

Attachment C
Notice of Appeal
(May 1, 2012)

Lewis & Katherine Richardson
PLN090087

RECEIVED
SANTA CRUZ COUNTY

2012 MAY -7 PM 1:03

MEMBER OF THE BOARD

gfb
CLERK

Dave Potter
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Re: Filing fee for appeal of PLN 090087 Resolution No 12-015

Dear Supervisor Potter & Members of the Board:

Lewis and Katherine Richardson are filing this appeal, as unwilling applicants in the project. We are both Seniors, semi-retired and unable to afford the \$5,040.00 filing fee. We understand this usurious fee is now under consideration by the Board of Supervisors. We request an extension on the time for filing be granted until the fee issue is resolved.

Appealing a decision by the Planning Commission is a fundamental right that should not be blocked by outrageous fees. Having such a high fee prohibits the public to fully participate in their local government.

Sincerely,

Katherine Richardson
Katherine Richardson

Lewis Richardson
Lewis Richardson

February 10, 2012

Dave Potter, Chair
Monterey County Board of Supervisors
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Dear Supervisor Potter and Members of the Board:

The League of Women Voters of the Monterey Peninsula and the League of Women Voters of the Salinas Valley strongly support a reduction in the fee for appealing land use decisions to the Planning Commission and/or Board of Supervisors. In 2005 and 2010, we supported a reduction in fees and a waiver of the fee for nonprofit organizations, respectively. The current fee of \$5,040 is prohibitive and prevents many from using their constitutional right to petition their government and to participate in the planning process.

The County has said that it bases the appeals fee on the time required by staff to process an appeal, although we have not seen documentation that itemizes this approach. This approach is the same as used to establish fees for planning services, e.g., obtaining land use entitlements. We do not consider appealing a decision of the Zoning Administrator or the Planning Commissioner to be a service. Rather, it is a fundamental right that should not be hindered by prohibitive fees.

Additionally, it is our understanding that appeal hearings are *de novo* - considering the matter anew, the same as if it had not been heard before and as if no decision previously had been rendered. It would seem that information presented to the appeals body should be similar to what was presented to the initial decision-making body without a need for substantial added analysis.

Based on State law requiring that appeal fees be reasonable, we request that the Board of Supervisors reduce its land use appeal fee to an amount that would be affordable to a median-income household in Monterey County. This would help assure that all residents can participate in local land use decisions.

Sincerely,

Beverly G. Bean
President
LWV of the Monterey Peninsula

Mary Ellen Dick
President
LWV of the Salinas Valley



NOTICE OF APPEAL

Monterey County Code
Title 19 (Subdivisions)
Title 20 (Zoning)
Title 21 (Zoning)

No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before May 7, 2012 (10 days after written notice of the decision has been mailed to the applicant). Date of decision April 25, 2012 (PC)

1. Please give the following information:

- a) Your name Katherine Richardson
- b) Address 24522 Rimrock Cyn Rd City Salinas Zip 93908
- c) Phone Number 831 484-2912

2. Indicate your interest in the decision by checking the appropriate box:

- Applicant
- Neighbor
- Other (please state) _____

3. If you are not the applicant, please give the applicant's name:

Cal-Am has an easement on our property. We are the property owners

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.

- 5.
- | | File Number | Type of Application | Area |
|----|------------------------------|---------------------|----------------|
| a) | PLN 090087 | Use Permits | Foro Area Plan |
| b) | Zoning Administrator: _____ | | |
| c) | Subdivision Committee: _____ | | |
| d) | Administrative Permit: _____ | | |

5. What is the nature of your appeal?

a) Are you appealing the approval or the denial of an application? (Check appropriate box)

b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheets if necessary).

Condition 1-18 (inclusive) do not protect us or neighbors from a huge health & safety issue(s)

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for your appeal:

There was a lack of fair or impartial hearing; or

The findings or decision or conditions are not supported by the evidence; or

The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will not accept an application for appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary).

Please see attached

7. As part of the application approval or denial process, findings were made by the decision making body (Planning Commission, Zoning Administrator, Subdivision Committee or Director of Planning and Building Inspection). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary).

Please see attached

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Planning and Building Inspection Department will provide you with a mailing list.

9. Your appeal is accepted when the Clerk to the Board's Office accepts the appeal as complete on its face, receives the filing fee (\$4,698.84) and stamped addressed envelopes.

