# Attachment C

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ATTACHMENT C

# *NOTICE OF APPEAL*

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

RECEIVED
MONTEREY COUNTY
Feb 2 DH
2015 JAN 33 AM 9:49
CLERK OF THE BOARD
DEPUTY

***No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before __*__ (10 days after written notice of the decision has been mailed to the applicant). Date of decision _*____.***

1. Please give the following information:
   a) Your name *Dr. Eugene J. Guglielmo*
   b) Address *35 Bayview Road* City *Castroville* Zip *95012*
   c) Phone Number *831.594.9100*
   d) Mailing Address *5825 Edgehill Drive* City *Alexandria, VA* Zip *22303*

2. Indicate your interest in the decision by checking the appropriate box:
   ☐ Applicant
   ☒ Neighbor
   ☐ Other (please state) _____

3. If you are not the applicant, please give the applicant's name:
   *Grant and Amelia Howerton*

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

5.

| | | File Number | Type of Application | Area |
|---|---|---|---|---|
| a) | Planning Commission: | | | |
| b) | Zoning Administrator: | *PLN 140143* | *Home Demolition/Construction* | *North County, Coastal Zone* |
| c) | Subdivision Committee: | | | |
| d) | Administrative Permit: | | | |

6. What is the nature of your appeal?

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

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

*Concern No. 1, Water System for Fire Protection, Adequate Water Supply System Assessment*
*Concern No. 5, Finding of None for Visual Sensitivity*

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

☒ There was a lack of fair or impartial hearing; or

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

☐ The decision was contrary to law.

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

*(a) In regards to the first reason checked, the hearing focused on the merits of construction at a single property at 5 Bayview Road. A bias was introduced as one component, 5 Bayview, was analyzed in isolation to its impact on the bigger system, the neighborhood, which does not possess the ability to fight a house fire nor to contain it from spreading onto or from 5 Bayview. (b) As for the second reason checked, the Staff responded that North County Fire Protection District (NCFPD) was not available to comment. Hence, any evidence to dismiss fire protection as being a non-issue was never brought to bear on the decision. Evidence was provided to Planning and Environmental Health on Mon 26 Jan 2015 at 8 AM for analysis which lead to filing this Appeal. Further details are attached.*

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

*(a) In regards to Concern 1, again the Staff's response was that NCFPD was not available to comment in regards to the Water System for fire protection and building fire protection systems. The fault, however, does not reside solely with 5 Bayview, but with the Water System and its members, which exceeds the regulatory scope of Environmental Health in its present form. (b) As for Concern 2, the Staff responded that this is not a Design Control area, and it is not an area identified as being in the Critical Regulatory Viewshed. The concern is more so on the viewshed and fire, which if not controlled properly, adversely affects 43 homes on Bayview Road and Kenwood Place. Hence, escalation using this Appeal is necessary when neighbors put at risk the health, life, and property of neighbors. Again, specific details were provided to Planning and Environmental Health on Monday 26, 2015 at 8 AM for analysis. Further details are attached.*

9. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency - Planning Department will provide you with a mailing list.

10. Your appeal is accepted when the Clerk to the Board's Office accepts the appeal as complete on its face, receives the filing fee $ 0 and stamped addressed envelopes. (See email from Planning on fee).

**APPELLANT SIGNATURE** Eugene A. Mugleston **DATE** 28 Jan 2015

**ACCEPTED** _____ **DATE** _____
**(Clerk to the Board)**

*Further details for Sections (7) and (8)*

Attachments:

1. Microsoft Powerpoint Bayview Road Water System #2 and 5 Bayview Road, PLN 140143
2. Resolving Monterey County Planning File Number: PLN140143 amongst the Neighbors
3. North County Fire Protection District (NCFPD) North County Fire Hydrant Map
4. Bayview Road Water System #2 Well Test Report
5. Bayview Road Water System #7 Pump Test Record

The hearings and findings did not fully consider the effects on the neighborhood holistically in which a County Master Plan could have been consulted to understand the dangers that exist at Bayview Road and the adjacent Kenwood Place. The four parties in dispute, 5, 23, 25, and 31 Bayview, co-own an old Water System and put at risk not just themselves, but their neighbors surrounding them. Attachments 1 and 2 were provided to all of the parties involved in this Appeal electronically as well as to the Monterey County Planning Department. Attachment 3 was shown to the parties with an electronic copy sent to Planning. The findings of Attachment 4 were verbally stated to some of the parties. Attachment 5 was just discovered within the last week upon further research.

