proposed placement of the pipeline. As a condition of approval, the project will be required to avoid site disturbance during the bird-nesting season to support long-term maintenance of nesting bird habitat in accordance with 20.145.040.B.4 of the CIP. Therefore, the project is consistent with the CIP for development within 100 feet of ESHA.

- e) Pursuant to Section 20.145.120.B.1.c of the CIP, an archaeological survey (File No. LIB210095) was prepared because the parcel is within 750 feet of known archaeological resources. The survey indicates there would be no impact to archaeological resources wherever the pipeline would be placed underground. Therefore, the project is consistent with the CIP for development within 750 feet of known archaeological resources.
- f) A geological report (File No. LIB210154) was prepared in accordance with the requirements of Section 20.145.080.A.1.b.3) of the CIP because the subject parcel is located within 660 feet of the active Palo Colorado fault line. However, the water conduit aboveground and below ground would consist of flexible impact-resistant material with heat-fused joints that is at low risk of impacts from landsliding, and there is low probability that surface fault ground rupture would occur. Further, the project would not place structures or occupants at risk during a seismic event. Therefore, the project is consistent with the CIP for development within 1/8th of mile of an active or potentially active fault.
- g) Although the water pipeline would be placed along the surface of slopes 30% or greater, the project would not affect slope stability because the pipeline will be slightly elevated off the ground with narrow supports anchored into the ground so the pipeline does not impound debris from surface flow down the slope. Therefore, the project is consistent with the Big Sur LUP Chapter 3.7 for development within hazardous areas.
- h) The parcel is designated with Design Control (D) overlay, subject to regulations in the Big Sur LUP for Scenic Resources. The water pipe material aboveground will be a black color that integrates with the existing vegetation. Alternative locations would require placement of the pipeline within environmentally sensitive habitat (ESHA). The proposed location better meets the policies for protection of ESHA (Big Sur Coast LUP Chapter 3.3) and meets the requirements for exception (Section 20.145.030.B.4 of the Big Sur Coast CIP) to the Big Sur critical viewshed Key Policy 3.2.1. Therefore, the project would be consistent with design requirements for visibility in the Big Sur critical viewshed.

- i) Staff site inspection on June 17, 2021 to confirm feasibility of appropriate design to conform to the natural surroundings within the Big Sur critical viewshed.
- j) The application was reviewed by the Big Sur Coast Land Use Advisory Committee (LUAC) on July 13, 2021. The LUAC voted unanimously to recommend approval of the project as proposed.
- k) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200266.

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: HCD-Planning, CalFire Coastal, HCD-Development Services, HCD-Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the sites are not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) The following technical reports were prepared:
 - “Cultural Resources Study” (LIB210095) prepared April 2021 by Dana E. Supernowicz, M.A., RPA of Historic Resources Associates, Pebble Beach, CA
 - “Biotic Survey and Assessment” (LIB210096) prepared 5 May 2021 by Jeffrey B. Froke, PhD of Califauna, Pebble Beach, CA
 - “Summary of Geologic Evaluation” (LIB200099) prepared 19 July 2021 by Soma Goresky of Pacific Crest Engineering, Inc., Watsonville, CA

The abovementioned technical reports by outside consultants indicate there are no physical or environmental constraints that render the site unsuitable for the use proposed. Staff has independently reviewed the reports and concurs with their conclusions.

- c) Access to the site is along the existing Garrapata Trout Farm Road.
- d) Staff site inspection on June 17, 2021 confirms the site is suitable for the proposed replacement of the water pipeline.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200266.

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 HCD-Planning, CalFire Coastal, HCD-Development Services, HCD-Environmental Services, and Environmental Health Bureau. The respective agencies found that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200266.

4. FINDING: NO VIOLATIONS - The subject properties are 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 properties.

- EVIDENCE:** a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject properties. There are no known violations on the subject parcels.
- b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200266.

5. FINDING: PUBLIC ACCESS - The project is consistent with the ordinances related to public trust or public use, and is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program pursuant to 20.145.150 of Monterey County Code Title 20 Coastal Implementation Plan Part 3 for the Big Sur Coast Land Use Plan.