APPELLANT SIGNATURE Katherine Richardson DATE 5-7-12

ACCEPTED _____ DATE _____
(Clerk to the Board)

Re: Lewis H. & Katherine Richardson
PLN 090087
Notice of Appeal

6.

There was lack of a fair or impartial hearing;

We understand project Planner Valerie Negrete is on leave from the planning department until June, 2012. Ms. Negrete compiled considerable information both verbal and written about Cal Am's Ambler Water, and Cal Am's two applications for larger water storage tanks for Ambler Water. We further understand that Ms. Negrete was the only person from the planning department to make a physical trip to our home and property to see the proposed site, which is on the top edge of a steep cliff. That was on November 15, 2010.

Mr. Roman Montano was assigned to the project, to replace Ms. Negrete for the April 25, 2012 hearing, but did not have the depth of knowledge of what was going on. He did not visit our property, because if he had, as unwilling applicants, we would have been notified. We were not.

Likewise, seven out of ten Planning Commissioners were present to hear this application. None of the Planning Commissioners viewed the cliff top where this huge heavy tank is proposed to be located. Only one Planning Commissioner, Ms. Diehl, who apparently lives amidst the mountains in Big Sur, seemed to grasp the enormity of the health, safety and environmental issues of this application.

The findings or conditions are not supported by the evidence:

The Findings minimize the danger and numerous environmental concerns. Please see Response to #7 for more regarding the Findings not supporting the evidence.

The Conditions appear to be conditions pulled from a shelf for construction of a single family dwelling. For example, one condition references "occupancy". Please know, no one is going to be living in or on a storage tank.

A field trip and two Toro LUAC hearings produced neighborhood eyewitness evidence as to the sloughing and erosion at, and below that site. Dangers of earthquakes and erosion are very real. The risk, categorized as an "ordinary risk" category by Cal Am's consultants was not defined or addressed by the Findings or the Conditions.

Nor was it made clear to the Planning Commission that we, as the property owners, will have to bear the risk. One Planning commissioner rather callously stated that as owners purchasing the property that we knew what we were buying when we purchased it.

The risk of additional weight of a huge steel tank, concrete pad, plus an additional 80,000 pounds of water on the edge of a cliff with occupied residential homes below is not supported by the conditions. Plus the Planning commission was told there is another tank coming, to be sited immediately next to the one Cal Am is planning here. They say they need the room for another 60,000 gallons. This is another example of a piece meal project. The reasoning is unclear. The project description is unclear. The need is unclear.

Page 2, continued, item #6
Re: Lewis H. & Katherine Richardson
PLN 090087
Notice of Appeal

Evidence presented at the April 25, 2012 Planning Commission hearing revealed that Cal Am has three annexations for Ambler Water at the CPUC. These are requests to extend water mains and the service area of Ambler Water. However, the three Ambler Water wells are in Corral de Tierra and are inside the County's B-8 Zone. Evidence presented was that the planner was unaware of this the day before the hearing.

The B-8 calls for no intensification of use. The three areas in San Benancio where Cal Am wants to extend water mains for new service connections are outside the B-8:

- 1) Encina Hills in San Benancio
- 2) Ferrini Oaks in San Benancio
- 3) Washington Union School District property in San Benancio

Our property is on an immediate border of Encina Hills. In fact, Cal Am said they propose to build another water storage tank on property next to ours, in Encina Hills, to use, while they are working on replacing the two 20,000 gallon tanks in front of our place with a 120,000 gallon tank. What happens to this Encina Hills tank is undefined in your Findings and Evidence, or project conditions.

And, as previously mentioned, Cal Am's representative at the hearing stated Cal Am wants to leave room on the easement in the front of our property for an additional 60,000-gallon tank at some point in the future. The rationale or reasoning or purpose was unclear. However the additional weight will only add to the danger.

Cal Am's representative stated at the April 25, 2012 Planning Commission hearing that the current application was for water storage tanks for fire protection, and it was recommended, (but not required) by the fire department. The application's project description changed numbers just prior to getting to the Planning Commission. Two steel tanks that were previously represented as being 25,000 gallons each, in size, suddenly became 20,000 gallons each. Fire protection for 44 homes suddenly became fire protection for 69 homes. Two existing additional tanks on a hill in the Rimrock subdivision were passed off with them being in a different pressure zone. Doesn't water run downhill?

