

Attachment F
Toro Land Use Advisory Committee
Minutes dated
November 8, 2010 and
December 13, 2010

Lewis & Katherine Richardson
PLN090087

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

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

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

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

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

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

3. Roll Call

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

Members Absent: Mike Mueller (Excused)

4. Approval of Minutes:

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

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

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

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

Ayes: Ron Vandergrift, Kerry Varney, Bonnie Baker

Noes: None

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

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

5. Public Comments: The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

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

7. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

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

8. Meeting Adjourned: 5:35 pm

Minutes taken by: Mike Weaver

Minutes received via email November 15, 2010

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Toro**

Please submit your recommendations for this application by: **November 8, 2010**

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

File Number: PLN090087

File Type: PC

Planner: NEGRETE

Location: 24522 RIMROCK CYN RD SALINAS

Project Description:

Combined Development Permit consisting of a: 1) a Use Permit to place one (1) 120,000 gallon California American Company Water tank at the "Upper Rim Rock" site replacing two (2) 25,000 gallon tanks and Design Approval; 2) a Use Permit pursuant to 21.62.030.B in order to exceed the 15 foot height limitation of the district to allow a water tank of 18 feet high and; and 3) Use Permit for the development over slopes of 30%. The property is located at 24522 RimRock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan.

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

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

Aman Gonzalez representing CalAm Ambler Water Service was present.

In addition Rimrock neighbors present included:

Chris Schott, 24513 Rimrock Ct

Dave & Sue Erickson, 24533 Rimrock Ct

Toke Jayachandran, 24503 Rimrock Cyn. Rd.

Steve & Loni Shearn, 24523 Rimrock Ct.

And from the Meadows of Corral de Tierra HOA:

Charles Burwell, 14440 Mountain Quail Rd.

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Aman Gonzales Employee of, and representing CalAm		X	<p>Presentation of proposed project by CalAm: 41 homes with no fire protection at the current time. The 120,000 gallon tank is for fire protection. Excavate two feet at current location to help minimize height of proposed tank. Water is for normal usage in all other cases Sometimes water currently gets low during peak time usage with present tanks. If run dry have to deal with DEH</p>
Andi Harris	X		<p>Attended the site visit. Explained she was a schoolteacher and had to get back to her class. However, asked that concerns and comments raised at the site visit be included/addressed at the LUAC Hearing. These comments/concerns/questions include: *By a show of hands, neighbors attending said they all had homes equipped with fire sprinkler systems *Concerns with visibility of proposed tank The site is such and so steep, can't plant trees *Concerns with CalAm intent *Concerns with access and construction logistics *Tanks went in, 1992, why the increase from 50,000 gallons to 120,000 gallons now? *Erosion concerns. Area has had erosion below tanks before. Developer Bud Harder had to address this with Phase II. *Two geologic/geotechnical reports were written regarding this tank application spot. Where are the reports? *What is the height of the flagging? Does it reflect the actual height of the tank? *Why can't the tank be buried? *How does Rimrock get water during construction? *Aren't two tanks better than one tank?</p>

PUBLIC COMMENT CONTINUED:

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

PUBLIC COMMENT CONTINUED:

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

LUAC AREAS OF CONCERN:

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

LUAC AREAS OF CONCERN CONTINUED:

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

LUAC AREAS OF CONCERN CONTINUED:

<p>Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)</p>	<p>Policy/Ordinance Reference (If Known)</p>	<p>Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)</p>
<p>Aman Gonzalez: I may be able to get a Soils Engineer to come for an hour. Kerry Varney: If lowering the tank is not an option what are other alternatives? Aman Gonzalez: Paint it green. Kerry Varney: Can it be a lower broader tank? Aman Gonzalez: There's not a big enough footprint up there. Maybe we could paint trees on the tank?</p>		

ADDITIONAL LUAC COMMENTS

Kerry Varney: I am going to make a motion to deny the project
 Mark Kennedy: It is a recommendation only. But, I'll second the motion to deny.
 Kerry Varney: We have a motion and a second. We'll go to a vote. Discussion?
 Mike Weaver: The stated intent is for fire protection. Let's not recommend denying these people in Rimrock water for fire protection. As I suggested earlier and we discussed, let's get more information. Specifically, I think we should continue the hearing for two weeks and get the following:
 *The two existing geology reports for this location
 * Calculations as to just how much storage tank water is needed for fire protection for Rimrock.
 * Cal Am provide a letter from the PUC to CalAm stating they won't allow underground tanks
 * A soils engineer to help answer the neighbor's questions, including questions about earthquakes/ground shaking/liquefaction.
 * Provide an opportunity for Aman Gonzalez to talk to upper management and get the details and facts on this application.
 Then we can make an informed recommendation to the Planning Commission. It is not about a charter issue. It is the Toro Area Plan, and helping neighbors here, and make a recommendation for a better project.