Compromise solutions have been put forth to these four parties, but the parties have demonstrated an unwillingness to communicate, the evidence for which can be produced in email correspondence and provided to the Board if necessary. The hope was that by focusing the discussion on the real danger of fire to health, lives, and property that a willingness to discuss and reach a resolution would emerge that would be beneficial to safety of the neighborhood. This has turned out to not be the case.

**7. ... continuation**

The details below reference the two reasons for the appeal.

a. <u>There was a lack of fair or impartial hearing:</u>
   i. Attachment 1 Slides 2-3 provide a birds' eye view of Bayview Road and Kenwood Place and the homes on the West Side of the Bayview Road summit.
   ii. Attachment 1 Slides 18-26 depict the fire concerns encompassing Bayview Road and Kenwood Place.
      1. Winds blow from the East and West across the Bayview Road summit
      2. PG&E power lines run along Bayview Road and Kenwood Place with the lines running through the trees along both roads.
      3. If the trees catch fire, then the electricity is lost as is the power to run the water system and the means to fight a fire, resulting in water hauling by NCFPD.
      4. If the trees near property lines catch fire, there is no effective way to contain the fire from spreading either up, down, or sideways on the hill.
      5. The demographics of Bayview Road occupants are 50+ years of age, whereas those of Kenwood Place are less. Nevertheless, within the first 20 minutes of a fire commencing and NCFPD arriving, these occupants may not be in a position

to escape or activate appropriate firefighting systems. Some problems are preventable, but the steps required to do so are not enforceable presently.

b. The findings or decision or conditions are not supported by the evidence:
   i. Attachment 1 Slides 16-17 document initial facts, evidence, provided by Mr. Doug McCoun, Division Chief at North County Fire Protection District, which shows a close-up map of the fire hydrants in the Bayview Road area.
   ii. Attachment 3 provides a larger map of the North County area around Bayview Road, showing where the other fire hydrants are located. Note there is no capability to effectively fight a brush or house fire in close proximity to Bayview Road other than the hydrants at the junction of Walker Valley Road and Bayview Road. Bayview Road and Kenwood Place are in a water hauling area by NCFPD.
   iii. Initial discussions with Mr. McCoun focused on designs to accommodate firefighting using distributed but interconnected storage tanks that were well received as the alternative is hauling in water.

**8. ... continuation**

The details below reference the two findings for the appeal.

a. Concern No. 1, Water System for Fire Protection, Adequate Water Supply System Assessment
   i. Attachment 1 Slide 17 shows the Bayview Road Water System (WS)'s supporting 27 homes. WS #7 supports 5, 23, 25, and 31 Bayview Road.
   ii. Attachment 4 shows the water pumping level for WS #2 supporting 33, 35, and 37 Bayview starting at a depth of 284' with a drawdown of 26' at 1.6 Gallons Per Minute (GPM) in Jul 2014.
   iii. Attachment 5 shows the water pumping level for WS #7 (downhill from WS #2) starting at a depth of 224' at 12 GPM in 1982. There are no other measurements on the supply for this Water System.
   iv. Further details regarding fire protection are documented in 7(b) above.

b. Concern No. 7, Critical Regulatory Viewshed
   i. Attachment 1 Slide 37 highlights the concern of the loss of scenic views that is assumed to be caused by 5 Bayview Road, two of the major concerns presented at the Land Use Advisory Council (LUAC) for North County by the Stefans (31 Bayview), McFaddens (25 Bayview), and Rayburns (23 Bayview)
   ii. Attachment 1 Slides 38 – 50 show the loss of scenic views along Bayview Road. Two of the major offenders on Bayview Road for loss of scenic views to neighbors over the last twenty years are 31 and 23 Bayview. One has been asked to restore views based on those same arguments put forth to the LUAC, who thus far, has been unresponsive.
   iii. The images show the high concentration of landscape vegetation that compromises the PG&E overhead electrical lines. Further, adherence to scenic rules cannot be demanded of 5 Bayview until 23, 25, and 31 Bayview follow those same rules.
   iv. 33, 35, 37, and 41 Bayview which lie above the four aforementioned properties face similar landscaping problems that need to be resolved, but their impact to the loss of

scenic views is not as severe as those from the properties below. 35 Bayview has stated its willingness to its neighbors to resolve its landscaping issues.

v. Nevertheless, the existing landscaping does threaten health, lives, and property should a fire take root.