A need for replacement tanks was explained by the Cal Am representative as one of the current tanks was intermittently leaking. How can a steel water storage tank leak intermittently? It was not explained. Where is the evidence that it is leaking intermittently?

The decision is contrary to law:

Page 3, continued, item #6
Re: Lewis H. & Katherine Richardson
PLN 090087
Notice of Appeal

Where is the Baseline Study of the Ambler Water system that was asked for?
There are two separate applications being processed by County Planning for larger water storage tanks in the Ambler Water system.

None of the Conditions reflect any of the potential impacts to the B-8. The tanks can be growth inducing. Evidence presented at the Planning Commission hearing was that the FEIR for the Corral de Tierra Shopping Center identified this proposed new larger tank at Rimrock to provide fire protection for the proposed Corral de Tierra shopping center. But there is no condition placed on this application stating no additional service connections. Specified fire protection area ignores the interconnectivity of the system

Interconnectivity: Neighbors in the Meyer Road area have revealed that two 8" Ambler Water mains go up Meyer Road and make a right turn before Lowell Webster's house at number 107, then continue underground to the top of the hill above Rimrock subdivision. Neighbor Susan Bacagalupi watched them being put in. Here is a May 6, 2012 email from her:

i am out of town so will do the best i can. two 8-10" pipes go up meyer rd, turn right immediately before lowells house, go up over hill to rim rock tanks. i know nothing about harper canyon. have been told by various workers some story about a water main, but know for sure that two pipes go up our hill and then over the hill by lowells.

thanks...susuan

Cal Am representatives apparently claim the entirety of Rimrock subdivision is served by a water main that goes up Harper Canyon Road, makes a left turn at the Rimrock entrance and goes uphill to the top of Rimrock subdivision, to the tanks. If this is so, why the water mains up the backside of Rimrock? Water can flow both ways from atop a hill. The water can flow down to three "annexed" areas of Cal Am.; Encina Hills, Ferrini Oaks, WUSD San Benancio.

Piece meal: Cal Am is also processing an application for larger tanks above the Meadows of Corral de Tierra. Again, fire protection is stated as a purpose. The county staff report does not list the nine current storage tanks belonging to Ambler Water, their respective sizes, or locations. A baseline study of Ambler Water was asked for by area residents. The B-8 zoning was put on the area in 1993. Cal Am purchased Ambler Water in 1998. The number of Ambler Water Service connections was 387 in 1998. Cal Am reported the number of Ambler Water service connections was 398 at the end of year 2010.

Page 4, continued, item #6
Re: Lewis H. & Katherine Richardson
PLN 090087
Notice of Appeal

Residential water use has been trending downward with plumbing retrofits, more dryscape landscaping and water rate increases from Cal Am. The point is the Ambler Water system is about the same since purchase.

Why the need for multiple significantly larger water storage tanks, and in different locations?

There is an area health issue and that is intensification of area groundwater use. The area is in known overdraft. Groundwater levels are dropping. The B-8 Zoning calls for no intensification of use. The Findings and Conditions do not reflect this. The decision is contrary to the B-8. The decision is contrary to law.

Finding 1. Consistency, area is appropriate for development.

a) The area is not appropriate for development because it is at the top of a tall steep cliff. This cliff has had a history of sloughing and erosion.

There was a field trip by the Toro LUAC. There was testimony by area neighbors. There was communication. The project planner, Valerie Negrete is gone until June 2012. We don't know Mr. Montano, had no contact from Mr. Montano, and didn't know he was assigned to this application until we received notice of a Planning Commission hearing in the mail.

b) The tank isn't a replacement for one that is "intermittently leaking" but a huge new tank.

c) The tank is so huge the orange flagging can be seen from hilltops in Corral de Tierra

d) What dense vegetation? It's not there.

e) Testimony in the record reflects it is difficult to grow things atop Rimrock. Testimony reflects that achieving 18 ft. high landscaping may never happen, a decade or more could go by.

The type of landscaping is undefined, however if trees are planned, they will add to the weight on that cliff top that can only increase the risk and danger.

g) The current tree removal is not unavoidable. It was suggested to replace the one "intermittently leaking" tank with a tank the same size.

h) It was Valerie Negrete that made a site inspection on November 8, 2010. She is now gone.

i) The LUAC and Rimrock area neighbors also discussed the various categories of "risk" including what the term "ordinary risk" means. It is a higher category of risk. The cliff top location was also discussed, the risks, danger, and history, as reflected in the LUAC notes on file in the Planning Department.

