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MONTEREY COUNTY BOARD OF SUPERVISORS
February 7, 2012
(PARTIAL)

DAVID POTTER: S-7 which is another go at the OMNI Resources project at the Corral de Tierra area on Highway 68. We will change seats here. I do have a variety of speaker slips of people that are intending to testify. If you are intending to speak for process purposes, if you'd fill out a slip that would help and I'd also encourage everybody to keep your comments to three minutes. Thank you. Other than staff presentation.

MIKE NOVO: Good afternoon, Chair Potter and Supervisors. Mike Novo with the RMA Planning Department. I'd like to go ahead and start the presentation on this and this is on the Corral de Tierra Shopping Center, also known as OMNI project. There's going to be some repetition. We've had many hearings on this project in the past and there's been some action and direction earlier from Board so it'll be a little bit of repetition but I'll try and work quickly through the slides.

The project is located at the southeast corner of Highway 68 and Corral de Tierra Road. There was a Planning Commission decision to approve the project and that decision is on appeal to the Board of Supervisors and the Board of Supervisors hearings, we've had public hearings in the past here going back to June and July. There's been a resolution of intent by the Board to come back and consider the changes to the project. There was some direction at the July 12th 2011 Board hearing to reduce the size of the project and to incorporate the elimination of the gas station and the Board from that hearing asked us to come back and bring some discussion back on those changes.

So the resolution of intent adopted on July 12th was to look at the reduced 99,970 square foot shopping center, and what we found is a lower profile shopping center than was originally approved. The gas station was removed per agreement by the applicant and he did agree to that at the July 12th 2011, Board hearing. They've increased the landscaping depth along Corral de Tierra Road. There's a lot line adjustment proposed that creates a separate parcel on the south end of the project and we've also included, at the Board direction, no removal of the B-8 District.

The existing lots of record are shown in red and blue on your screen and they're approximately equal sized parcels. As part of the application there is now the lot line adjustment which includes the creation of the large parcel for the shopping center that's currently proposed, the proximately 100,000 square foot shopping center and the creation of a separate, slightly over one acre parcel at the south end of the project. The project now meets the 100 foot setback that we talked about at our earlier hearings from Corral de Tierra Road and the applicant does still propose three driveways along Corral de Tierra Road. Staff has conditions to eliminate the northernmost driveway, the one closest to the adjacent gas station and so, that's still a recommendation from staff to eliminate or combine that driveway with the gas station parcel.

The grocery store or the larger tenant space has now been moved to the front of the project still meeting the over 100 foot setback from Highway 68, but that is now up toward the front along the Highway 68 façade. We have a conceptual landscape plan that's been submitted that helps to provide or demonstrate how it's going to provide screening from Highway 68 and Corral de Tierra Road. We also have some cross sections that show how the screening's going to occur. It shows the, this is State Route

68 on this slide, and this is the parking areas that shows berming and landscaping both along the highway frontage but also within the project that's going to help soften the look of the buildings from the highway. On the Corral de Tierra frontage you see the same treatment where they have a berm, some vegetation along Corral de Tierra Road and then here's the parking areas and the buildings are back in this area and we have different trees at different areas on the property.

This is some more cross sections of the screening with the buildings in the back and Corral de Tierra Road towards the front and here, same concept, the Corral de Tierra Road and the buildings towards the back of the property with screening in between and berm vegetation.

I talked a little bit earlier where the market building has been moved to the Highway 68 frontage. This is an elevation, a view of the side of the building from Highway 68 of that market building. It's got two tenant spaces in it. These are elevations of the buildings that are located towards the south end of the project as viewed from Corral de Tierra Road. Again, this is without the intervening berming and landscaping but this shows the design of the structures as they would look without that.

This shows the Building 5 which is approximately in the middle of the project. It's the only remaining two story building and it's helped soften with vegetation along Corral de Tierra Road and also has a hillside behind it to help insure that it's not, that it doesn't look a massive structure from Corral de Tierra Road.