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

FIRST RECOMMENDATION:

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

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

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

AYES: 0

NOES: Weaver, Baker, Varney, Kennedy, Vandergrift

ABSENT: Mueller

ABSTAIN: 0

SECOND RECOMMENDATION:

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

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

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: LUAC requests additional information:

*The two geology reports for this location

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

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

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

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

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

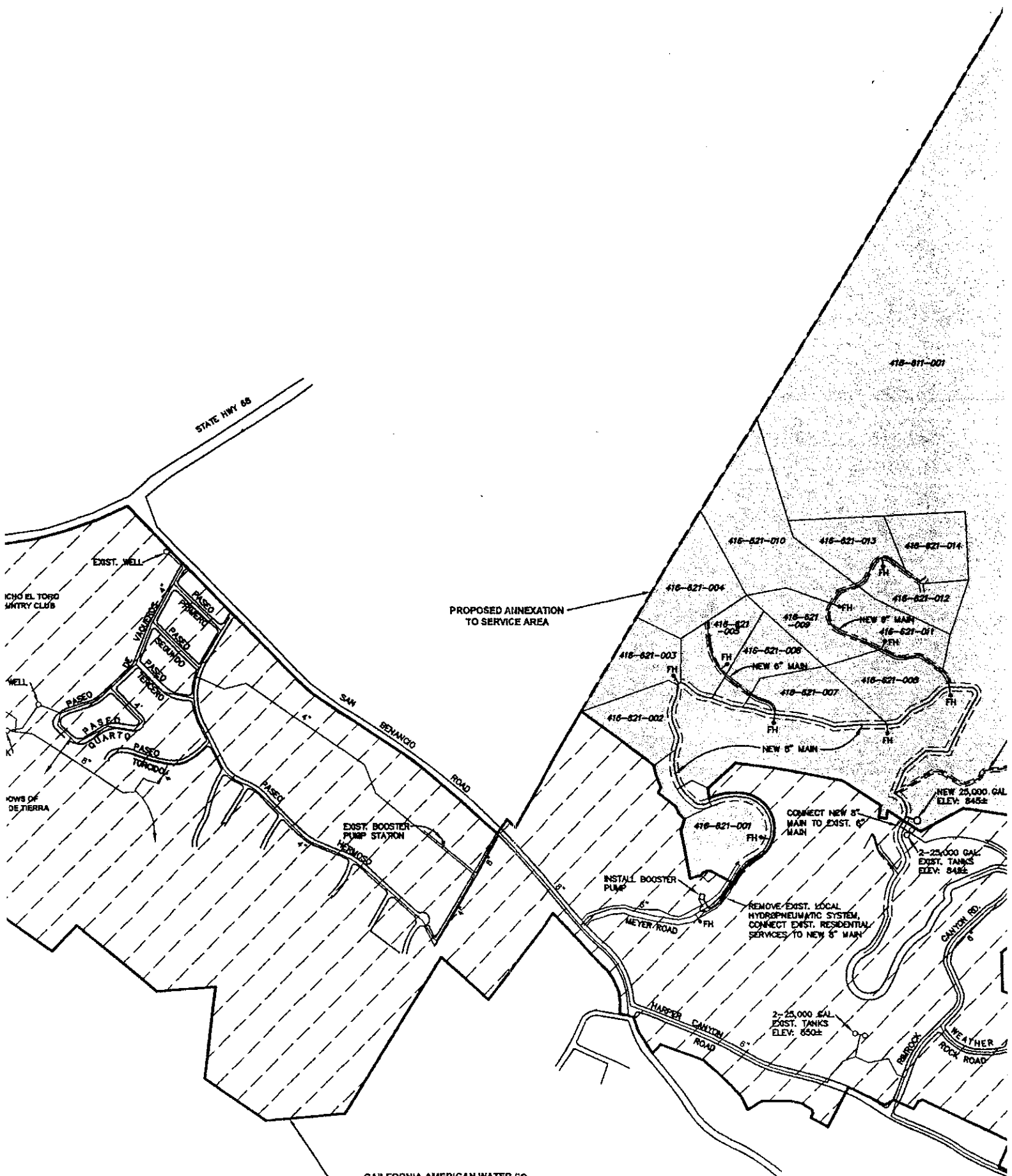
Continued to what date: Two weeks (November 22, 2010)