It is the belief of the Appellant that workable solutions exist. The remaining slides within Attachment 1 and the proposal put forth in Attachment 2 were recent attempts to get the parties together to resolve the concerns without having to appeal to the Board of Supervisors. These attempts have failed, and it is regrettable that escalation to the Board of Supervisors is necessary to help in safeguarding 43 homes in the neighborhood that encompasses Bayview Road and Kenwood Place. There does not appear to be any alternative workable solutions other than this Appeal at the present time.

**Subject:** RE: PLN140143/Howerton Appeal
**Date:** Thu, 29 Jan 2015 10:49:41 -0800
**From:** Ford, John H. x5158 <FordJH@co.monterey.ca.us>
**To:** 'Dr. Eugene J. Guglielmo' <geneg@vinewyck.com>, Sidor, Joe (Joseph) x5262 <SidorJ@co.monterey.ca.us>
**CC:** Nancy E. Guglielmo (MBA) <nancyg@vinewyck.com>, Lopez Chavarin, Maria x5239 <LopezMD@co.monterey.ca.us>

Hi Gene:

I have talked to the Clerk of the Board. There will be no fee for the appeal

John

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link: https://aca.accela.com/monterey/Default.aspx

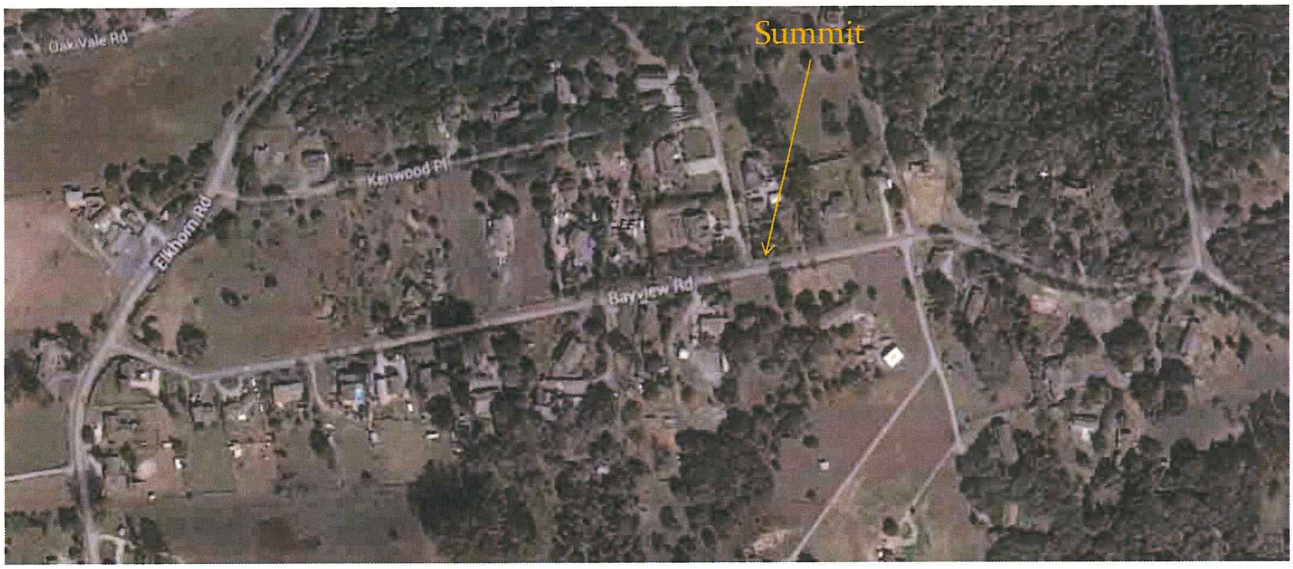
# Bayview Road Water System #2 and 5 Bayview Road, PLN 140143

Dr. Eugene J. Guglielmo
35 Bayview Road, Castroville, CA 95012
831.594.9100
geneg@vinewyck.com