As shown on this, we have a 100 foot buffer that we've, or a 100 foot setback that we've established along Corral de Tierra and Highway 68. The project now does meet those setbacks for the structures on the property. The site is zoned as light

commercial with a B-8 and design control overlay zoning district. The light commercial zoning district allows commercial type uses. This has been zoned commercial in both the '82 General Plan and in the 2010 General Plan and was zoned commercial even as a predecessor to the 1982 General Plan.

The B-8 overlay zoning district was applied in this area because of water constraints. This project is not going to contribute to water, water overdraft in the basin as I will explain a little bit later and the design overlay district requires that we look at the design of the structures and the setting and the landscaping and how it sits on the landscape and how that all fits together to work towards making sure this is an attractive setting for the shopping center. So the requirements of B-8 overlay zoning district are applicable to commercial uses but it does not affect the construction of this shopping center. There's a specific provision in the ordinance that allows this to be exempted where it can be found to not adversely affect the constraints which cause the B-8 district.

We've looked in the EIR to a range of project alternatives. The EIR identified some significant issues concerning water, traffic and aesthetics. We've been working through the hearing process and also through the EIR process to develop alternatives that would try and ameliorate some of those concerns. The project alternatives developed in the EIR included two that were, one was LEED Silver to use some water conservation and other green building techniques, and another one was to reduce the density and redesign the shopping center to have less of a footprint on the earth. The alternatives that were considered at earlier Board hearings in June and July of last year,

and as I said earlier, the Board directed us to come back under resolution of intent to consider the reduced and LEED equivalent alternative.

So in the environmental documents we had found significant and unavoidable impacts on both traffic and water. I will explain a little bit about both of those a little bit later but because of the alternative that's been chosen and we're proposing today and recommending to the Board adoption today, the impacts to water are no longer significant and unavoidable. This would mitigate fully the impacts to water.

A water balance, a revised water balance has been provided for the project and that does, water use does now, is now less than the water that's going to percolate into the groundwater system through the recharge basins and so there's a net positive recharge to the Toro aquifer. They've done several techniques to do that. In addition to the water recharge system that includes the water efficient fixtures, less square footage, some of the options the LEED requirements and the reduced size helped to achieve a water balance for the site.

We have a storm water detention retention system. There's been a great deal of work done by county staff on this recharge system which provides a positive balance for the project and the aquifer. We also talked about that it's consistent with the policy, the general plan policies, PS-3.2 and we'd like to refer you to Finding 9 about that.

I'd like to also turn it over at this point, we have John Ramirez, Director of Environmental Health here and I'd like to turn it over to him to explain a little bit about the conditions of approval that were added since the original board discussion where you added Condition 67 and 104 and 105 and Mr. Ramirez would like to discuss some of the concerns outlined in some of the letters as well and explain those conditions.

JOHN RAMIREZ: Thank you. Prior to July 2011, concerns about the soil contamination in the old Phelps Exxon were brought to our attention regarding the proposed project and the public hearings were initially continued to address all the soil and possible groundwater contamination. Since June 2011 Environmental Health in conjunction with Mr. John Goni of the Regional Water Quality Control Board, has reviewed work plans and soil and water samples results that Mr. Phelps has submitted through a consultant. I would like to point out that whether the project is approved or not, the Environmental Health Bureau will follow through with continuing assessment of soil contamination and the remediation with the Regional Board as they will follow through with the assessment and determination of whether or not there is groundwater contamination, delineation of that contamination and assessing the appropriate remediation protocol. Mr. Goni of the Regional Board is in the audience today and can speak to his agency's regulatory responsibilities should the Board desire.

If the Board chooses to approve the project, Condition 67 addresses three different and typical scenarios regulating soil contamination and the possibility of groundwater contamination related to underground storage tank removals. The same scenarios are valid in all underground storage tank removals in Monterey County and they follow the state Health and Safety Code under Title 23, specifically Article 11 of that code.