Finding 2. Site Suitability

The site is not suitable for the water tank proposed and the Finding offers no evidence that any County Department made a field trip inspection to the site, with the exception of Ms. Negrete, who is gone.

Technical consultants hired by Cal Am found the site to be categorized as Ordinary Risk, a higher level of risk. It is a level of risk possibly ok for the flatlands of Kansas, but not a risk we are willing to assume for the edge of an earthquake prone cliff with a history of erosion.

Finding 3. Health and Safety

This Finding and Evidence ignores the B-8 zoning. It ignores the cliff top location. It ignores a Baseline Study of what exists now with the Ambler Water system in terms of sizes of tanks, number of tanks, location of tanks, and locations of water mains. The Planning Department Director and the RMA Acting Deputy Director are aware of the water main run down Paseo de Vaqueros Street to the red-tagged Ferrini Oaks project.

Lewis H. & Katherine Richardson Appeal of approval of PLN090087

#7. Re: Disagree with Findings made.

Page 2

They are aware of the questions raised as to condition compliance and mitigation monitoring of Ferrini Oaks. They are aware of a request by WUSD San Benancio to tie in to this water main. They are aware of the need for larger water storage tanks for this purpose as well as the Corral de Tierra Shopping Center. They are also aware of the proposed Encina Hills subdivision plans to tie their inadequate water well in to the water well at Ferrini Oaks, and both projects in with the water main coming from Corral de Tierra wells behind the Meadows with the water main down Paseo de Vaqueros Street.

Finding 4. No Violations

See #3. The County Planning Department is currently out of compliance with project conditions and mitigation monitoring on the Ferrini Oaks project. There needs to be a Baseline Study of the Ambler Water system.

Finding 5. CEQA (Negative Declaration)

a,b, i) On the basis of the whole record there is substantial evidence that the proposed project will have a substantial effect on the environment. The Department of Fish and Game found a significant impact to wildlife, necessitating payment of a fee if the project goes forward.

Intensification of water use violates the B-8 zoning.

The evidence of three Cal Am Ambler Water "annexations" outside the B-8 was introduced into the record.

Piece meal applications for larger storage tanks was introduced into the record.

The Initial Study, referenced as being "on file", in the offices of the Planning Department is a hidden document unknown to us, the property owners and unwilling applicants in this process.

c) A 59% increase in the number of units (41 to 69) is significant. Where is the map or descriptive information as to location of the 41 versus the 69?

Discovery that storage tank size information provided by Cal Am has changed should be a red flag to the Planning Department! Planning Department knowledge, as relayed to Ms. Negrete, that Cal Am numbers of tanks and tank sizes has been reported differently to the following;

California Department of Public Health
California Public Utilities Commission
Monterey County Rural Fire Department
Monterey County Planning Department

The County apparently did not investigate or do a Baseline Study.

The County does not identify how many households, or single-family dwellings are located in Rimrock Subdivision Phases 1 and II.

j) It is our understanding that project planner Valerie Negrete received several comments

Lewis H. & Katherine Richardson Appeal of approval of PLN090087
#7. Re: Disagree with Findings made.
Page 3

and concerns before and during the comment period. Now the County can find only one?
Here is another comment letter, apparently never responded to by Planning:

Monterey County Planning Department
c/o Valerie Negrete, Planner

Re: Lewis H. & Katherine Richardson
PLN090087
24522 Rimrock Cyn Rd, Salinas
APN 416-601-011-000
Use permit, tree removal and design approval
Regarding CalAm/Ambler Water Storage Tanks

February 8, 2012

Dear Ms. Negrete,

Attached please find a letter submitted to the Monterey County Board of Supervisors yesterday. As you are aware the County Planning Department is processing two applications for larger storage tanks for Ambler Water (belonging to CalAm).

I have reviewed the Application and the Initial Study you kindly provided on the above referenced application. There currently is confusion and differences amongst County Departments and State Agencies as to what actually exists now in terms of actual water tank storage capacity, and even the number of tanks.

I am requesting that both the application for the above referenced project, as well as the application for storage tanks above the Meadows of Corral de Tierra, be continued until such time as questions and concerns addressed in my attached letter get answers. The deadline for comments should be extended appropriately.