- EVIDENCE:** a) *Section 20.145.150.B.1.a.2* – None of the subject parcels have existing public access or prescriptive rights of public access.
- b) *Section 20.145.150.B.1.b* – Provision of lateral access, vertical access, upland trail, or scenic overlook is not needed on any of the subject parcels. Garrapata State Park provides public access to two miles of beach front along with many miles of trails through peaks and valleys approximately seven miles north of the subject property.
- c) *Section 20.145.150.B.1.c* – None of the trails on the Trails Plan (Figures 2 and 3) of the Big Sur Coast Land Use Plan are proposed on the subject parcels.
- d) The primary form of access in the Big Sur area is visual access to the coast and mountains visible from Highway 1. This project will protect visual access within the critical viewshed by placement of dark colored water pipe either underground or aboveground integrated with the vegetation.

6. FINDING: ENVIRONMENTAL REVIEW (Categorically Exempt): The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15302 (Category 2) categorically exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

- b) The project proposal for replacement of 1,400 linear feet of water line from the Garrapata water pump facility on the Gurries' property, east of Highway 1, would restore residential water service to the Kearns' property, west of Highway 1, after the 2016 heavy storms destroyed the previous water pipes. Therefore, the project qualifies for the Category 2 exemption.
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Replacement of the water pipeline would not alter any sensitive environment; would not cause cumulative impacts or significant impact on the environment; would not damage scenic or historical resources; and is not registered on the Cortese List as a Superfund cleanup site.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200266.

- 7. FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors. The decision on the appeal made by the Board of Supervisors may be appealed to the California Coastal Commission (CCC).
- EVIDENCE:**
- a) Pursuant to Section 20.86.030.A of the Monterey County Zoning Ordinance Title 20, the Board of Supervisors is the appropriate authority to whom the decision may be appealed.
 - b) The project includes a request to allow non-exempt development within the Big Sur critical viewshed, within 100 feet of Garrapata Creek, and on slopes 30% or greater in the WSC zone (Section 20.17.030). Pursuant to Section 20.86.080 of Title 20, development permitted as a conditional use may be appealed to the CCC.

DECISION

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

- A. Find the project categorically exempt per Section 15302 of the CEQA Guidelines for replacing previously destroyed water line, and there are no exceptions pursuant to Section 15300.2 of the CEQA Guidelines; and
- B. Approve a Combined Development Permit consisting of:
 - 1) A Coastal Administrative Permit and Design Approval to allow installation of approximately 1,400 linear feet of water line;
 - 2) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area;
 - 3) A Coastal Development Permit to allow development within the Big Sur critical viewshed;
 - 4) A Coastal Development Permit to allow development on slopes 30% or greater; and
 - 5) A Coastal Administrative Permit to allow development within 750 feet of known archaeological resources,

in general conformance with the attached Plan Set and subject to conditions, being both attached hereto, and incorporated herein, by reference.

PASSED AND ADOPTED this 27th day of October 2021 upon motion of Commissioner Daniels, seconded by Commissioner Roberts, by the following vote:

AYES: Getzelman, Roberts, Gonzalez, Ambriz, Daniels, Monsalve, Coffelt
NOES: None
ABSENT: Mendoza
ABSTAIN: Diehl

Craig Spencer

Craig Spencer, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **NOV 01 2021**

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 SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **NOV 12 2021**

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

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

NOTES

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

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

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

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

Monterey County RMA Planning

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

PLN200266

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN200266) allows installation of approximately 1,400 linear feet of water line. The Combined Development Permit consists of:

- 1) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area;
- 2) A Coastal Development Permit to allow development within the Big Sur critical viewshed;
- 3) A Coastal Development Permit to allow development on slopes 30% or greater; and
- 4) A Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

The property is located at 35681 Highway 1, Big Sur (Assessor's Parcel Number 243-301-029-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit] (Resolution Number 21-037) was approved by the Planning Commission for Assessor's Parcel Number 243-301-029-000 on 27 October 2021. The permit was granted subject to 14 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