In response to recent queries about, public regarding recharge system and the efficacy of treating pollutants of concern and impacts to groundwater quality, the applicant has provided more specific information clarifying the treatment train of the storm water recharge system. Also Mr. Phelps pointed the Environmental Health

Bureau to a ten-year study in the Los Angeles Basin. This study, the LA Basin and San Gabriel Rivers Watershed Council Study examined the effects of storm water infiltration on groundwater in regards to pollutants of concern using the appropriate management, best management technologies available. The study included parking lots and similar developments to proposed project. Overall the study found that the groundwater quality improving in most areas and that the concentrations of pollutants of concern was less in the groundwater monitoring samples than in the concentrations of the storm water sampling.

Based on the clarifying information that has been recently submitted regarding the treatment train using best management practices technology combined with the results of a ten-year study in the Los Angeles area demonstrating the efficacy of removing the pollutants of concern, its Environmental Health's opinion that the storm water recharge system conceptually proposed will protect groundwater quality. Environmental Health has submitted two conditions requiring design of this system to address pollutants of concerns and monitoring the treated storm water and monitoring the groundwater pollutants of concern. What I'd also like to do is address some of the questions in general that have come through. There have been many but I've tried to group them into some of the concerns that are received.

Regarding the treatment system for the remediation of the groundwater if that was needed. The concern is about the one month period. I'd like to clarify that that one month period is after the design of the treatment system that specifically designed to handle the contaminants of concern. That one month period refers to the startup of the system, the making sure it works as properly designed. It doesn't mean that after that

one month period, the monitoring is ceased. It means that we're looking at that one month period to make sure that the system as designed will operate that way and then the remediation will continue from that point forward.

The effectiveness, questions about the effectiveness of the remediative system was also asked of us. The level of the effectiveness and what that system will be treated for is directed by the Regional Water Quality Control Board, that's, they use laws, regulations and action levels through their Board to look at these potential contaminants of concern.

There's questions about our, the investigation not including the adjacent site. To let you know that the flowers and gas site, the Regional Board and Monterey County Health Department has sent letters to that property instructing them to move forward with investigation of that property as far as contamination and affecting any groundwater issues if they are found to exist.

The, I wanted to point out also that there's questions regarding whether the water recharge system will come in to, will be constructed during the remediation process of the underground storage tanks site. Part of the underground storage tank requirements or for that remediation, will require a risk assessment. During that risk assessment, part of that risk assessment will involve evaluating the recharge system being put into place. If during that risk assessment, it is determined that the levels of contamination found through the investigation will be, move the contaminants and potentially affect public health concerns regarding water wells or any water systems in the area, then that remediation would continue until those safe levels are attained through the risk

assessment evaluation and no construction will occur for that retention system until that remediation is complete or it meets the criteria where there is no risk to public health.

There was also some concerns about the underground storage tank process itself. There was a request about looking at and presenting the fact that there are different phases in groundwater remediation and at each phase there'd be some type of evaluation and concern depending on the analyses received. That is true but at the same time that when you complete one phase, you may reach this level where the contamination is remediated or no further action is needed to move forward.

There was a concern also that the investigation would not have to come, continue and it was up to applicant's discretion whether that would continue or not. That is not the case. The case is that both the Regional Board as a regulatory authority would oversee the cleanup activities and the remediation in place and they would be the ones to determine whether or not continuing evaluation of contamination and remediation would continue or not.

And I just wanted to point out that there was concerns about there's no study regarding the risk in transported contamination underground. That's what the risk assessment looks at. It looks at the levels of contamination found in the soil or groundwater and it also looks at the transport of that contamination through the groundwater that risks the transport and the risk assessments related to that.

One of the options, there's really three options for the remediation of the underground storage tank. It's removing all the soil, contaminated soil which essentially removes the source of contamination that could be affecting groundwater; removing it to the maximum extent possible which may leave some residual amounts in the soil and

may have groundwater; or a combination of both, where there is soil contamination that requires remediation and groundwater contamination.

Again, all of these scenarios are typically what the Environmental Health Bureau works with the Regional Water Quality Control Board and we will continue in this manner regarding this site but that no, the retention system will not be put into place until the remediation has been completed and from the information that we found regarding on-site contamination, there was three monitoring wells found around the perimeter of the underground storage tank site and there were three drinking water wells in that area. All three of those wells and the monitoring wells on-site were tested for MTBE and were found that none detect. So the only MTBE (Methyl Tertiary Butyl Ether) was found on site as part of the initial investigation for the underground storage tank removal. That was in soil and one grabbed water groundwater sample. Thank you.