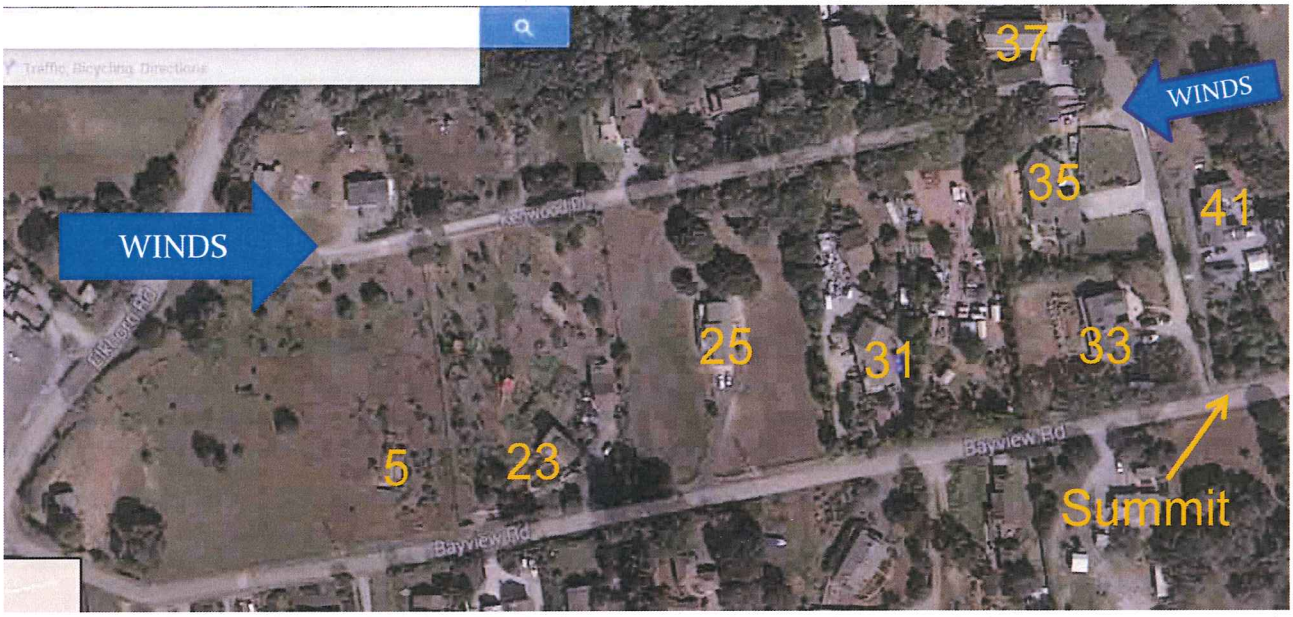
## Bayview Road – Earth View

N

Bayview Road + Kenwood Place Homes



# Bayview Road Northside Homes




# Background, Request for Public Hearing

Monterey County Resource Management Agency
Planning Department
168 Westminster Alisal St.
2nd Floor
Salinas, CA 93901

November 20, 2014

RECEIVED
NOV 24 2014
MONTEREY COUNTY
PLANNING DEPARTMENT

re: PLN140143
5 Bayview Rd Castroville
APN 131-101-055-000
Coastal Administrative Permit

We, the undersigned, respectfully request the application above be scheduled for public hearing.

This letter serves to meet the requirement that this request be submitted in writing.

| | |
|---|---|
| Keith Rayburn | 23 Bayview Road Castroville |
| Leticia Rayburn | 23 Bayview Road Castroville |
| Melissa McFaddin | 25 Bayview Road Castroville |
| Claire Steffen | 31 Bayview Road Castroville |
| Larry Steffen | 31 Bayview Road Castroville |
| Terry Barnard, non-voting adviser, CA Certified Water Distribution Systems Operator | 7765 DeCarli Salinas |

*33, 35, 37, and 41 Bayview were not apprised of a public hearing request by 23, 25, and 31 Bayview.*

# Background, First Informal Meeting

## PLEASE EDUCATE YOURSELF

on the proposed build at:

## 5 BAYVIEW ROAD

An informal neighborhood discussion will be held at

Mountain Mike's Pizza  Prunetree Center

17597 Vierra Cyn Rd

Sunday  December 14, 2014  2:00 PM

A public hearing has been requested before the

North County Land Use Committee:

North County Coastal Land Use Advisory Committee

Tuesday, December 16, 2014
9:00 AM at the Full Gospel Church of Las Lomas, 29 Willow Rd, Las Lomas

# Background, Land Use Advisory Committee

**MINUTES**
**North County Coastal Land Use Advisory Committee**
**Tuesday, December 16, 2014**

**"LUAC"**

1. **Meeting called to order** by David Evans at 9:00 am
2. **Roll Call**

   Members Present: David Evans, Robert McDonald, Warren Church, Margie Kay (4)

   Members Absent: Ed Centeno (1) – unexecused absence
3. **Approval of Minutes:**

   A. December 2, 2014 minutes

   Motion: Warren Church (LUAC Member's Name)

   Second: Robert McDonald (LUAC Member's Name)

   Ayes: David Evans, Robert McDonald, Warren Church, Margie Kay (4)

   Noes: 0

   Absent: Ed Centeno (1)

