

Attachment D
Initial Study/
Negative Declaration with
Errata

REF130072

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County of Monterey
 State of California
NEGATIVE DECLARATION

FILED
 AUG 16 2013
 STEPHEN L. VAGNINI
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	The Oaks / California American Water Company Memorandum of Understanding (MOU)
File Number:	REF130072
Owner:	N/A
Project Location:	East Side of San Benancio Road
Primary APN:	Well Parcel: 161-013-011-000 Residential Parcel(s): 161-013-001, -004, -005, -006, -007, -008, -009, -013, -014
Project Planner:	David J. R. Mack
Permit Type:	Memorandum of Understanding
Project Description:	A Memorandum of Understanding (MOU) between California American Water Company, Monterey County Water Resources Agency and the County for the provision of safe potable water to the approved nine-lot Oaks subdivision (Ferrini Oaks) due to the high arsenic levels in the subdivision (Oaks) well water.

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

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

Decision Making Body:	Monterey County Board of Supervisors
Responsible Agency:	County of Monterey
Review Period Begins:	August 19, 2013
Review Period Ends:	September 19, 2013

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



MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 757-9516



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

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Memorandum of Understanding (MOU) between the County of Monterey and California American Water Company (Cal Am) (REF130072) for the Oaks Subdivision (east side of San Benancio Road) (APN Nos. 161-013-011-000, 161-013-001, -004, -005, -006, -007, -008, -009, -013, -014).

The Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County **Resource Management Agency – Planning**, 168 West Alisal, 2nd Floor, Salinas, California, and **John Steinbeck Library**, 350 Lincoln Ave, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link: <http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm>.

The Board of Supervisors will consider this proposal at a meeting on a date to be determined in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from **August 19, 2013 to September 19, 2013**.

Project Description: A Memorandum of Understanding (MOU) between California American Water Company, Monterey County Water Resources Agency and the County for the provision of safe potable water to the approved nine-lot Oaks subdivision (Ferrini Oaks) due to the high arsenic levels in the subdivision (Oaks) well water.

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

CEQAcomments@co.monterey.ca.us

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

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

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

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

County of Monterey
Resource Management Agency – Planning
Attn: David J. R. Mack, Associate Planner
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Oaks MOU; File Number REF130072

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

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

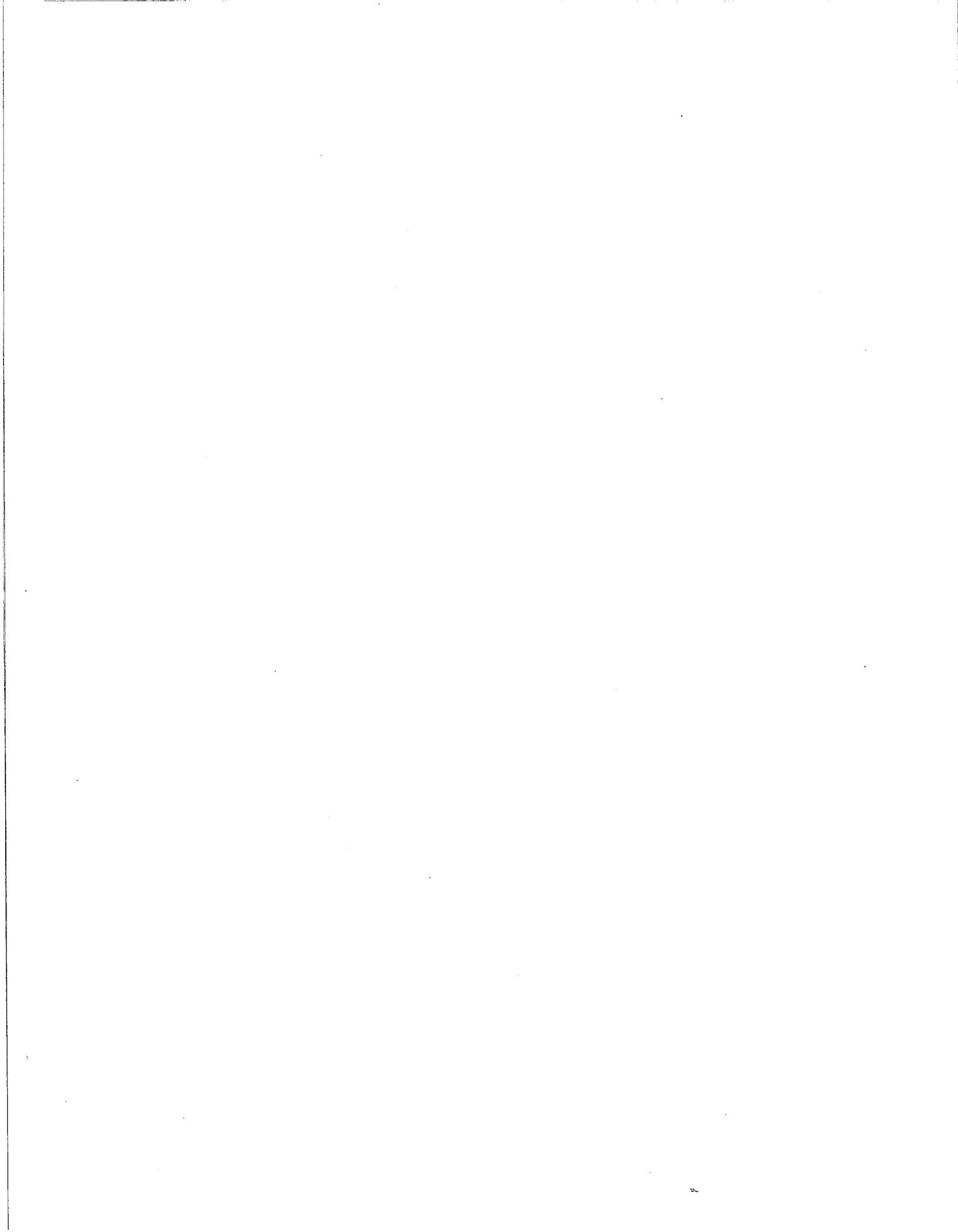
COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. Monterey Bay Unified Air Pollution Control District
4. California Department of Fish & Wildlife, Marine Region, Attn: Eric Wilkins
5. California American Water Company (Cal Am)
6. Monterey County Water Resources Agency
7. Monterey County Environmental Health Bureau
8. John Steinbeck Library
9. The Open Monterey Project
10. LandWatch
11. Property Owners within 300 feet (**Notice of Intent only**)

Distribution by e-mail only (Notice of Intent only):

12. Michael Stamp (Stamp@stamlaw.us)
13. Michael Weaver (michaelrweaver@mac.com)
14. Margaret Robbins (MM_Robbins@comcast.net)
15. Monterey/Santa Cruz Building & Construction (Office@mscbctc.com)
16. Tim Miller (Tim.Miller@amwater.com)
17. Emilio Hipolito (ehipolito@nccrc.org)
18. United Brotherhood of Carpenters & Joiners (nedv@nccrc.org)



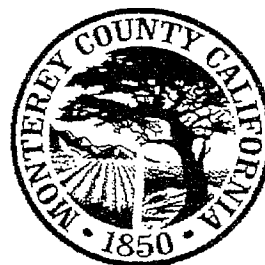
MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

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

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



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: The Oaks / California American Water Company
Memorandum of Understanding (MOU)

File No.: REF130072

Project Location: N/A

Name of Property Owner: Various

Name of Applicant: County of Monterey and California American Water

Assessor's Parcel Number(s): Well Parcel:
161-013-011-000

Residential Parcel(s):
161-013-001, -004, -005, -006, -007, -008, -009, -013, -014

Acreage of Property: 325 acres

General Plan Designation: Low Density Residential / Resource Conservation

Zoning Districts: LDR/B-6-D(24 feet), LDR/B-6-D, and RC/B-6-D

Lead Agency: County of Monterey

Prepared By: David J. R. Mack, Associate Planner

Date Prepared: August 14, 2013

Contact Person: David J. R. Mack, Associate Planner

Phone Number: 831-755-5096

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Background:

The Oaks subdivision tentative map created nine residential lots and was approved on May 8, 2001. When the tentative map was approved, a well on the subject property was to be the source of water for the nine lots. Between the tentative and final map approvals, the federal "Maximum Contaminant Level" (MCL) – the drinking water standard – for arsenic was reduced from 50 parts per billion (ppb) to 10 ppb. The federal standards became effective on February 22, 2002 and the water systems were required to comply with the new standard by January 23, 2006. (The State of California was also obligated beginning in 2002 to begin the process of developing a revised drinking water standard for arsenic; following debate whether to adopt a standard more stringent than the federal standard, the state in 2008 adopted the federal standard of 10 ppb.) The Oaks' well tested at 35 ppb arsenic in 2000. This level of arsenic met the federal standard at the time the County approved the tentative map, but it does not meet the new standard. Arsenic in the drinking water above the MCL raises the risk of cancer, among other effects. (California Department of Public Health; see www.cdph.ca.gov.)