MIKE NOVO: I want to talk a little bit about water use on the site. There is a mitigation measure proposed condition written that establishes a water cap of 9 acre feet per year and what we have laid out in that condition is that applies to both parcels A and B, both parcels of the lot line adjustment and that also includes monitoring to make sure that they do stay within that cap and if they don't, we have a progressive fine system that's set up in that condition where they have added fines for each year that they exceed that cap.

We also have annual reports to the Water Resources Agency for water consumption on the site. That helps us to track against that cap. Water monitoring is also done. We have a separate meter for the water, for the landscape irrigation system

and so we can make adjustments there to try and identify if there are some overruns, what is the source of the overruns and try and identify some solutions that way. The amount of water used in landscaping is going to be included in all the annual reports that are submitted.

I'd like to turn the presentation over to Public Works staff to talk a little bit about the traffic issues at the site, findings of the EIR and to respond to some of the comments that have been made in some of the correspondence.

PAUL GREENWAY: Thank you, Mr. Chair, members of the Board. Paul Greenway, acting director of Public Works. As Mike indicated, I did want to address some of the comments that have been received by the public in regards to the environmental impact report. You'll note on Exhibit B in page 6 of the staff report, there is a finding #3 which indicates that the EIR environmental impacts are not mitigated to less than significant by the project and part of the evidence that the DEIR found that direct project impacts to the project, to the intersections of Highway 68 and Laureles Grade, and 68 and Corral de Tierra, could not be mitigated to less than significant through the State Route 68 Improvements project component of the Transportation Agency of Monterey County regional development impact fee. And Part B of that is that no mitigation has been identified that could reduce these to a less than significant impact and that the impacts to the intersection are based on the cumulative conditions which is not the sole responsibility of the project. And Part C is contributions of the RDIF will result improvements to the functioning of Highway 68 corridor as a whole but not completely to fix the intersections of 68 and Corral de Tierra. I also wanted to note on page 10, that there is a statement of overriding considerations regarding these findings.

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And finally also wanted to mention that we have received some comments in regards to the vehicle miles travelled analysis. In general the vehicle miles travelled analysis is looking at the number of trips that are reduced to the extent that the customers are local residents and that they're shopping, rather than shopping in Monterey, Seaside and Salinas, they could directly shop in that area and it has a net effect of reduction of trips. That is found in the EIR on page 381 for analysis.

With that, I turn back to Mike and the Board.

MIKE NOVO: Thank you. So as Mr. Greenway's stated, we do have findings of overriding consideration included in the Board resolutions for this project. Just to summarize the findings that are, that's staff recommending, are for overriding considerations, the site has been designated in the '82 and the 2010 General Plan. Policies of the general plan call for these commercial areas to be located in convenient, or locations that offer convenient access. The project would achieve that intent of the general plan. Development of the project would result in a reduction of vehicle miles travelled for a large number of residents in the area and that would also then lead to reduction of greenhouse gases corresponding to that reduction of vehicle miles travelled. The project includes a general development plan that identifies the building sizes, the parking for the site, the landscaping and how pedestrian circulation is going to occur and it includes some things not on this slide, including signage as well.

Conditions of approval implement the changes that staff's recommending to better comply with general plan policies. One example of that is the elimination of the

driveway and we also have a lot of conditions related to the storm water drainage and monitoring of water use.

The staff's recommendation is to certify the final EIR for the project, to adopt the findings and the statement of overriding considerations, adopt the mitigation monitoring reporting compliance, and condition compliance plan, deny the appeal by OMNI Resources of the Planning Commission decision, approve the combined development permit consisting of the items listed on the screen for 99,970 square foot shopping center, smaller than the original application, and to deny the lifting of the B-8 zoning district. That is not needed for approval of this project and I think a more comprehensive study of that should be conducted.

We do have, in addition to Director of Health Ramirez and myself and Director of Public Works Greenway, we have senior deputy county counsel Strimling here to answer questions and so we'd be happy to answer any questions. That concludes our presentation.