   Abstain: 0
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)**

23, 25, 31 Bayview presented their concerns and issues

# Background, LUAC Concerns/Comments

| Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc) |
|---|
| Landscaping should include 100' scenic easement from roadway and house should be relocated downhill and be a conventional design. |
| The name of the street is Bay View and it has always been a community resource to view the Monterey Bay and 1 property should not be allowed to block neighbors' view when the almost 4 acre property does allow other sites for a home. |

**ADDITIONAL LUAC COMMENTS:**

First motion by Warren Church and seconded by Margie Kay:
Deny application.
Vote in favor of motion: Warren Church, Margie Kay (2)
Vote against motion: David Evans, Robert McDonald (2)

2nd motion by Robert McDonald and seconded by David Evans:
For better staking and flagging of proposed home.
Possible relocation of proposed home.
Requests landscaping design to 5' height.
Vote in favor of motion: Robert McDonald , David Evans (2)
Vote against motion: Warren Church, Margie Kay (2)

Because both motions were a tie, no recommendation can be made.

***The two concerns raised by 23, 25, and 31 Bayview are shared by all on Bayview.***

# Background, Second Informal Meeting

## PLEASE EDUCATE YOURSELF

on the proposed build at:

## 5 BAYVIEW ROAD

**An informal neighborhood discussion will be held at**

**Mountain Mike's Pizza Prunetree Center**

17597 Vierra Cyn Rd

**Sunday January 4, 2015 2:00 PM**

For additional information: blog.elkhorn.info

Monterey County Zoning Administrator Public Hearing

**Thursday January 8, 2015 10:00 AM**

**168 West Alisal St Salinas, California**

# Background, Public Hearing

**MONTEREY COUNTY ZONING ADMINISTRATOR**

| | |
|---|---|
| **Meeting:** January 8, 2015 | **Agenda Item No.: 4** |
| **Project Description:** Consider a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single family dwelling and the construction of a 2,230 square foot two-story single family dwelling with an attached 986 square foot garage. | |
| **Project Location:** 5 Bayview Road, Castroville | **APN:** 131-101-055-000 |
| **Planning File Number:** PLN140143 | **Owner:** Grant & Amelia Howerton |
| **Planning Area:** North County Land Use Plan, Coastal Zone | **Flagged and staked:** Yes |
| **Zoning Designation:** "LDR/2.5 (CZ) [Low Density Residential, 2.5 acres per unit (Coastal Zone)]) | |
| **CEQA Action:** Categorically Exempt per Section 15303(a) of the CEQA Guidelines | |
| **Department:** RMA-Planning | |

# Background, Public Hearing Concerns/Issues

## PLN 140143 – 5 Bayview Road

- Concern 1: Fire Protection
- Concern 2: Flagging and Staking
- Concern 3: Shed
- Concern 4: Manufactured House
- Concern 5: Visual Sensitivity
- Concern 6: Demolition of existing structures

# 33, 35, 37, and 41 Bayview's Education

- On 19 Jan 2015, an email was sent to all Bayview Road Northside homes, starting at Elkhorn Road to Bayview Road summit, containing:
  - Background information on PLN 140143
  - Proposal on how to resolve PLN 140143
  - Proposal for meeting on Sat 24 Jan 2015 at 35 Bayview Road to foster communication and further education, with a second meeting on Sun 25 Jan 2015 to continue if necessary
  - All communication documented via email chain in writing so as to remove verbal misinformation
  - RSVP reminders sent during the week prior to Sat 24 Jan 2015
  - Conference call dial-in information provided to all
- 35 and 37 Bayview did attend previous meetings to educate themselves regarding 23, 25, and 31 Bayview's concerns.

# 33, 35, 37, and 41 Bayview's Education (cont'd)

- On 24 Jan 2015, meeting was held at 1:00 PM for Bayview Road Northside Homes
  - Grant and Amelia Howerton, 5 Bayview
    - Responded, unwillingness to meet, unwillingness to work towards a solution
  - Keith and Leticia Rayburn, 23 Bayview
    - Did not respond
  - Melissa McFaddin, 25 Bayview
    - Responded, could not meet due to family situation
  - Larry and Claire Steffan, 31 Bayview
    - Did not respond
  - Terry Kane, 33 Bayview
    - Responded, attended on conference call
  - Eugene and Nancy Guglielmo, 35 Bayview
    - Hosts
  - Cathy and Eric Shue, 37 Bayview
    - Responded, attended in person and on conference call
  - Ann Klosterman, 41 Bayview
    - Responded, attended on conference call