What I am asking for is an independent engineering audit of the existing Ambler storage system. This would establish a necessary baseline. Both the Application and the Initial Study are incomplete at this time due to the confusion as to what currently exists. There appear to be impacts that are not only growth inducing but will be expensive for current ratepayers. The Initial Study is inadequate for evaluating these.

Please advise me at your earliest convenience whether this deadline for comments extension request is approved by your department. If not, I wish to Lewis H. & Katherine Richardson Appeal of approval of PLN090087

#7. Re: Disagree with Findings made.
Page 4

retain the right to submit further comments for the record.
If for some reason the attached letter will not open please contact me as soon as possible as I can fax it to you.

Thank you very much,

Mike Weaver
484-6659

Here is a copy of an attached letter sent to previous planner, Ms. Negrete:

Dave Potter, Chair
Monterey County Board of Supervisors
168 W. Alisal St.
Salinas, CA 93901

Re: File No: PLN110077 (Appeal of PLN020344)
Applicant: Omni Resources, LLC
Location: 5 Corral de Tierra Road
APN: 161-171-003-000; 161-581-001-000
Response to Letter from MCRFD, Dorothy Priolo

February 7, 2012

Dear Chair Potter,

On January 9, 2012, I was forwarded a copy of a letter addressed to the Board of Supervisors from Monterey County Rural Fire District Deputy Fire Marshall, Dorothy Priolo. Ms. Priolo's letter was in response to a letter I sent to the Board of Supervisors with questions and concerns that were not adequately addressed in the FEIR, nor in development plans submitted by the applicant, regarding Omni building sizes and the need for fire protection.

Let me begin by stating I have the utmost respect for the MCRFD fire response efforts. Corral de Tierra, San Benacio, Laureles Grade, and surroundings have a High Risk Fire Rating. It is recognized as being a High Fire Hazard area in many Monterey County documents. I have lived in Corral de Tierra my entire life. In that time we have had three vegetation fires on the hill where I live. We have had one house fire. We have also had three medical emergencies. The MCRFD has responded to all of these. Their service has been outstanding. Monterey County is fortunate to have such a fine Rural Fire Department. However, the point I wish to make is I am critically aware

Lewis H. & Katherine Richardson Appeal of approval of PLN090087

#7. Re: Disagree with Findings made.

Page 5

of the importance of response times. I am also critically aware that the fire department needs the water storage capacity to fight fires in the event of one.

As a bit of background, you may know that it was I that on three different occasions reported to the County, the former Adcock's Toro Water Service in Corral de Tierra installing new water mains without the proper County Encroachment permits or notifying the County of their purpose. Because of this, the Toro Water Service was required by the MCRFD to retroactively dig up and install fire hydrants. For many reasons, Toro Water Service, as one of the Adcock's water companies, was ordered to be sold by a Federal Court as a result of a lawsuit filed by the U.S. EPA and the U.S. Department of Justice. Toro Water Service has since been acquired by CalAm.

Now to Ambler Water Company. Ambler Water is the proposed purveyor of water to the Omni Enterprises LLC project the Board of Supervisors is being asked to review. Ambler Water is also owned by CalAm. It is a separate water company. It was purchased by CalAm in 1998 from the previous owner, Cornelius Cronin. At the time of purchase in 1998 Ambler Water served 387 local service connections. As of the end of year 2010, CalAm reports Ambler water has 398 current local service connections. The number of service connections has remained about the same. Likewise, the Ambler Water system components purchased from Cornelius Cronin has remained about the same. The one exception was CalAm installed an Arsenic Treatment Facility next to their three production wells in lower Corral de Tierra.

Now to the point of my letter with concerns and questions; MCRFD's January 9, 2012 calculations for "Total Water Required by Storage and/or Well Recovery" was based on a submittal by the applicant, Omni, to the MCRFD on January 5, 2012. This is long after the DEIR and FEIR, after Planning Commission hearings, and after some Board hearings. The MCRFD calculated the newest project's largest building would need 180,000 gallons of water storage based on size and a specific type of firewall construction.

The MCRFD makes the critical conclusion on the bottom of page 2 of their January 9, 2012 letter that:

"According to a letter from Craig Anthony of California American Water Company dated August 28, 2008, the Ambler Park Water System has a storage capability of 208,860 gallons, which exceeds the water storage requirement of 180,000 gallons for the current proposed design."