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BRIAN FINEGAN: ... Brian Finegan for the Phelps family and OMNI Resources, the applicant. I wanted to say a word about this evidence packet that you received. That's not new material. That's all copies of material that the staff has been using in their evaluation of the project and it's submitted to make sure that its part of the administrative record. Part of that deals with contamination and you will notice that the report from Caprock that's in the file makes clear there's no evidence of any contamination in the project site, none, and the Caprock report makes clear that there's no evidence that the contamination from the gas station site is migrating toward the

project site. This material deals with the recharge system and the reports that staff indicated that they had reviewed.

We reviewed the findings and conditions, including the two new conditions that the Environmental Health Bureau has placed. We arm wrestled for a long time over condition 86, the water cap condition, and we eventually conceded and gave into that. Aside from that, we have only one condition that we need to talk about here today and that's one that Mr. Greenway referred to and that's condition #90K. Can we get the overhead on this screen please? Thank you.

Condition #90K pertains to this driveway, the northern most driveway and requires that it be, this condition would require that this driveway be removed or be combined with a driveway on the gas station site. This northernmost driveway is critical to the access to the northern retailers on the project site and we believe that it needs to be there. Originally when the staff first asked to have that removed, this driveway was up at the boundary line with the gas station site. When we did this revised plan, and the concern was that it would interfere with the right turn stacking lane along Corral de Tierra Road, when we did the revised plan we moved it south so that it was outside that stacking lane and would be a right in and right out only and the improvements that are required by condition #90 to Corral de Tierra Road preclude, require a medium down Corral de Tierra Road so it removes any risk of accidental left turns. We have in the record a letter from Hexagon Transportation Consultants that says the northern driveway would be limited to right turns only, in and out. A queuing analysis show that the northern driveway would not be blocked by queues at the Corral de Tierra/Highway 68 signal. The maximum queue length at the signal on northbound Corral de Tierra

Road is estimated to be 200 feet and the driveway is spaced 200 feet from the signal. So we are requesting that that condition #90K be deleted and that that driveway in the new location be allowed.

Other than that, we support the staff recommendations A and B. My client would have me fried in hot oil if I agreed to the, to not having the removal of the B-8 but, and that's Item C. We want to reserve the time to respond to the public comments and with that, I'd like to introduce Eric Phelps who has a few words to say.

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BRIAN FINEGAN: Yes, I would. Thank you, Mr. Chairman. Brian Finegan for the Phelps family. First of all, I want to reiterate our request that condition #109k, or 90K be deleted regarding the driveway. We need that driveway on the northern end of the project.

I want to respond to the people about, who make accusations about the Phelps family knowing for years and years about contamination on this site. You will remember that the Phelps family remediated this site in the year 2002. There was no MTBE discovered on that site at that time. They remediated that site. The only studies they did not do were those that required demolition of the building in order to do further groundwater, or soils studies. It was not until this, until 2011 that the Environmental Health Bureau brought to their attention that they needed to do further studies and it was not until late in 2011 that when those further studies were done that one sample of MTBE was found in the middle of that project.

But what's important is what's in the Caprock study that's in your evidence packet. Groundwater samples were collected from three existing groundwater

monitoring wells and the drinking water well on the site. The groundwater samples from the monitoring and drinking water wells were found non detect for all chemicals of concern. That's on the gas station site. On the project site, there is no evidence of any contamination. No evidence of any contamination and the Caprock report says there is also no evidence that the contamination found in the one boring on the gas station site is migrating to the project site. There is absolutely no evidence that it's migrating off this site and I resent people making accusations that it is.

Now, finally, that concludes my comments, but I want to call upon Mr. Ed Ballman from Balance Hydrologics to talk about the people who say that groundwater recharge systems such as are proposed for this site are untested or untried or unproved technology and Mr. Ballman will address that very briefly for you.