Following the Board's acceptance of the final map in 2006, the subdivider sold three lots into individual ownership, and three homes have been built. A successor-in-interest to the original subdivider owns the remaining six lots, which are vacant. Pursuant to Condition 34 of the tentative map, the subdivider conveyed the Oaks' well and water infrastructure to California American Water Company (Cal Am), who now owns the well and water infrastructure.

Compliance with the new arsenic drinking water standard and protection of the public health required treatment of the water from the Oaks' well. Staff arranged for Cal Am through its Monterey District Ambler Park system to serve the Oaks lots on the basis that Cal Am would draw water from the Oaks' well, treat the water for high arsenic at the Ambler Park water treatment plant, and then supply the treated water to the Oaks' lots. In 2006, Cal Am committed to monitoring the Oaks' well production and the Oaks lots' consumption for this purpose. It has since been clarified that, while the same molecules of water would not be sent for treatment and returned, the same result can be accomplished by exchanging the same amount of water by pumping from the Oaks well into the Ambler system the same amount of water that the Ambler system is providing to the nine Oaks lots, resulting in *no net transfer of water*.

In 2010, while gathering documents related to another subdivision application, staff learned that Cal Am had begun to serve the Oaks' homes without yet bringing the Oaks' well online. Cal Am must amend its permit from the California Department of Public Health (CDPH) to include the new water source. Staff put a hold on building permits on the remaining six vacant lots in the Oaks' subdivision until the situation could be resolved. In discussions with Cal Am, Cal Am said it would honor its 2006 commitment to balance the water served to Oaks from Ambler with water pumped from the Oaks well into the Ambler system. Cal Am has informed the County that Cal Am has made application to the CDPH to include the Oaks well in its water system.

In order to formalize the arrangement with Cal Am for Cal Am to serve the Oaks with no net transfer of water, staff is processing a Memorandum of Understanding (MOU) with Cal Am.

The MOU would memorialize Cal Am's commitment to pump an amount of water from the Oaks' well into the Ambler system equal to the amount Ambler provides to the Oaks' lots, so as to result in no net transfer of water.

The MOU protects public health by ensuring treatment of water by a water system with the technical, managerial, and financial resources to ensure on-going treatment of water to meet state and federal drinking water standards. It respects the property rights of the lot owners and is consistent with the Map Act because it does not impose additional burden on property owners, does not affect their right, title or interest in their property and does not disturb their water supply. It also does not intensify water use in the B-8 zone or export water out of Zone 2C because Cal Am is required to pump from the Oaks well into the Ambler system the exact amount of water it is serving to the Oaks.

The MOU would create a binding contractual obligation on the part of Cal Am and flesh out the details of implementation and monitoring. Cal Am has agreed in principle to an MOU and is reviewing the terms. The MOU would only apply to the nine lots contained within the Oaks subdivision, due to the unique circumstances and public health considerations requiring treatment of water to an already approved subdivision. The MOU shall not be used to serve any other property. The draft MOU has been attached as Attachment 1.

B. Surrounding Land Uses and Environmental Setting:

The Oaks subdivision is located on the east side of San Benancio Road adjacent to San Benancio School within the Toro Area Plan, and is within the Monterey County Water Resources Agency's Zone 2C. The subdivision is comprised of 9 individual lots, 3 of which have been sold and developed.

The Ambler Water Treatment Plant is located on the west side of San Benancio Road, and is within the County's B-8 zoning district. The purpose of the B-8 zoning district is to "restrict development and/or intensification of land use in areas where, due to water supply ... or similar measurable public-facility type constraints, additional development and/or intensification of land use if [sic] found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole." When the Oaks' tentative map was approved, water was to be supplied directly by the Oaks' well which is not within the County's B-8 zone. Ambler's water supplies are wells located in the County's B-8 zone.

The well water did not exceed the federal drinking water standards in effect at the time of the tentative map approval, and therefore, treatment of the water was not an issue at that time. To enable treatment of the water while ensuring that water treatment and service by Ambler to the Oaks does not result in intensification of water use in the B-8 zone, it is necessary for Cal Am to offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system. Conversely, the Oaks' well lies within Monterey County Water Resources Agency's benefit assessment "Zone 2C," which does not allow the export of water out of Zone 2C. The Ambler treatment plant lies outside Zone 2C. Therefore it is necessary for Cal Am to ensure that the volume of water it pumps from the Oaks' well into the Ambler Park water system does not exceed the amount of water supplied from Ambler to the Oaks.

This MOU is the appropriate mechanism to supply the Oaks subdivision with water that meets drinking water standards, is consistent with the County's zoning, and respects the rights, title and interest of the existing lot owners.

C. Other public agencies whose approval is required:

No other public agencies are required to approve the MOU.

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

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

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

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

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

EVIDENCE:

1. Aesthetics

The MOU does not require the construction of additional facilities or pipelines; therefore potential impacts to scenic vistas or scenic resources within a state scenic highway (trees, rock outcroppings, and/or historic buildings) cannot result from the MOU. The existing visual character would remain unchanged as a result of the MOU and no new sources of light or glare would be produced. *No impact to aesthetics.* (Source: 1, 2, 3, 5)

2. Agriculture and Forest Resources

The MOU does not require the construction of additional facilities or pipelines and will not require the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or result in the loss of forest land or conversion of forest land to non-forest land. As no farmland or forest land will be impacted by the MOU, the MOU will not result in a conflict with agricultural or forestland zoning designations, will not rezone forest lands and the does not involve lands under a Williamson Act contract. Therefore potential impacts to agriculture and forest resources cannot result from the MOU. *No impact to agriculture and forest resources.* (Source: 1, 2, 3, 5)

3. Air Quality

The MOU does not require the construction of additional facilities or pipelines and will not require activities which would result in a conflicts with or obstruction of the applicable air quality plan; will not violate air quality standards or contribute to an air quality violation; nor result in a net increase of any criteria pollutants. The MOU does not require construction activities of any sort and therefore will not result in construction-related air quality impacts, expose sensitive receptors to pollutants or create objectionable odors. Therefore potential impacts to air quality cannot result from the MOU. *No impacts to air quality.* (Source: 1, 2, 6)

4. Biological Resources

The MOU does not require the construction of additional facilities or pipelines and will not require activities which would have an effect on species identified as a candidate, sensitive, or special status species; will not have an effect on any riparian habitat or other sensitive natural community, nor have an effect on federally protected wetlands. Additionally, the MOU does not require activities which would interfere with the movement of any native resident or migratory fish or wildlife species or conflict with any local policies or ordinances protecting biological resources. The MOU does not require actions or activities which would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. Therefore potential impacts to biological resources cannot result from the MOU. *No impacts to biological resources.* (Source: 1, 2, 3, 5)

5. Cultural Resources

The MOU does not require the construction of additional facilities or pipelines and will not require activities which would cause a substantial adverse change in the significance of a historical or archaeological resource. The MOU does not require actions which would directly or indirectly destroy or disturb a unique paleontological resource, unique geologic feature, or human remains. Therefore potential impacts to cultural resources cannot result from the MOU. *No impact to cultural resources.* (Source: 1, 2, 3, 5)