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

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

Responsible Department: RMA-Planning

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

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

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

4. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: California American Water (Cal-Am) agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to this agreement and statutory provisions (as applicable), defend, indemnify, and hold harmless the County of Monterey and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or employees to attack, set aside, void, or annul this approval, which action is brought within the time provided for under law. Cal-Am further agrees that it shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay because of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve Cal-Am of its obligations under this condition. The County shall promptly notify Cal-Am of any such claim, action, or proceeding, and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify Cal-Am of any such claim, action, or proceeding or fails to cooperate fully in the defense thereof, Cal-Am shall not thereafter be responsible to defend, indemnify, or hold the County harmless. This agreement shall be binding upon, and inure to the benefit of, Cal-Am's successors and assigns. (County Counsel-Risk Management)

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

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

5. OTHER AGENCY PERMITS

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide proof of coverage for all required State and Federal permits, including the California Department of Fish and Wildlife, to HCD-Environmental Services. (HCD-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the owner/applicant shall provide proof of coverage for all required permits from other agencies to HCD-Environmental Services for review.

6. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of HCD - Building Services. (HCD - Planning and HCD - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of HCD - Building Services Department to conduct land clearing or grading between October 15 and April 15.

7. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

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

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

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

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

8. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Summary of Geologic Evaluation (Library No. LIB200099), was prepared by Soma Goresky on 19 July 2021 and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."
(HCD - Planning)

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

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

9. PDSP001 - NESTING BIRDS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Applicant/owner shall ensure there is no disturbance of nesting birds in accordance with the US Migratory Bird Treaty Act of 1918 and California Fish and Wildlife Code Sections 3503 and 3503.5. This legislation requires compliance whenever nesting birds are encountered and does not recognize calendar-based limitations. The Biotic Survey and Assessment (File No. LIB210096) recommends that to accurately capture local nesting birds (e.g., Anna's Hummingbirds and Great Horned Owls), a biologically-sound nesting "season" is December through July.

Project-related ground clearance or vegetation trimming during the months December through July of any year should be avoided.

If project-related ground clearance or vegetation trimming must be scheduled during the months December through July of any year, applicant/owner shall authorize a nesting bird survey conducted by a qualified wildlife ecologist or biologist specialized in ornithology. The survey shall be conducted no more than 5 days before the start of any work at the site.

If during the survey, nesting birds, adult pairs, their nests, eggs, nestlings, or fledglings are encountered, HCD-Planning shall be notified, and a plan shall be prepared for protection of the birds and/or nests prior to any project-related ground disturbance or vegetation trimming. The plan shall be prepared by the qualified wildlife ecologist or biologist specialized in ornithology, and submitted to HCD-Planning for review and approval.

Compliance or Monitoring Action to be Performed: Prior to issuance of permits from HCD-Building Services during the months December through July, applicant/owner shall submit to HCD-Planning a bird-nesting survey.

If the survey indicates that nesting birds are present, applicant/owner shall submit to HCD-Planning a plan for protection of the birds and/or nests.

The months August through November are exempt from this condition.

10. EHSP01 - APPROVED METER LOCATION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: CalAm will obtain an approved meter location and service connection point from property owner of 35681 Hwy 1.

Compliance or Monitoring Action to be Performed: This will be shown on a forthcoming design plan. CalAm and the property owner of 35681 Hwy 1 will indicate concurrence of the location of the meter and acknowledge in writing each entity's responsibility for all piping and operations on their "side" of the meter.

11. EHSP02 - CHLORINE ANALYZER INSTALLATION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A chlorine analyzer will be installed at the treatment plant to monitor the chlorine dose. This monitor will shut down the well pump in the event that the dose falls below the required amount. As long as the required chlorine dose is injected at the plant, contact time will be met in the pipeline.

Compliance or Monitoring Action to be Performed: A chlorine analyzer will be installed at the treatment plant to monitor the chlorine dose.