ED BALLMAN: I think you gave my name. Ed Ballman from Balance Hydrologics and thank you, Chairman and members of the Board for this opportunity to respond to these comments and I understand the concerns of everyone here and particularly the concerns related to the recharge system. But, it's really part of a revolution that we're going through in our understanding of how water moves through the environment and I think these systems are, interestingly enough, there are systems that have been used all around the world for a long, long time but I think we kind of forgot about them. Forgot about them when we engineered our communities particularly through the 1900's and now we're having a new realization of what these systems can do. And, again, to keep things brief, if we could get the overhead going here, I'll show just a couple of the pages from the study done by the LA and San Gabriel River Water Shed Council that kind of summarize what's going on. Now, I don't, and I think there's a couple of reasons

I'm citing the data from LA, it is absolutely the most comprehensive study that's been done in California about these issues and I think more importantly, it covers the LA basin that has a mean annual precipitation value that's very, very similar to the area we're talking about right here, to actually much of Monterey County.

Just background to show who did this study, the Water Shed Council which again summarize here shows it's a consortium of different agencies and groups founded in 1996, inclusive process to preserve, restore and enhance the region's water sheds, provides essential research and analysis about the region's water sheds for decision makers. And I think that last part about the research is what I'd like to get at because of the assertion that I heard here that, you know, this issue isn't being taken seriously. Here's what the LA Basin Water Augmentation Study Research Design, Research Study was designed to do. And you can see these people are not fooling around here. This is not some kind of trivial concept. We're talking about a three phased program that stretched over a decade, is concluding now, it's in its last stages with the building of a number of demonstration projects in the LA basin. You can see 6.5 million dollars underwriting this program. So, this is not a trivial concept. This is a real intent to address some real water shed management issues by augmenting groundwater supplies with recharged storm water.

Research questions that were specifically considered and I think you should look at these, particularly on the bottom, these items on the bottom of the research questions. How they relate to some of the comments we've been hearing. Impact on groundwater quality and quantity, cost effectiveness, benefits and region wide implementation, and, finally, to answer that question: does it work or not? Based on the

findings of the study over the last ten years, here's what they're projecting could happen in the LA basin. And, it's a little bit hard to see here, but if I were show you, if you were capturing three quarters of an inch of runoff from every rain event from the impervious surfaces and infiltrating that into the ground, you see on the left the drop in the storm water runoff, on the right the projected increases in groundwater supply for reuse and those are in thousands of acre feet so that bar on the right goes up from 194 to 578 thousand acre feet of water. That's a lot of water. These systems work and they can be an integral part of how we manage the water sheds and our water supply systems. Thank you.

DAVID POTTER: Thank you, Ed. All right, we'll return now to staff. Are there any questions, the public comment period is closed, sir. Return to staff for any closing comments or answer any questions that have been raised.

MIKE NOVO: Yes, we have some comments that Environmental Health and Public Works would like to provide in response to some of the comments made today.

JOHN RAMIREZ: Just to review some of the comments that I made earlier, I had noted that Environmental Health with the Regional Water Quality Control Board will continue with this investigation of soil and groundwater regardless of whether the project is approved or not and that's on the basis of protecting public health regarding the potential contamination in the soil that may impact the groundwater. So, we are still moving forward. We do understand the concerns regarding public health and the water systems out there. We're not going to change anything as far as whether this project moves forward or not, so those concerns regarding that should be noted that we're going to continue to do what we're required to do.

The Regional Water Quality Control Board directives will guide the investigation to determine the extent of contamination investigations so we work with them to do that. Some of the questions were regarding, you know, how you going to determine where the contamination is, where it's going into my wells or not. There's concern about it's off-site. Some of the wells did have MTBE, that's true. There were, are two wells that did have MTBE but they're not on the project site which I mentioned earlier, that the wells and the monitoring wells sampled on the project site had no MTBE.

Also to corroborate with Mr. Finegan said regarding 2002 the directive by Environmental Heath to take further action to clean up by that site. At that period of time, the inspector in charge of that project left the county and the projects didn't continue. The, what we found out was over a period of time, there was confusion with the contractor and a phone call to me at that time was in 2002. They were looking at closing the site. They were continuing to clean up the soil contamination that they were finding. They'd find contamination, take a sample, they found out it was, needed to be removed, they'd remove it. Until they got a clean sample, they would stop. They found out the contamination looked as it was going toward the foundation of the building. Our practices are not to continue excavating soil as it approached the building because it would damage the building and the foundation at that time.