6. Geology/Soils

The MOU does not require construction of additional facilities or pipelines and will not require activities which expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death as a result of a rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The MOU does not require actions which would result in substantial soil erosion. Additionally, the MOU does not require construction activities that would be located on a geologic unit that is unstable or on expansive soil. The MOU does not require the generation of wastewater so no septic system is required. Therefore potential impacts to geology/soils cannot result from the MOU. *No impact to geology/soils.* (Source: 1, 2, 3, 5)

7. Greenhouse Gas Emissions

The MOU does not require the construction of additional facilities or pipelines and will not require activities which directly or indirectly generate greenhouse gas emissions. The MOU does not require actions which would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore potential impacts to greenhouse gas emissions cannot result from the MOU. *No impact to greenhouse gas emissions.* (Source: 1, 2, 3, 5, 6)

8. Hazards/Hazardous Materials

The MOU does not require the construction of additional facilities or pipelines and will not involve the transport, use, disposal, or release or emit of hazardous materials. The MOU does require the treatment of water, which could involve the handling or use of acutely hazardous materials, however the Ambler Park Treatment Plant is not located within one-quarter mile of San Benancio Middle School or another proposed school site; therefore the risk to school is non-existent. The MOU does not require actions which would occur within two miles of a public or private airstrip or airport land use plan. The MOU would not impair the implementation of or physically interfere with an adopted emergency response or evacuation plan. Additionally, the MOU does not require actions which would expose people or structures to significant risk of loss, injury or death involving wildland fires. Therefore potential impacts to hazards/hazardous materials cannot result from the MOU. *No impact to hazards/hazardous materials.* (Source: 1, 2, 3, 5)

9. Hydrology and Water Quality

See Section IV item No. 9.

10. Land Use and Planning

See Section IV item No. 10.

11. Mineral Resources

The MOU does not require the construction of additional facilities or pipelines and will not require actions which could result in the loss of known mineral resource of value to the region or of a locally important mineral recovery site delineated on a local general plan, specific plan or other land use plan. Therefore potential impacts to mineral resources cannot result from the MOU. *No impact to mineral resources.* (Source: 1, 2, 3, 5)

12. Noise

The MOU does not require the construction of additional facilities or pipelines and will not involve the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance; will not expose persons to or generation of excessive ground-borne vibration or ground-borne noise levels; and will not result in a permanent, temporary, or periodic increase in ambient noise levels in the project vicinity. The MOU does not require actions which would occur within two miles of a public or private airstrip or airport land use plan which would expose people residing or walking the area to excessive noise. Therefore potential impacts to noise cannot result from the MOU. *No impact to noise.* (Source: 1, 2, 3, 5)

13. Population/Housing

The MOU does not require the construction of additional facilities or pipelines and will not result in substantial population growth in an area, either directly (new homes and businesses) or indirectly (extension of roads or other infrastructure); but will serve to provide adequate water quality to an existing 9-lot (previously approved) residential subdivision. Without the implementation of the MOU, 3 residences would not have potable water. The MOU does not require actions that will result in the displacement of existing housing or people, necessitating the construction of replacement housing elsewhere. Therefore potential impacts to population/housing cannot result from the MOU. *No impact to population/housing.* (Source: 1, 2, 3, 4, 5)

14. Public Services

The MOU does not require the construction of additional facilities or pipelines and will not require actions which would result in impacts relative to maintaining acceptable service ratios, response times, or other performance objectives for any public services, including fire protection, police protection, schools, parks, or other public facilities. *No impact to public services.* (Source: 1, 2, 3, 5)

15. Recreation

The MOU does not involve actions which would increase or require the use of existing neighborhood and regional parks or other recreational facilities; or require the construction or expansion of recreational facilities. Therefore potential impacts to recreation cannot result from the MOU. *No impact to recreation.* (Source: 1, 2, 3, 5)

16. Transportation/Traffic

The MOU does not involve actions which would necessitate a change in traffic patterns; conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system(s); nor conflict with the goals, objectives and policies of the 2010 Regional Transportation Plan for Monterey County; or result in a change in air traffic patterns. The MOU does not require the development or construction of additional roadways or access roads which would increase hazards due to a design feature or incompatible uses; nor result in inadequate emergency access; or conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities. Therefore potential impacts cannot result from the MOU. *No impact to transportation/traffic.* (Source: 1, 2, 3, 5)

17. Utilities/Service Systems

The MOU does not require the construction of new water, wastewater or storm water facilities or pipelines. The MOU will not require actions which would cause applicable Regional Water Quality Control Board wastewater requirements to be exceeded. Additionally the MOU will not result in a determination by the wastewater treatment provider which serves or may serve the area that it has inadequate capacity or will require additional capacity. The MOU does not result in actions which require service from a landfill for solid waste disposal. Therefore potential impacts to utilities/service systems cannot result from the MOU. *No impact to utilities/service systems.* (Source: 1, 2, 3, 5, 7)

18. Mandatory Findings of Significance

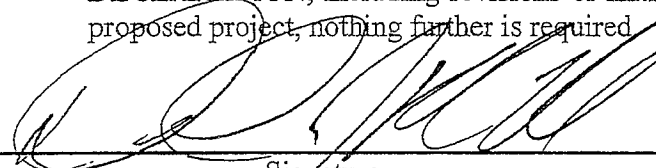
The purpose of the MOU is to provide potable water to the Oaks' 9 lots of record, from the existing Oaks well and existing Ambler Park Water Treatment System. The MOU and its agreements do not require the construction of additional facilities or pipelines and will not require actions which would result in any significant environmental impacts which cannot be mitigated. The MOU does not result in impacts to aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, or utilities/service systems. Since no construction activities will take place and the treatment and of water will take place via existing underground pipelines, the MOU will not result in actions which would degrade the quality of environment; reduce habitat of fish and wildlife species; threaten to eliminate a plant or animal community; reduce the number or restrict the range of a rare or endangered plant or animal; nor eliminate important examples of the major periods of California history or prehistory. As such, the MOU will not result in impacts which are individually limited nor cumulatively considerable. Additionally the MOU will not cause substantial adverse effects on human beings, either directly or indirectly. (Source: 1, 2, 3, 4, 5, 6, 7)

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature

8/14/13

 Date

David J. R. Mack

Associate Planner

V. ***EVALUATION OF ENVIRONMENTAL IMPACTS***

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

2. AGRICULTURAL AND FOREST RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p>					
Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. AGRICULTURAL AND FOREST RESOURCES

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

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

3. AIR QUALITY

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

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

3. AIR QUALITY

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

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

Discussion/Conclusion/Mitigation:
Refer to Section IV above.

8. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

9. HYDROLOGY AND WATER QUALITY				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion</u> or <u>siltation</u> on- or off-site? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality? (Source: 1, 2, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The Oaks subdivision is located on the east side of San Benancio Road within the Monterey County Water Resources Agency's Zone 2C. The Ambler Water Treatment Plant is located on the west side of San Benancio Road within the County's B-8 zoning district. The purpose of the B-8 zoning district is to "restrict development and/or intensification of land use in areas where, due to water supply ... or similar measurable public-facility type constraints, additional development and/or intensification of land use if [sic] found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole." When the Oaks' tentative map was approved, water was to be supplied directly by the Oaks' well which is not within the County's B-8 zone. Ambler's Water Treatment Plant water supply is located in the County's B-8 zone. The well water did not exceed the federal drinking water standards in effect at the time of the tentative map approval, and therefore, treatment of the water was not an issue at that time.

Between the tentative and final map approvals, the federal "Maximum Contaminant Level" (MCL) – the drinking water standard – for arsenic was reduced from 50 parts per billion (ppb) to 10 ppb. The Oaks' well tested at 35 ppb arsenic in 2000. This level of arsenic met the federal standard at the time the County approved the tentative map, but it does not meet the new standard. Compliance with the new arsenic drinking water standard and protection of the public health required treatment of the water from the Oaks' well.