# PLEASE EDUCATE YOURSELF - Accomplished

## Escalation

to Monterey County Local Government
is necessary when neighbors put at

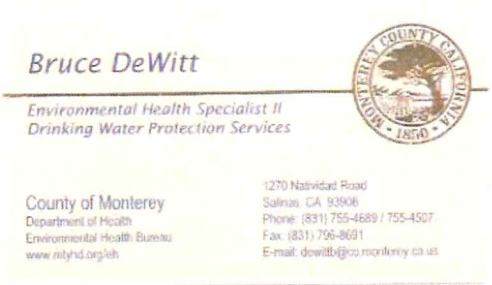
**risk the health, life, and property of neighbors.**

**23 and 31 Bayview,** and to a lesser extent **25 Bayview,** while raising the alarm over preservation of scenic views of the Monterey Bay and Elkhorn Slough are also the **Primary Offenders** on Bayview Road over the past 20+ years.

**Bayview Road cannot have two sets of rules: a set for one group of neighbors, and another set for everyone else.**

# Bayview Road Water System #2

- WS #2 consists of 33, 35, and 37 active, 39 inactive
- Well was found to have E.coli
- Well was damaged by non-owner occupants at 33 Bayview without owners' knowledge
- Well produces 1.6 GPM for 3 active households
- WS #2 is strategically situated at the summit of Bayview Road
- Application Request Form (ARF) for a replacement well has been submitted
- Coastal Application Permit work begun
- Bruce DeWitt and Joe Sidor have visited and assisted Bayview Road WS #2




# Bayview Road Water System #2 Proposal

Bayview Road WS #2 is proposing a plan for Monterey County to realize consolidation of the 7 Bayview Road Water Systems

which then provides a

Plan to resolve PLN 140143 for 5 Bayview

and

Protect all homes on Bayview Road

and

Ensure Scenic Views for all Neighbors and the Public on Bayview Road.

# Fire Protection (Concern #1)

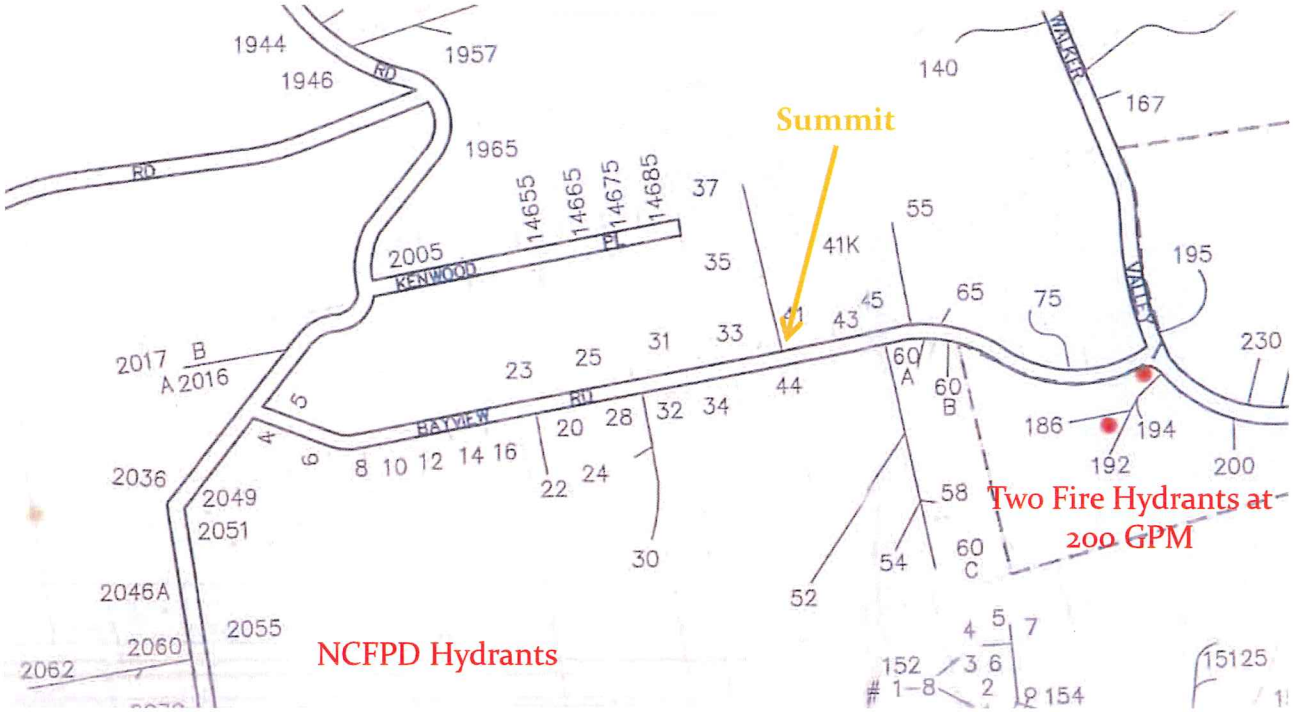
- Dr. Guglielmo met with North County Fire Protection District Division Chief, Doug McCoun