So my conversation with that contractor at that time was, no, you don't have to continue in place but when we get closure of this site, we're going to make sure that we note that a future time and date that contamination would have to be removed.

Somehow he communicated that information to the Phelps owners that I gave a verbal

clearance for that property because I believe at that time, that's why the confusion was, that they didn't move forward.

During the investigation of the public when they were looking for records regarding the site, they found that letter and we found out at that time that that inspector didn't continue the investigation because they did leave the county, that we then at that time proceeded to inform the Phelps, the property owners, to begin the investigation which they did and they are pursuing the investigation as required under the Title 23. So once we clarified that the investigation should have continued, they took action and moved forward with that process as far as doing the site remediation which is going to include the groundwater investigation if necessary.

Some of the other items that were brought up was the question regarding the BMPs and what they're going to be designed for. Part of the memo regarding the study for this site for the system is going to be looking at the components that, of the building, the commercial buildings are going to entail. If it's going to have a shop or a garage or a deli, they're going to look at what the potential runoff, potential is from that and then design the treatment train based on the runoff from those different commercial facilities. So the BMPs are also required as part of the general plan and new design standards so it's those design standards are a component of looking at reducing impacts to groundwater so it's consistent with the general plan is outlining.

Also, some of the questions regarding Mr. Carrothers regarding storm water runoff in the City of Salinas. The Environmental Health does do storm water inspections. However, the permit for storm water cleanup and review is with the City of Salinas and not with the County of Monterey.

MTBE remediation if there's, if Mr. Goni has time to speak on what they do as far as treatment methods for remediation of MTBE, he would be the appropriate person to answer those questions. And the adjacent property, the cleanup there, as I mentioned earlier Environmental Health and the Region Board did issue letters of cleanup which were brought forward here so those letters were given to the adjacent property to move forward on the cleanup and that cleanup is going to proceed also.

Those are the comments that I have.

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MIKE NOVO: Thank you, Mr. Chair. A couple more topics to address. On the typo on the resolution on the parcel number, it's correct in the mitigation and condition matrix and in the permit approval notice condition, but there is one typo on page 2 of Exhibit, I think it's Exhibit C, the draft resolution where the parcel number's wrong so we would, of course, correct that. As far as the, yes, that's one where they are alleging, or talking about that that was the parcel number from Mr. Weeks that is not the case if we correct the typo obviously.

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1 **MONTEREY COUNTY BOARD OF SUPERVISORS**
2 **February 7, 2012**
3 **(Partial)**

4 **JANE PARKER: (5:51:45)** Thank you Mr. Chair. I just wish the applicant had made
5 this project about one third of the size. That would have been large enough to satisfy
6 the desire of some neighbors for a local market, eating place, gathering place. But I
7 understand from talking to the applicant that he believes that it needs to be this big in
8 order to make the kind of money that he feels to be viable, but it's far too big for the
9 rural nature of this area and it is going to have a real negative impact on traffic in the
10 area as well as the water resources.

11 There is no need for such a large shopping mall in this location. Also, I remain
12 concerned about the water recharge system. From what I've seen in the geological
13 studies, the water won't be returned to the section of the aquifer which is providing the
14 water for the site so we are not alleviating the overdraft. Also the issues of
15 effectiveness of the system and contamination, to my mind, have not been adequately
16 addressed. Basically, we haven't put in place the kinds of protections and conditions
17 that we need to ensure the safety of the water source whether it comes to quality or
18 quantity.

19 So my vote remains the same. I will not be supporting this motion.

20 **DAVE POTTER: (5:53:11)** We have a motion and a second. Before I call the
21 question, I'll just restate my point of view.

22 I've had problems with this project for a while. Whether it's the validity of the
23 storm water detention retention plan, the magnitude and the source of the pollution, or
24 the contamination, specifically traffic impacts and also the impact to what I believe to be
25 one of the most scenic corridors as we enter and leave the Peninsula. And I do feel
26 that there is a smaller project out there that would be more appropriate on this site.