Staff arranged for Cal Am through its Ambler Park system to serve the Oaks lots on the basis that Cal Am would draw water from the Oaks' will, treat the water for high arsenic at the Ambler Park water treatment plant, and then supply the treated water to the Oaks' lots. In 2006, Cal Am

committed to monitoring the Oaks' well production and the Oaks lots' consumption for this purpose. It has since been clarified that, while the same molecules of water would not be sent for treatment and returned, the same result can be accomplished by exchanging the same amount (via quarterly monitoring of meters on the 9 Oaks lots) of water by pumping from the Oaks well into the Ambler system the same amount of water that the Ambler system is providing to the nine Oaks lots, resulting in *no net transfer of water*. To determine the amount of water served to Oaks lots, Cal Am shall maintain water meters in good working order for its service to the Oaks lots, including residences and irrigation.

Conclusion/Mitigation:

- a) The MOU does not require the construction of additional facilities or pipelines and will not require activities which would violate water quality standards or waste discharge requirements. *No impact.*

- b) To enable treatment of the water while ensuring that water treatment and service by Ambler to the Oaks does not result in intensification of water use in the B-8 zone, it is necessary for Cal Am to offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system. Conversely, the Oaks' well lies within Monterey County Water Resources Agency's benefit assessment "Zone 2C," which does not allow the export of water out of Zone 2C. The Ambler Treatment Plant lies outside Zone 2C. Therefore it is necessary for Cal Am to ensure that the volume of water it pumps from the Oaks' well into the Ambler Park water system does not exceed the amount of water supplied from Ambler to the Oaks.

Although the same molecules of water would not be sent for treatment and returned, the same result can be accomplished by exchanging the same amount of water by pumping from the Oaks well into the Ambler system the same amount of water that the Ambler system is providing to the Oaks' lots, resulting in no net transfer of water. This would not deplete ground water supplies or interfere with groundwater recharge such that it would result in a net deficit in aquifer volume or a lowering of the local groundwater table in either Zone 2C or the B-8 area. *Less than Significant Impact.*

- c-f) The MOU involves an exchange of water via existing underground pipelines, and does not require construction of additional facilities or actions which would result in the altering of existing drainage patterns which could result in erosion, siltation, or flooding on- or off-site. Additionally the underground exchange of water would not contribute to surface water runoff which would exceed the capacity of existing or planned stormwater drainage systems nor add sources of polluted runoff and will not substantially degrade water quality. *No impact.*

- g-j) The MOU involves an underground exchange of water and does not require construction of additional facilities or actions which would place housing or structures within a 100-year flood hazard zone and will not expose people or structures to a risk of loss, injury or death involving flooding of any kind; nor subject people or property to inundation by seiche, tsunami or mudflow because the Oaks lots are not within a mapped FEMA flood area. *No impact.*

10. LAND USE AND PLANNING

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

Discussion:

The Oaks subdivision is located within the Monterey County Water Resources Agency's Zone 2C. The Ambler Water Treatment Plant is located within the County's B-8 zoning district. The purpose of the B-8 zoning district is to "restrict development and/or intensification of land use in areas where, due to water supply ... or similar measurable public-facility type constraints, additional development and/or intensification of land use if [sic] found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole." When the Oaks' tentative map was approved, water was to be supplied directly by the Oaks' well which is not within the County's B-8 zone. Ambler's water supply is wells located in the County's B-8 zone. The Oaks' well water did not exceed the federal drinking water standards in effect at the time of the tentative map approval, and therefore, treatment of the water was not an issue at that time.

Between the tentative and final map approvals, the federal "Maximum Contaminant Level" (MCL) – the drinking water standard – for arsenic was reduced from 50 parts per billion (ppb) to 10 ppb. The Oaks' well tested at 35 ppb arsenic in 2000. This level of arsenic met the federal standard at the time the County approved the tentative map, but it does not meet the new standard. Compliance with the new arsenic drinking water standard and protection of the public health required treatment of the water from the Oaks' well.

Staff arranged for Cal Am through its Ambler Park system to serve the Oaks lots on the basis that Cal Am would draw water from the Oaks' well, treat the water for high arsenic at the Ambler Park water treatment plant, and then supply the treated water to the Oaks' lots. In 2006, Cal Am committed to monitoring the Oaks' well production and the Oaks lots' consumption for this purpose. It has since been clarified that, while the same molecules of water would not be sent for treatment and returned, the same result can be accomplished by exchanging the same amount (via quarterly monitoring of meters on the 9 Oaks lots) of water by pumping from the Oaks well into the Ambler system the same amount of water that the Ambler system is providing to the

nine Oaks lots, resulting in *no net transfer of water*. To determine the amount of water served to Oaks lots, Cal Am shall maintain water meters in good working order for its service to the Oaks lots, including residences and irrigation.

Conclusion/Mitigation:

- a) The MOU involves an underground exchange of water and does not require construction of additional facilities or actions which would divide an established community. *No impact.*
- b) To enable treatment of the water while ensuring that water treatment and service by Ambler to the Oaks does not result in intensification of water use in the B-8 zone, it is necessary for Cal Am to offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system. Conversely, the Oaks' well lies within Monterey County Water Resources Agency's benefit assessment "Zone 2C," which does not allow the export of water out of Zone 2C. The Ambler treatment plant lies outside Zone 2C. Therefore it is necessary for Cal Am to ensure that the volume of water it pumps from the Oaks' well into the Ambler Park water system does not exceed the amount of water supplied from Ambler to the Oaks.

Although the same molecules of water would not be sent for treatment and returned, the same result can be accomplished by exchanging the same amount of water by pumping from the Oaks well into the Ambler system the same amount of water that the Ambler system is providing to the Oaks' lots, resulting in no net transfer of water.

Because Cal Am will offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system, Ambler's service to the Oaks does not result intensification of water use in the B-8 zone. Additionally, because Cal Am will ensure that the volume of water it pumps from the Oak's well into the Ambler Park system does not exceed the amount of water supplied, pumping water from the Oaks well into the Ambler system does not result in an export of water out of Monterey County Water Resources Agency's benefit assessment Zone 2C. *Less than Significant Impact.*

- c) The MOU involves an underground exchange of water via existing facilities and pipelines, and does not require construction of additional facilities or actions which would conflict with any habitat conservation plan or natural community conservation plan. *No impact.*

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

Discussion/Conclusion/Mitigation:
Refer to Section IV above.

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

16. TRANSPORTATION/TRAFFIC				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

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

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

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

Conclusion: The project will not be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to REF130072 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Draft Memorandum of Understanding (MOU) between the County of Monterey and California American Water Company (Cal Am)
2. Monterey County General Plan (2010)
3. Toro Area Plan
4. Monterey County Zoning Code (Title 21) and Zoning Map
5. Monterey County GIS Database
6. Monterey Bay Unified Air Pollution Control District website: <http://www.mbuapcd.org>
7. Regional Water Quality Control Plan

Attachments:

1. Draft Memorandum of Understanding (MOU).

ATTACHMENT 1

DRAFT
9/28/12

This Memorandum of Understanding (MOU) is entered into this ___ day of _____, 20___, by and between California-American Water Company ("Cal Am") and the County of Monterey ("County"), with reference to the following facts:

RECITALS

- A. The parties desire to enter into this MOU to memorialize the parties' agreement to certain terms and conditions governing Cal Am's provision of water to the Oaks subdivision for the purpose of ensuring that Cal Am's water service to the Oaks subdivision will be offset by an equal amount of water drawn from the Oaks well.
- B. On May 8, 2001, the County of Monterey approved a tentative map to subdivide a 325.7-acre parcel into 9 residential lots ranging in size from 1.7 to 13.6 acres and a remainder parcel of 285.7 acres (hereafter the "Oaks Subdivision"). On June 20, 2006, the County accepted the final map for the Oaks Subdivision, which map was recorded on June 30, 2006, at Volume 23, Cities and Towns, page 32, in the Office of the Recorder of the County of Monterey. A copy of the final recorded map is attached hereto as Attachment 1 and incorporated herein by reference.
- C. Pursuant to conditions of approval of the tentative map, the subdivider entered into an agreement with Cal-Am in 2004 whereby the subdivider agreed to construct a well and water distribution system for domestic and fire flow water supply ("water system") for the Oaks subdivision and to transfer the water system to Cal Am in exchange for Cal Am's agreement to operate and maintain the water system either as a stand alone or satellite system providing domestic and fire flow water supply to the Oaks Subdivision. The agreement by its terms was to take effect upon the recordation of the final map for the Oaks subdivision. The Oaks' well and water infrastructure has since been conveyed to Cal Am.
- D. The water from the Oaks' well does not meet federal and water quality standards, specifically the Maximum Contaminant Level (MCL) for arsenic. A sample taken in August 2000 from the Oaks' well indicated the presence of arsenic at 35 parts per billion (ppb). At the time of the sample, the federal arsenic standard was 50 ppb, so the Oaks' well complied with drinking water standards at that time. A new federal standard for arsenic, reducing the MCL for arsenic to 10 ppb, was adopted on February 22, 2002 and became enforceable on January 23, 2006. Therefore, the Oaks well no longer meets drinking water standards, and it is necessary to treat the water or find an alternate water supply for the Oaks' subdivision in order for the nine approved lots to have a potable water supply that meets drinking water standards.
- E. The County has determined that the solution to providing potable water to the Oaks subdivision that is the most feasible, most capable of success, and therefore most protective of public health while not intensifying water use in Cal Am's Monterey

District Ambler Park service area is for Cal Am to serve the Oaks subdivision with water that has been treated by Cal Am to meet drinking water standards, provided that Cal Am augment the Ambler water supply by transferring water from the Oaks' well to the Ambler Park water system in an amount equal to the amount Cal Am is supplying to the Oaks' subdivision. This solution is the most feasible because Cal Am through its Ambler Park water treatment plant has the technical, managerial and financial capability to treat water. Cal Am also has the ability to serve the Oaks subdivision because Cal Am already owns the Oaks' well and its infrastructure, and via Advice Letter 617 filed with the California Public Utilities Commission(PUC), has extended its Monterey District Ambler Park service area to include the Oaks subdivision.

F. The Ambler water treatment plant is within the County's B-8 zoning district. The purpose of the B-8 zoning district is to "restrict development and/or intensification of land use in areas where, due to water supply ... or similar measurable public-facility type constraints, additional development and/or intensification of land use [sic] found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole." When the Oaks' tentative map was approved, water was to be supplied directly by the Oaks' well which is not within the County's B-8 zone. Ambler's water supply is located in the County's B-8 zone. The well water did not exceed the federal drinking water standards in effect at the time of the tentative map approval, and therefore, treatment of the water was not an issue at that time. To enable treatment of the water while ensuring that water treatment and service by Ambler to the Oaks does not result in intensification of water use in the B-8 zone, it is necessary for Cal Am to offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system. Conversely, the Oaks' well lies within Monterey County Water Resources Agency's benefit assessment "Zone 2C," which does not allow the export of water out of Zone 2C. The Ambler treatment plant lies outside Zone 2C. Therefore, it is necessary for Cal Am to ensure that the volume of water it pumps from the Oaks' well into the Ambler Park water system does not exceed the amount of water supplied from Ambler to the Oaks.

G. In 2006, Cal Am committed to quarterly monitoring of both the production records from the Oaks' well and the water consumption of the nine lots in the Oaks' subdivision. The understanding by staff was that water from the Oaks' well would be piped to the Ambler Water treatment plant to be treated and returned to the Oaks subdivision, with no net transfer of water. More recent discussions have clarified that it is not physically feasible to ensure that the exact same molecules of water sent for treatment are the same as those returned to the Oaks, but it is feasible to ensure that the exact same volume of water be sent for treatment as is returned to the Oaks' subdivision.

H. Homes have been built on three lots in the Oaks subdivision, which received a building final on April 1, 2009. The County has not issued building permits on any of the remaining lots, pending Board of Supervisors' approval of a mechanism ensuring service of water to the Oaks subdivision that meets drinking water standards while not intensifying water use in the B-8 zone.

- I. The parties now desire to enter into this MOU to memorialize Cal Am's prior commitment and to prescribe the terms and conditions under which Cal Am will balance the volume of treated waters provided to the Oaks subdivision with the volume of water pumped from the Oaks well into the Ambler Park water system, so as to result in no net transfer of water.
- J. The County finds that this MOU is consistent with County's B-8 zoning because Ambler's service to the Oaks subdivision under the terms set forth in this MOU will not result in an intensification of water use in the B-8 zone and is not detrimental to the public health, safety, and welfare.
- K. [CEQA findings – be added following environmental review]
- L. This MOU serves to protect the public health, safety and welfare by ensuring a water supply to the Oaks' subdivision that meets federal and state drinking water standards without intensifying water use in the County's B-8 zone or exporting water out of benefit assessment Zone 2C.
- M. This MOU is intended to be binding on Cal Am, its agents, successors and assigns.

NOW, THEREFORE, in view of the foregoing recitals, the parties agree as follows:

1. Cal Am will diligently pursue any permits and permit amendments necessary to incorporate the Oaks' well into its water system and, upon obtaining such permits, will incorporate the Oaks well into the Cal Am Monterey District Ambler Park system ("Ambler Park Water System").
2. Cal Am shall on a quarterly basis balance the volume of treated water sent from the Ambler Park Water System to the Oaks subdivision and the water sent from the Oaks well to the Ambler Park Water System so as to result in no net transfer of water. Cal Am shall accomplish said balance by transferring a volume of raw water from the Oaks well to the Ambler Park Water System equal to the volume of water served by Ambler to the Oaks' lots. Equal volume shall include the calculated transportation water loss incurred in connection with Ambler's supply to the Oaks subdivision. The quantity of water pumped from the Oaks subdivision well to the Ambler Park Water System shall match the quarterly total plus the calculated transportation water loss.
3. Cal Am shall maintain water meters in good working order for its service to the Oaks lots, including residences and irrigation, so as to determine the amount of water served to the Oaks lots by the Ambler Park Water System. Cal Am shall also maintain a water meter(s) in good working order at the Oaks well, which shall be used to determine the volume of water pumped from the well.
4. Cal Am shall on a quarterly basis total the monthly meter readings of the nine lots in the Oaks subdivision and the irrigation system on land held in common. The water system's calculated transportation water loss for the quarter shall be added to the quarterly total meter readings. The quantity of water resulting from the addition of the quarterly total of the monthly meter readings and the calculated transportation water loss shall be pumped from the Oaks subdivision well into the Ambler Park Water System on a quarterly basis during the calendar year (the four quarters

being January through March, April through June, July through September, and October through December). Quarterly pumping of the Oaks' well based on the quarterly calculation within the month following the end of the quarter shall be considered to satisfy the no net transfer requirement.

5. Cal Am shall on a quarterly basis submit to the Monterey County Health Department Environmental Health Bureau (EHB) and the Monterey County Water Resources Agency (WRA) a quarterly water audit report for review by EHB and WRA. Cal Am shall submit the water audit report no later than thirty days following each quarter. The water audit report shall be prepared by a qualified engineer experienced in water system operations. The water audit report shall indicate the quantity of water that was delivered to the Oaks subdivision (determined by the quarterly total of monthly meter readings of the nine Oaks subdivision lots and irrigation system plus the calculated transportation water loss) from the Ambler Park Water System and the quantity of water that was pumped from the Oaks well to the Ambler Park Water System during the quarter. The report shall confirm that the quantity of water pumped from the Oaks well to the Ambler Park Water System equals the quarterly total plus the calculated transportation water loss. The report shall demonstrate how the calculated transportation water loss was determined. If the report or other information indicates that the volume of water pumped from the Oaks well into the Ambler Park Water System does not equal the volume calculated from the quarterly meter reading and the calculated transportation water system loss of the Oaks Subdivision, then Cal Am shall explain the reasons for the discrepancy and the corrective action Cal Am proposes to take to achieve no net transfer. Cal Am shall take such steps as EHB may require to bring the transfer back into balance.
6. Cal Am shall begin quarterly pumping of the Oaks well into the Ambler system in the first quarter after Cal Am obtains all necessary permits to include the Oaks well within its system. Additionally, to account for the water service provided by Ambler to the Oaks lots predating this quarterly pumping, Cal Am shall as part of its first draw from the Oaks well transfer into the Ambler system an amount of water equivalent to the total amount of water previously served by Ambler to the Oaks lots.
7. This agreement pertains only to the nine lots of the Oaks subdivision due to the unique circumstances and public health considerations requiring treatment of water to an already approved subdivision. This agreement shall not be used to serve any other property.
8. This MOU is binding on the parties and their agents, successors and assigns. Cal Am accepts these obligations for itself, its agents, and its successors and assigns and shall inform its agents, successors and assigns of these obligations. This MOU shall not be terminated unless an alternative mechanism is put in place to provide water that meets drinking water standards to the Oaks subdivision's nine lots and that does not intensify use of water from the County's B-8 zoning district in effect at that time. Any such termination would require approval of Cal Am and the Board of Supervisors of the County of Monterey upon findings that these conditions precedent to termination have been met.
9. This MOU may not be amended except by a written instrument approved by Cal Am and the Board of Supervisors of the County of Monterey.