The issue is, the source of the storage tank size of 208,860, came from CalAm. It came from Mr. Craig Anthony who no longer works for Cal Am. CalAm is the proposed purveyor of water to the Omni project under review. One assumes Cal Am will profit from the sale of additional water to Omni. The 208,860 number may be correct. However, there are a number of concerns and questions about differing amounts of Lewis H. & Katherine Richardson Appeal of approval of PLN090087

#7. Re: Disagree with Findings made.
Page 6

Ambler Water storage capacity depending on which agency or department is being asked. The only thing I have found in common is that the source of all their respective information, came from Cal Am, at different times.

This information is not consistent with the very different storage figures in the public records produced by Cal Am's Engineering Manager for Project Delivery, John Kilpatrick, on January 24, 2012, and by the California Department of Public Health's Drinking Water Division in January 2012.

The California Public Utilities Commission in a January 10, 2012 response (attached) informs me the only information they could find at this time regarding Ambler Water existing and planned storage is:

Two existing 25,000 gallon tanks (Cal Am asking to replace with two 90,000 gallon tanks)

Two existing 20,000-gallon tanks (Cal Am asking to replace with one 200,000 gallon tank.)

So, the existing CPUC records show Ambler Water storage tank capacity is 90,000 gallons now, with proposed plans for 380,000 gallons.

Please note that Cal Am is currently processing an application with the CPUC for customer rate increases. The 398 current service customers of Ambler Water are a part of this rate increase request, in conjunction with a rate increase request for Monterey Peninsula customers.

Finally, our Monterey County Planning Department is currently processing two separate applications for larger Ambler Water storage tanks. These are Monterey County Planning File Numbers PLN090087 and PLN080527.

PLN090087: Replace two existing 25,000-gallon water storage tanks with one 120,000-gallon storage tank above the Rimrock Subdivision in San Benancio.

PLN080527: Replace two existing 50,000 gallon water storage tanks with two 200,000 gallon storage tanks above the Meadows of Corral de Tierra subdivision.

Both of these projects are currently undergoing Monterey County environmental review and to my understanding will be coming to the Board of Supervisors. There is no assurance that the projects will be approved as proposed.

Not mentioned in either application are other storage tanks in the Ambler Water system.

Lewis H. & Katherine Richardson Appeal of approval of PLN090087

#7. Re: Disagree with Findings made.

Page 7

So, according to Monterey County applications in process, Ambler water is requesting to replace the current 90,000 or 150,000 gallons of water storage tanks with 520,000 gallons of water storage tanks.

These numbers are different than the CPUC, the CA DPH and the MCRFD.

The reason for my trying to establish a baseline of existing water storage tank capacity is because Cal Am is currently processing two separate applications with Monterey County Planning for larger water storage tanks. Cal Am is also processing an application with the CPUC for customer rate increases, this includes customers of their Ambler Water system. Is there an explanation for the differences in the number of current tanks, and the capacity of the current tanks on Cal Am's Ambler Water system?

Jan Sweigert of CA DPH sent me the following response to this today:

"We do not have an explanation submitted from Cal Am regarding the discrepancy or error in the 2004 information. "

In addition to the current 398 Ambler Water customers facing water rate increases, there are serious health and safety issues. Existing steel water storage tanks don't change sizes. They may or may not be being currently used. Some may be leaking. At least one is associated with the Arsenic treatment facility next to Corral de Tierra Creek.

For example, my question to Cal Am about a water storage tank next to a previous subdivision on upper Paseo Privado Street, belonging to Cal Am was:

Is the "Upper Paseo Privado" tank used for fire protection, for potable water, or both?

The answer, provided by Mr. Kilpatrick on January 31, 2012 was:

"This tank is currently undersized for fire protection needs

I request that an independent engineering study be conducted and that photographs be taken and measurements be taken of existing Ambler water storage tanks. I request that actual current Ambler Water storage tank capacity be calculated. This would establish a baseline. This baseline can then be shared with our Monterey County Planning Department, the California Department of Public Health, the California Public Utilities Commission, the ratepayers of Ambler Water Service, and most importantly our Monterey County Regional Fire Department. The Omni Shopping Center EIR does not have the correct baseline and does not adequately consider the issues and impacts I have raised in this letter.