AYES: Weaver, Baker, Varney, Kennedy

NOES: None

ABSENT: Mueller

ABSTAIN: Vandergrift



CHICO EL TORO ENTRY CLUB

ROWS DE DE TIERRA

STATE HWY 88

SAN BENANCIO ROAD

MEYER ROAD

HARPER CANYON ROAD

418-811-001

PROPOSED ANNEXATION TO SERVICE AREA

418-821-010

418-821-013

418-821-014

418-821-004

418-821-005

418-821-006

418-821-012

418-821-011

418-821-003

418-821-008

418-821-007

418-821-002

418-821-001

NEW 25,000 GAL. ELEV. 845±

2-25,000 GAL. EXIST. TANKS ELEV. 845±

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

2-25,000 GAL. EXIST. TANKS ELEV. 850±

CALIFORNIA AMERICAN WATER CO. EXISTING SERVICE AREA

NAME

AMAN GONZALEZ CALIFORNIA AMERICAN WATER 8316463230
CHRIS SCHOTT 24513 RIMROCK CT. SALINAS 831484-1576
DAVE + SUE ERICKSON 24533 RIMROCK CT 484-2296
TORE JAYACHANDRAN 24503 RIMROCK CYN RD 831-484-9680
Steve + Lani Shearn 24523 Rimrock Ct. 484-1235
Kate Richardson 24522 Rimrock Cyn Rd 484-2912
CHUCK BURWELL 14460 Mt. Q. Rd 484-5705
Mark Kennedy 22396 Monroe Pl. 484-7352

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

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

2. Roll Call

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

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

3. Approval of Minutes:

A. November 8, 2010 minutes

Motion: Kerry Varney (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Varney, Baker, Kennedy, Weaver

Noes: None

Absent: Vandergrift, Mueller

Abstain: None

4. Public Comments: The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

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

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

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

Minutes taken by: Mike Weaver

Minutes received via email December 20, 2010

Action by Land Use Advisory Committee

Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Toro**

Please submit your recommendations for this application by: **December 13, 2010**

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

Item continued from 11/8/10 meeting

File Number: PLN090087

File Type: PC

Planner: NEGRETE

Location: 24522 RIMROCK CYN RD SALINAS

Project Description:

Combined Development Permit consisting of a: 1) a Use Permit to place one (1) 120,000 gallon California American Company Water tank at the "Upper Rim Rock" site replacing two (2) 25,000 gallon tanks and Design Approval; 2) a Use Permit pursuant to 21.62.030.B in order to exceed the 15 foot height limitation of the district to allow a water tank of 18 feet high and; and 3) Use Permit for the development over slopes of 30%. The property is located at 24522 RimRock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan.

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

Property owner Katherine Richardson was present.

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

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

PUBLIC COMMENT:

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

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

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

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

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

PUBLIC COMMENT CONTINUED:

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT CONTINUED:

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

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

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

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

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

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

Neighbor Chris Schott states CalAm should lower the tank height.

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

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

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

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

Aman states they did and that is not uncommon.

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

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

CalAm owns some of these systems.

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

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

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

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

PUBLIC COMMENT CONTINUED:

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

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

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

Aman agrees that is appropriate.

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

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

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

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

Kerry Varney states there are three issues before the LUAC

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

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

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

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

Bonnie Baker: There is already erosion.

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

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

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

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

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Bonnie Baker Proposed tank is too high and too visible to surrounding areas. There is risk and safety worries There is erosion		
Mike Weaver Proposed tank project assumes "ordinary risk". It is inadequate for this application.		Put tank underground for both safety and aesthetic reasons.
Kerry Varney Is it possible to build a tank with lower broader dimensions?		Aman states it won't work as they need to leave room at the site for a potential 60,000-gallon future tank to serve Rimrock.
Kerry Varney Lower the tank somehow to try to find a way to approve it?		

ADDITIONAL LUAC COMMENTS

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

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

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

RECOMMENDATION (MOTION #1):

Motion by: Baker (LUAC Member's Name)

Second by: Weaver (LUAC Member's Name)

 X Deny project as proposed (Not an option for the LUAC to vote on; typed in the minutes' template by the LUAC)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Varney, Baker, Weaver (3)

NOES: Kennedy (1)

ABSENT: Mueller, Vandergrift

ABSTAIN: None

RECOMMENDATION (MOTION #2):

Motion by: Kennedy (LUAC Member's Name)

Second by: Varney (LUAC Member's Name)

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

 Support Project as proposed

 X Recommend Changes (as noted above)

 Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Kennedy, Varney (2)

NOES: Baker, Weaver (2)

ABSENT: Mueller, Vandergrift

ABSTAIN: None

Motion fails for lack of a majority

RECOMMENDATION (MOTION #3):

Motion by: Varney (LUAC Member's Name)

Second by: Kennedy (LUAC Member's Name)

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

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

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

NOES: None

ABSENT: Mueller, Vandergrift (2)

ABSTAIN: None

Motion passes with a majority of the vote

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

December 9, 2010

Project No. 0906-M254-C11

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

Attention: Mr. Aman Gonzalez

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

Dear Mr. Gonzalez,

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

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

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

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

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

Very truly yours,

PACIFIC CREST ENGINEERING INC



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

Copies: 3 to Client

MONTEREY COUNTY REGIONAL FIRE DISTRICT

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

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

December 13, 2010

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

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

Dear Mr. Gonzalez:

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

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

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

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

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

Sincerely,


DOROTHY PRIOLO
Deputy Fire Marshal

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

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

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