IN WITNESS WHEREOF, the County of Monterey and California-American Water Company through its duly authorized agents have executed this agreement as of the date and year written below.

Dated: _____

COUNTY OF MONTEREY

Chair, Board of Supervisors

Dated: _____

CALIFORNIA-AMERICAN WATER COMPANY

[Title]

[Title]

ATTACHMENT 1

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP, AND THAT WE ARE THE ONLY PERSONS OR CORPORATION WHOSE CONSENT IS NECESSARY TO THESE A CLAIM TITLE TO SAID PROPERTY, AND WE CONSENT TO THESE MAKING UP SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE BORDER LINE SHOWN THERE.

WE HEREBY DEDICATE FOR PUBLIC USE IN THOSE CERTAIN EASEMENTS FOR PUBLIC UTILITIES (INCLUDING, BUT NOT LIMITED TO, GAS, ELECTRIC, WATER, TELEPHONE, COMMUNICATION, TELEVISION CABLE AND SANITARY SEWERS), AND FOR CLUSTER POSTAL BOXES AND THEIR NECESSARY AFFUTANCES ON, OVER OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS RURAL LANE AND DIG SKY LAKE, SHOWN UPON SAID MAP WITHIN SAID SUBDIVISION, AND STRIPS OF LAND ARE TO BE LEFT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT ROADWAYS, DRIVEWAYS, UTILITY COMPANY STRUCTURES, IRRIGATION SYSTEMS, LANDFILL PERGES, DRIVEWAYS, SIDEWALKS AND STRUCTURES THEREON.

WE ALSO HEREBY DEDICATE FOR PUBLIC USE THOSE CERTAIN EASEMENT, FOR STORM WATER DETENTION TANK AND STORM DRAINAGE LINES AS SHOWN WITHIN LOT 1 AND DESIGNATED "PARCEL 1" UPON SAID MAP.

WE ALSO HEREBY DEDICATE FOR PUBLIC USE THOSE CERTAIN EASEMENTS FOR SANITARY SEWERS, FOR WATER MAINS AND THAT EASEMENT FOR CEMENT WATERWELL, FURNISHING PLANT, STORAGE TANKS, FITTINGS AND APPURTENANCES DESIGNATED "PARCEL 2", TOGETHER WITH THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS APPURTENANCE THERETO, ALL AS SHOWN UPON SAID MAP.

WE FURTHER HEREBY DEDICATE TO THE COUNTY OF MONTEREY ANY AND ALL RIGHTS OF ACCESS TO ALL TRAFFIC TO AND FROM SAN BERNARDINO ROAD AND ACCESS PORTIONS OF LOTS 1, 2, 4, AND 5, ALL AS SHOWN ON THE HEREBY MAP AND DESIGNATE A "NON-ACCESS EASEMENT".

SUBJECT TO THE FOLLOWING INTERESTS WHICH CANNOT RISE INTO FEE, THE SIGNATURES OF WHICH ARE NOT REQUIRED PURSUANT TO SECTION 66436 (C) (1) OF THE GOVERNMENT CODE.

FERRINI CO., A CALIFORNIA CORPORATION, AS EASEMENT HOLDER BY DOCUMENT RECORDED IN VOLUME 1625 OF OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, AT PAGE 01.
WASHINGTON BRIGH SCHOOL DISTRICT AS EASEMENT HOLDER BY DOCUMENT RECORDED IN REEL 28 OF OAK, PAGE 229.

OWNERS:
FERRINI OAKS LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY
BY *[Signature]*

STATEMENT OF APPROVAL BY SECRETARY OF MONTEREY COUNTY PLANNING COMMISSION

I, *[Signature]* SECRETARY OF THE MONTEREY COUNTY PLANNING COMMISSION, HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN THEREON AS SUBSTANTIAL IN THE SAME AS THAT SHOWN ON THE MONTEREY COUNTY BOARD OF SUPERVISORS, AND THAT ALL THE PROVISIONS OF THE CALIFORNIA SUBDIVISIONAL ACT, AS AMENDED, AND THE MONTEREY COUNTY CODE, TITLE 19 HAVE BEEN COMPLIED WITH.

[Signature]
SECRETARY, MONTEREY COUNTY PLANNING COMMISSION, COUNTY OF MONTEREY, STATE OF CALIFORNIA.

STATEMENT OF APPROVAL OF THE CLERK OF BOARD OF SUPERVISORS

I, *[Signature]* CLERK OF THE BOARD OF SUPERVISORS OF MONTEREY COUNTY, HEREBY STATE THAT SAID BOARD APPROVED THE WITHIN MAP ON 6-14-06, AND ACCEPTED ON BEHALF OF THE PUBLIC ALL OFFER OF DEDICATION FOR PUBLIC USE IN CONFORMANCE WITH THE TERMS OF THE OFFER OF DEDICATION.

[Signature]
CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

NOTARY STATEMENT

STATE OF CALIFORNIA
COUNTY OF MONTEREY } s.s.
ON 6-14-06, BEFORE ME, *[Signature]*, a Notary Public in and for said county and state, personally appeared *[Signature]*, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the instrument and that by their signatures on the instrument the persons, of the entity upon behalf of which the persons acted, executed the instrument.

[Signature]
NOTARY PUBLIC IN AND FOR THE COUNTY OF MONTEREY, CALIFORNIA
MY COMMISSION EXPIRES 1-1-07

COUNTY SURVEYOR'S STATEMENT

I, *[Signature]* COUNTY SURVEYOR OF MONTEREY COUNTY, HEREBY STATE THAT I HAVE EXAMINED THIS MAP THAT THE SURVEYOR AS SHOWN THEREON AS SUBSTANTIAL IN THE SAME AS THAT APPEARED ON THE TENTATIVE MAP AND ANY ALLOCATION THEREOF, AS APPROVED BY THE MONTEREY COUNTY BOARD OF SUPERVISORS, AND THAT ALL THE PROVISIONS OF THE CALIFORNIA SUBDIVISIONAL ACT, AS AMENDED, AND THE MONTEREY COUNTY CODE, TITLE 19 HAVE BEEN COMPLIED WITH AND THAT THIS MAP IS TECHNICALLY CORRECT.

[Signature]
COUNTY SURVEYOR, MONTEREY COUNTY, CALIFORNIA.

SURVEYOR'S STATEMENT

I, *[Signature]* WILLIAMS, LICENSED LAND SURVEYOR, DO HEREBY STATE THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION DURING JANUARY 2006. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND MAPPING ENGINEERS OF THE STATE OF CALIFORNIA. THE POSITIONING INFORMATION ON THIS MAP IS BASED ON THE MONTEREY COUNTY COORDINATE SYSTEM. THE MONTEREY COUNTY COORDINATE SYSTEM IS A LOCAL DATUM WHICH IS NOT TIED TO THE NATIONAL DATUM. THE MONTEREY COUNTY COORDINATE SYSTEM IS BASED ON THE MONTEREY COUNTY COORDINATE SYSTEM. THE MONTEREY COUNTY COORDINATE SYSTEM IS BASED ON THE MONTEREY COUNTY COORDINATE SYSTEM. THE MONTEREY COUNTY COORDINATE SYSTEM IS BASED ON THE MONTEREY COUNTY COORDINATE SYSTEM.