Lewis H. & Katherine Richardson Appeal of approval of PLN090087

#7. Re: Disagree with Findings made.
Page 8

Thank you,

Mike Weaver
Chair, The Highway 68 Coalition

484-6659

From: Michael Weaver [mailto:michaelrweaver@mac.com]
Sent: Tuesday, January 10, 2012 12:07 PM
To: Kumra, Ravi
Subject: CalAm/Ambler Water - Monterey County

Hello Mr. Kumra,
Can you please advise me as to whom I would talk to at the CPUC to find the water tank storage capacity of Cal/Am's Ambler Water Service? It is located in the Toro Area of Monterey County. There seems to be a bit of confusion as to how much there is, and CalAm has applications in to Monterey County for more, but with vague rationale for need. I am interested in finding out how much storage tank capacity has been reported to the CPUC.

You may recall that CalAm purchased this Ambler Water system in 1998. It is not a part of the Monterey District. Former Cal Am Manager locally, Mr. Craig Anthony is gone. He was let go, so I don't know who to contact there and how long I would have to wait, or if they would even know where to look.

Thanks for your help. I hope all is well.

Mike Weaver
Home: 831-484-2243
Office: 831-484-6659

Lewis H. & Katherine Richardson Appeal of approval of PLN090087

#7. Re: Disagree with Findings made.
Page 9

From: richard.rauschmeier@cpuc.ca.gov
Subject: RE: CalAm/Ambler Water - Monterey County
Date: January 10, 2012 4:03:32 PM PST

To: michaelrweaver@mac.com

Mr. Weaver,

This is the only information that I could find regarding existing and planned storage in Ambler. Let me know if you need some additional information and I can try to find the original project descriptions or the engineers who may have worked on these projects.

Approved in 2008, Cal Am currently has a project underway to replace two existing 25,000 gallon bolted steel water storage tanks with two 90,000 gallon welded steel storage tanks as part of the Ambler Park Water System.

Approved in 2008, a 200,000 gallon tank is being constructed at the site of an existing water storage tank and designed to replace two 20,000 gallon water tanks.

**Richard Rauschmeier
Financial Examiner
DRA – Water Branch**

Finding #6. Tree Removal

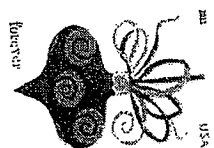
Because project alternatives are not considered or even listed, the removal of an oak tree larger than 8" has no evidence as to necessity.

d) The replacement oak tree location is not identified. It is our property, and we were not even consulted.

f) There was one Planning site inspection by Ms. Negrete. Where are Ms. Negrete's notes as evidence on this issue? We have not seen them.

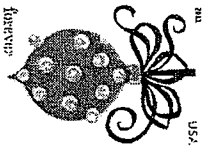
Harper Canyon Realty LLC
2400 Broadway #310
Santa Monica, CA
90404

Lewis & Katherine Richardson
24532 Fremont Canyon Rd.
Salinas, CA 93908



Thomas & Julie Green
24513 Rimrock Canyon Rd.
Salinas, CA 93908

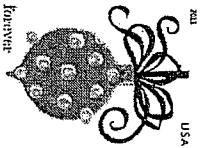
Randi & Ted Montalvo
24533 Rimrock Canyon Rd
Salinas, CA 93908



John & Carol Goldman
24542 Pinrock Canyon Rd
Salinas, CA 93908



Anthony Sulson
24553 Pinrock Canyon
Salinas, CA 93908



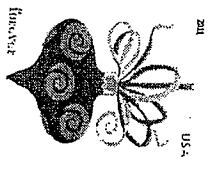
Steven & Deborah Schmitt
24563 Rimrock Canyon Rd
Salinas, CA 93908

Joe & Herta Langschwandron
24503 Rimrock Canyon Rd.
Salinas, CA 93908

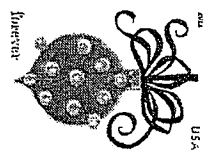


Chris & Jean Schott
24513 Remrock Canyon Ct
Salinas, CA 93908

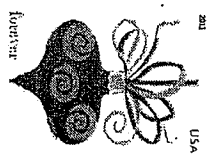
Jeffrey & Diana Whitcomb
24543 Remrock Canyon Rd
Salinas, CA 93908



Stephen & Jani Shearn
24533 Remirock Canyon Rd
Salinas, CA 93908



Karen & Kurt Verdick
24553 Remirock Canyon
Salinas CA 93908



David & Susan Erikson
24533 Rimrock Canyon
Bellevue, WA 98008