North County Fire Protection District
of Monterey County
NORTH COUNTY FIRE
Doug McCoun
Division Chief
831.633.5480 x 203
11200 Speegle Street
Castroville, CA 95012-2546
831.262.4748 Cell
www.ncfpd.org
c5203@ncfpd.org

- Bayview Road is in a water-hauling area.
- NCFPD hauls in water to put out brush fires
- Fighting a house fire effectively requires 500 GPM

# Bayview Road – Street Addresses

43 homes total: 38 on Bayview Rd + 5 on Kenwood Pl




# Fire Protection (Concern #1)

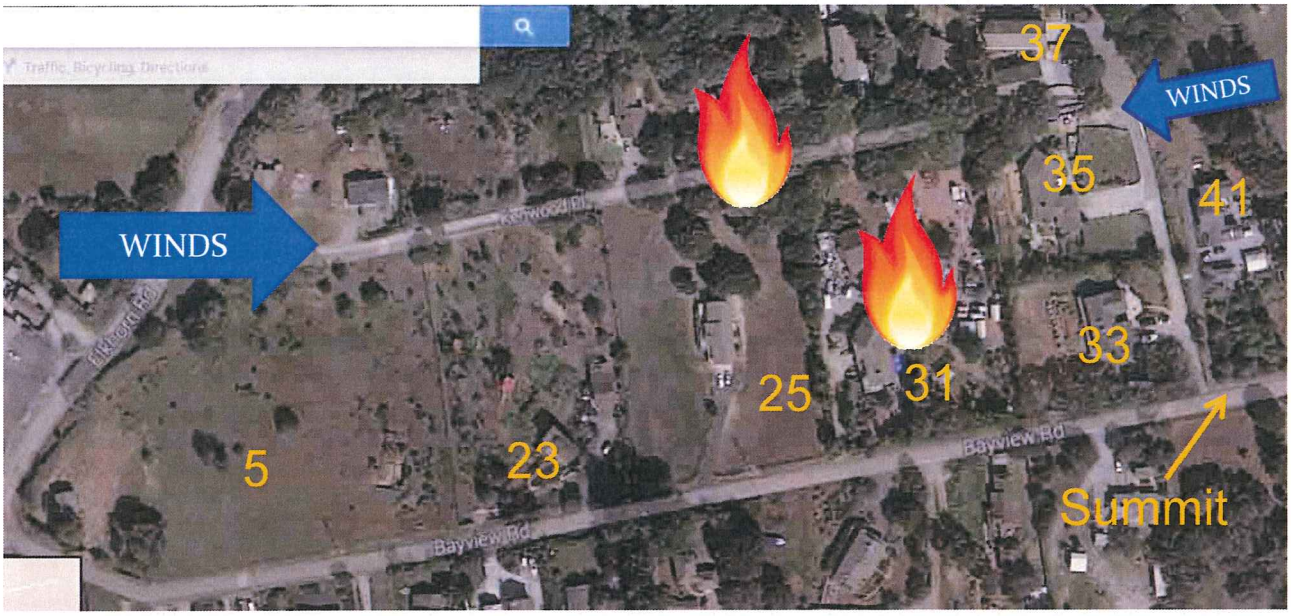
- The 5 Bayview Road subject property is zoned Low Density Residential
- BUT, it has High Density live and dead landscape vegetation.
- Bayview Road does not have the means to fight a house fire nor to contain that fire in spreading from one property to the next.
- Situation has been made worse by uncontrolled landscaping activities that have increased:
  - Eucalyptus, Pine, shrubs, and dried brush in close proximity of neighbors' properties
  - Man-made structures
  - Other man-made objects

# Fire Protection (Concern #1)

## Bayview Road Northside Homes

N

Wind Sources , Two biggest sources of FIRE based on high concentration of objects.