DATE: 1-19-2006
[Signature]
LICENSED LAND SURVEYOR, NO. 00004
EXPIRES: 6-30-2006

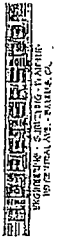
RECORDER'S STATEMENT

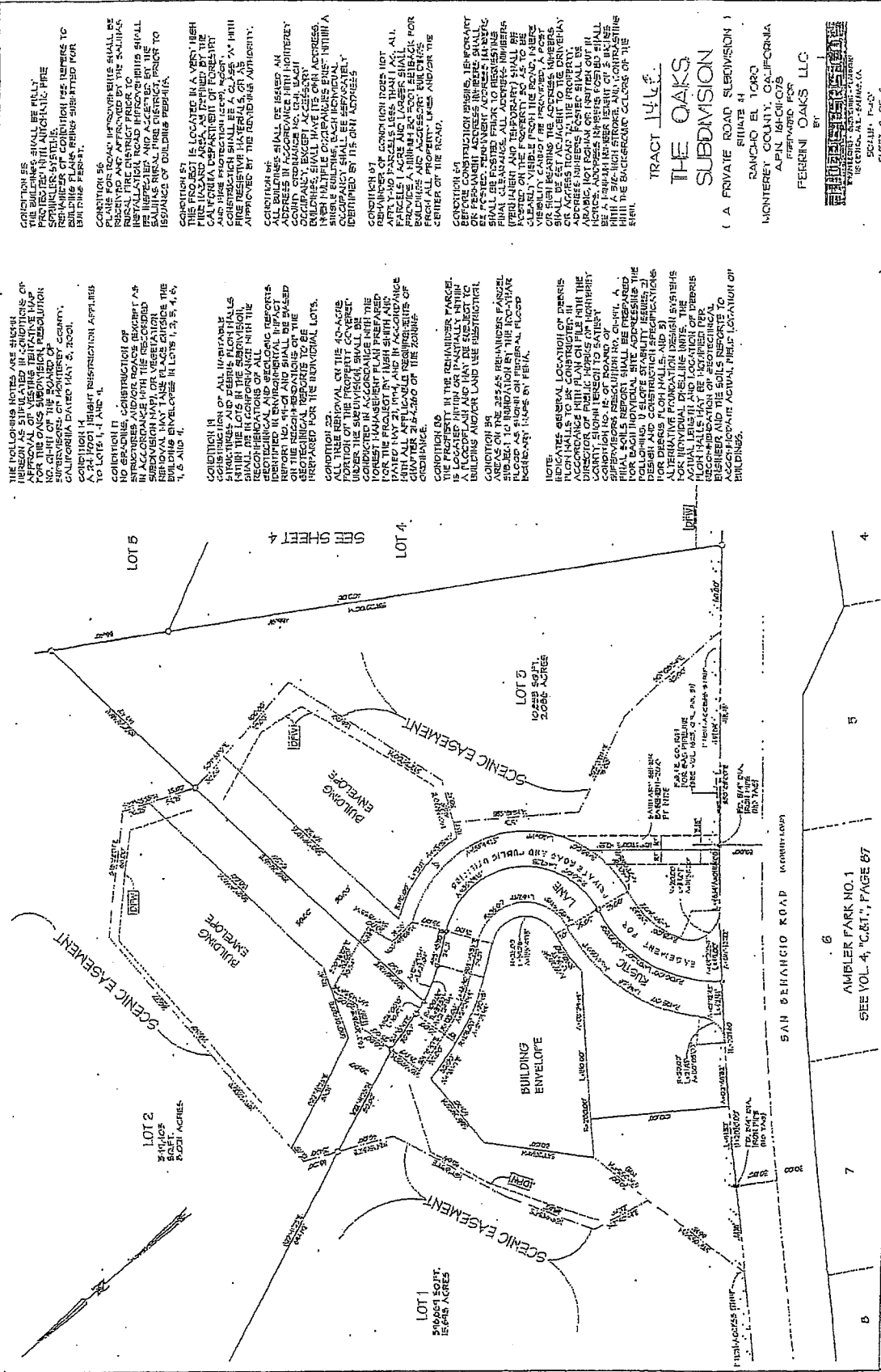
FILED FOR RECORD AT THE REQUEST OF *[Signature]* HEREBY CO, INC. THIS 14 DAY OF JUNE, 2006, AT 11 MINUTES P.M. IN OFFICE NO. 115, OF "CITIES & TOWNS" AT PAGE 32 RECORDS OF MONTEREY COUNTY, CALIFORNIA.

[Signature]
STEPHEN L. VIGNIOU
COUNTY RECORDER
DEPUTY

FEE \$ 15.00 G-HO 115-158257

TRACT 1460
THE OAKS
SUBDIVISION
(A PRIVATE ROAD (SLEDVISON)
STRAITS OF
RANCHO EL TORO
MONTEREY COUNTY, CALIFORNIA
APN: 16-01-078
FERRINI OAKS LLC
BY





THE FOLLOWING NOTES ARE STRICTLY NECESSARY TO BE READ IN CONNECTION WITH THE PLANS AND SPECIFICATIONS FOR THE OAKS SUBDIVISION. THE BOARD OF SUPERVISORS OF MONTEREY COUNTY, CALIFORNIA, HAS APPROVED THE PLANS AND SPECIFICATIONS FOR THE OAKS SUBDIVISION.

CONDITION 55
 THE BUILDINGS SHALL BE FULLY PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 55 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

CONDITION 56
 THE BUILDINGS SHALL BE PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 56 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

CONDITION 57
 THIS PROJECT IS LOCATED IN A VERY HIGH FIRE HAZARD AREA, AS DETERMINED BY THE CALIFORNIA FIRE INSURANCE RISK MAP AND FIRE PROTECTION DISTRICT NO. 1. ALL CONSTRUCTION SHALL BE A CLASS "A" WITH FIRE RESISTIVE MATERIALS, OF AS APPROVED BY THE RESIDING AUTHORITY.

CONDITION 58
 THE BUILDINGS SHALL BE PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 58 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

CONDITION 59
 THE BUILDINGS SHALL BE PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 59 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

CONDITION 60
 THE BUILDINGS SHALL BE PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 60 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

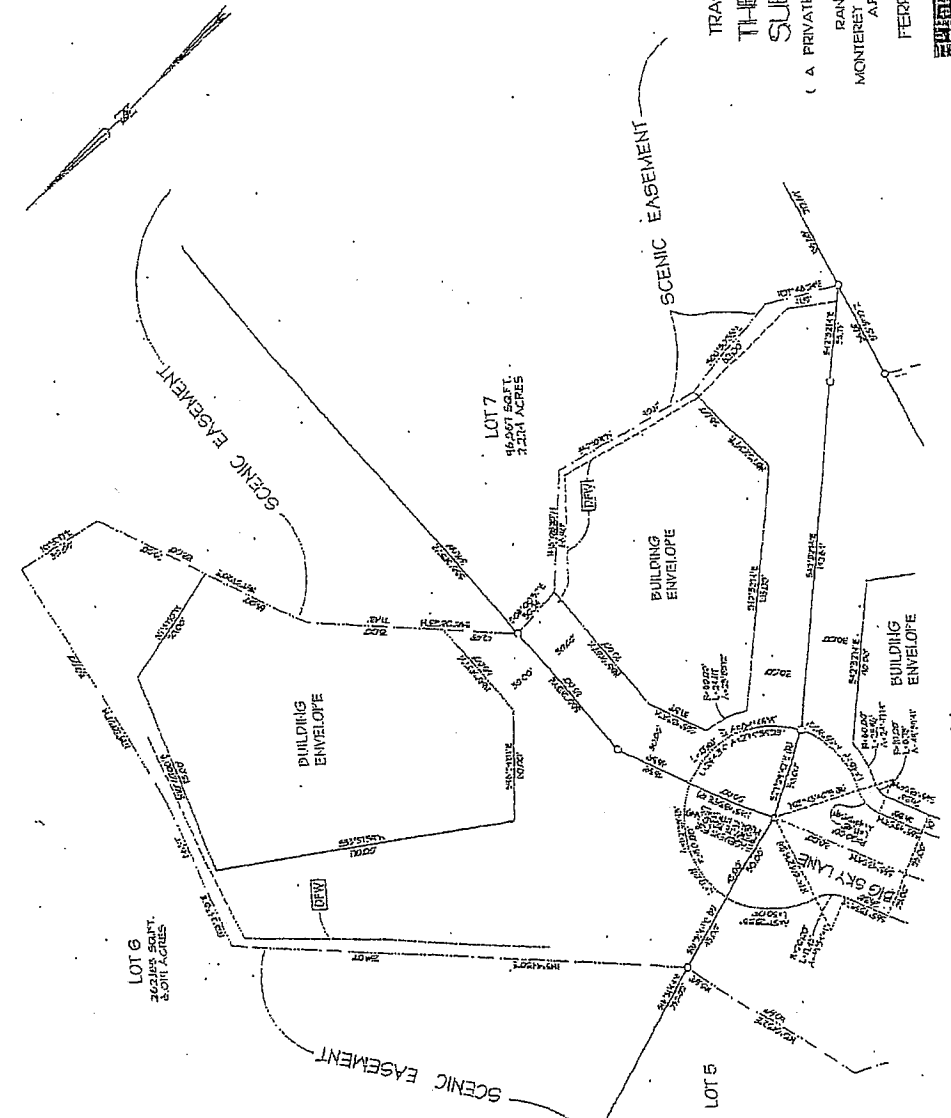
CONDITION 61
 THE BUILDINGS SHALL BE PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 61 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