12. EHSP03 - REDUCED PRESSURE BACKFLOW DEVICE INSPECTION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The RP backflow device on the tank discharge line will be inspected monthly and will be tested quarterly.

Compliance or Monitoring Action to be Performed: Cal Am shall amend the operations plan to include monthly inspections and quarterly testing. Submit the first quarterly test.

13. EHSP04 - SAMPLE TAP INSTALLATION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A sample tap will be installed at the meter for CalAm to monitor for a chlorine residual per the current sampling frequency for the Garrapata water system.

Compliance or Monitoring Action to be Performed: A sample tap will be installed at the meter, CalAm will update the Operations Plan for the Garrapata SWTP to include any additional operational actions for the CalAm portion of the pipeline up to the Kearns meter. A blow off tap will also be installed on the CalAm side of the meter in order to flush the service line if a chlorine residual is not detected.

14. EHSP05 - UPDATING ACCOUNT HOLDER ON WATER QUALITY

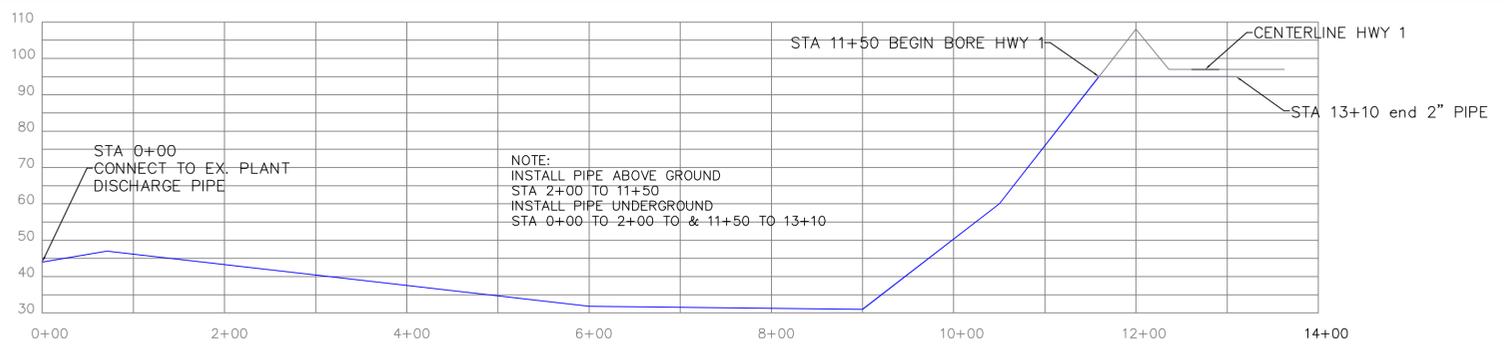
Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The account holder and residents of the property will be informed in writing of any steps that they need to take when returning to the property after an absence.

Compliance or Monitoring Action to be Performed: Develop and distribute a document to inform the account holder for 35681 Hwy 1th of any steps that residents/users need to take when returning to the property after an absence (i.e. to reestablish a chlorine residual if there isn't a residual.) The notification needs to include directions to notify residents if they are not the account holder. Redistribute a copy to the account holder at least annually and whenever there is a change of account holder.



PIPE PLAN
SCALE: 1"=50'



PIPE PROFILE
SCALE: 1"=100' HORIZ.
SCALE: 1"= 25'

SHEET 1 OF 1 SHEETS	<h2 style="margin: 0;">2" Water Service Pipeline</h2>		BY: _____ DATE: _____ REVISIONS: _____ JOB NO: _____ DATE: 5/3/2021 SCALE: 1"=50' DESIGNED: G. Wiegand DRAWN: Wiegand CHECKED: _____	PREPARED BY OR UNDER THE DIRECTION OF:	 <p style="margin: 0;">UTILITY SERVICES 50 Miramonte Road Carmel Valley, CA TEL: (831) 238-6236</p>
	PROJECT: Water Service Pipeline to Kearns Property OWNER: California-American Water Co. LOCATION: Garrapata Creek, Monterey County, CA				