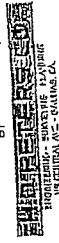
CONDITION 62
 THE BUILDINGS SHALL BE PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 62 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

CONDITION 63
 THE BUILDINGS SHALL BE PROTECTED AGAINST FIRE BY SPRINKLER SYSTEMS. THE REMAINDER OF CONDITION 63 REFERS TO BUILDING FLAHS BEING SUBSTITUTED FOR BRICK IN THE PLAN.

TRACT 14.4
 THE OAKS
 SUBDIVISION

(A PRIVATE ROAD SUBDIVISION)
 RANCHO EL TORO
 MONTEREY COUNTY, CALIFORNIA
 APN 164-01075
 PREPARED FOR
 FERRENI OAKS LLC
 BY
 [Logo]
 REGISTERED ARCHITECTURAL ENGINEER
 SCALAH, P&C
 SHEET 3 OF 5



TRACT 1462
THE OAKS
SUBDIVISION
 (A PRIVATE ROAD SUBDIVISION)
 SITUATE IN
 RANCHO EL TORO
 MONTEREY COUNTY, CALIFORNIA
 APN. 16-01-07B
 PREPARED FOR
FERRINI OAKS LLC
 BY

 REGISTERED PROFESSIONAL ENGINEER
 No. 10000 STATE OF CALIFORNIA
 SPECIALTY - MECHANICAL
 SCALE: 1" = 40'
 SHEET 5 OF 5

NOTE: INDICATES GENERAL LOCATION OF CHANGES TO BE CONSIDERED BY THE ARCHITECT AND ENGINEER IN THE PREPARATION OF THE FINAL SET OF PUBLIC IMPROVEMENTS. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL PUBLIC IMPROVEMENTS. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL PUBLIC IMPROVEMENTS. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL PUBLIC IMPROVEMENTS.

SEE SHEET 4

Amplification/Clarification – REF130072

The Oaks / California American Water Memorandum of Understanding (MOU) Initial Study/Mitigated Negative Declaration

Staff would like to make the following clarifications/additions/deletions to the Initial Study/Mitigated Negative Declaration:

Page 3 – Surrounding Land Uses and Environmental Setting:

Paragraph 3:

The well water did not exceed the federal drinking water standards in effect at the time of the tentative map approval, and therefore, treatment of the water was not an issue at that time. To enable treatment of the water while ensuring that water treatment and service by Ambler to the Oaks does not result in intensification of water use in the B-8 zone, it is necessary for Cal Am to offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system. Conversely, the Oaks' well lies within Monterey County Water Resources Agency's (MCWRA) benefit assessment "Zone 2C," while the Ambler Treatment Plant is not within Zone 2C. Zone 2C is a benefit zone adopted by MCWRA pursuant to the Monterey County Water Resources Agency Act, and the Act prohibits the exportation of water from the Salinas River groundwater basin [California Water Code Appendix, Chapter 52 ("Agency Act")]. ~~which does not allow the export of water out of Zone 2C. The Ambler treatment plant lies outside Zone 2C.~~ Therefore it is necessary for Cal Am to ensure that the volume of water it pumps from the Oaks' well into the Ambler Park water system does not exceed the amount of water supplied from Ambler to the Oaks.

Page 8 – Evidence No. 13:

The MOU does not require the construction of additional facilities or pipelines and will not result in substantial population growth in an area, either directly (new homes and businesses) or indirectly (extension of roads or other infrastructure); but will serve to provide adequate water quality to an existing 9-lot (previously approved) residential subdivision. Without the implementation of the MOU, ~~three residences would not have potable water~~ continue to be served by Cal-Am, but the MOU formalizes the agreement to replenish water provided. The MOU does not require actions that will result in the displacement of existing housing or people, necessitating the construction of replacement housing elsewhere. Therefore potential impacts to population/housing cannot result from the MOU. *No impact to population/housing.* (Source: 1, 2, 3, 4, 5)

Page 20 – Conclusion/Mitigation (Hydrology/Water Quality):

- b) To enable treatment of the water while ensuring that water treatment and service by Ambler to the Oaks does not result in intensification of water use in the B-8 zone, it is necessary for Cal Am to offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system. Conversely, the Oaks'

well lies within Monterey County Water Resources Agency's benefit assessment "Zone 2C," which does not allow the export of water out of ~~Zone 2C~~ the Salinas River Groundwater Basin. The Ambler Treatment Plant lies outside Zone 2C. Therefore it is necessary for Cal Am to ensure that the volume of water it pumps from the Oaks' well into the Ambler Park water system does not exceed the amount of water supplied from Ambler to the Oaks.

Although the same molecules of water would not be sent for treatment and returned, the same result can be accomplished by exchanging the same amount of water by pumping from the Oaks well into the Ambler system the same amount of water that the Ambler system is providing to the Oaks' lots, resulting in no net transfer of water. This would not deplete ground water supplies or interfere with groundwater recharge such that it would result in a net deficit in aquifer volume or a lowering of the local groundwater table in either Zone 2C or the B-8 area. *Less than Significant Impact.*

Page 22 – Conclusion/Mitigation (Land Use/Planning):

- b) To enable treatment of the water while ensuring that water treatment and service by Ambler to the Oaks does not result in intensification of water use in the B-8 zone, it is necessary for Cal Am to offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system. Conversely, the Oaks' well lies within Monterey County Water Resources Agency's benefit assessment "Zone 2C," which does not allow the export of water out of ~~Zone 2C~~ the Salinas River Groundwater Basin. The Ambler treatment plant lies outside Zone 2C. Therefore it is necessary for Cal Am to ensure that the volume of water it pumps from the Oaks' well into the Ambler Park water system does not exceed the amount of water supplied from Ambler to the Oaks.

Although the same molecules of water would not be sent for treatment and returned, the same result can be accomplished by exchanging the same amount of water by pumping from the Oaks well into the Ambler system the same amount of water that the Ambler system is providing to the Oaks' lots, resulting in no net transfer of water.

Because Cal Am will offset the water it supplies to the Oaks subdivision by an equal transfer of water from the Oaks' well into the Ambler system, Ambler's service to the Oaks does not result in intensification of water use in the B-8 zone. Additionally, because Cal Am will ensure that the volume of water it pumps from the Oak's well into the Ambler Park system does not exceed the amount of water supplied, pumping water from the Oaks well into the Ambler system does not result in an export of water out of Monterey County Water Resources Agency's benefit assessment Zone 2C. *Less than Significant Impact.*