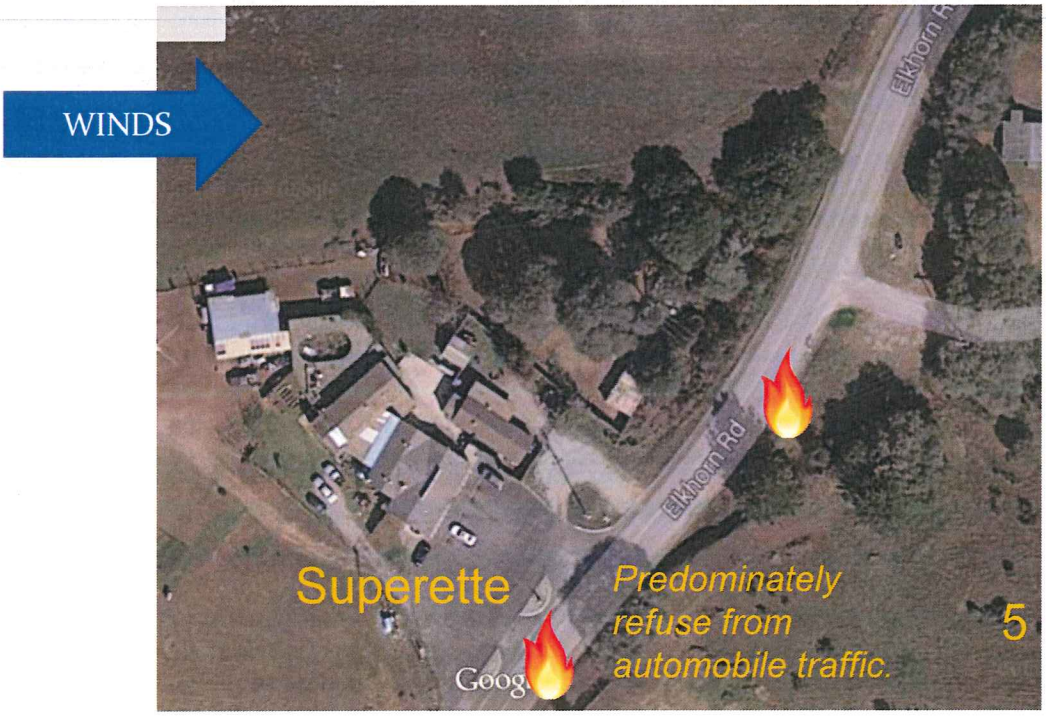



3 brush fires in the recent past coming up the hill when vegetation was much less.
Potential loss of life and property has increased significantly.


# Fire Protection (Concern #1)

## Bayview Road Northside Homes

N

# Fire Protection (Concern #1)

## Bayview Road Northside Homes

N


# Fire Protection (Concern #1)

## Bayview Road Northside Homes

N


*Congestion is beginning to increase with the threat of fire spreading across property lines worsening.*

# Fire Protection (Concern #1)

## Bayview Road Northside Homes

N

WINDS


*Fires from the North along Kenwood Place to Bayview Road or vice-versa is more of a reality today.*


# Fire Protection (Concern #1)

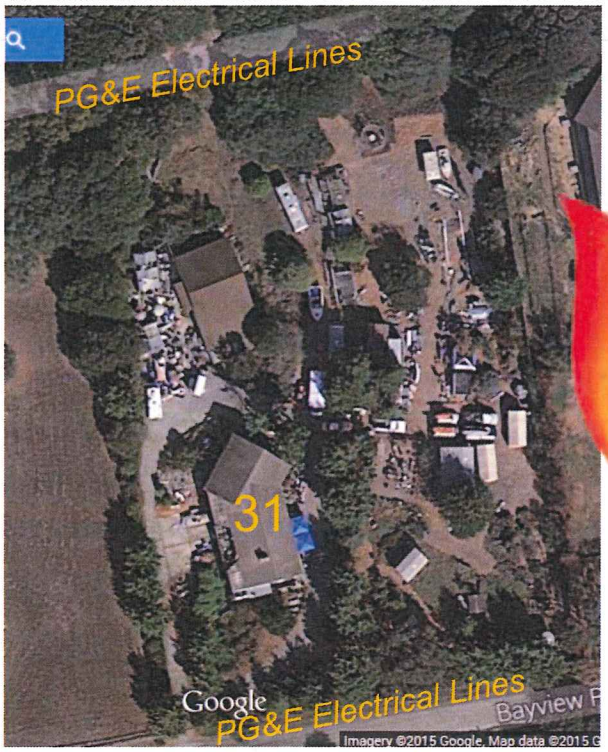
## Bayview Road Northside Homes

N


WINDS

*Extremely high congestion, and potentially one of the most dangerous properties in damaging others properties in a fire..*

*Insurance Companies have been reluctant to provide 35 Bayview with quotes when they do a Google View of the area.*

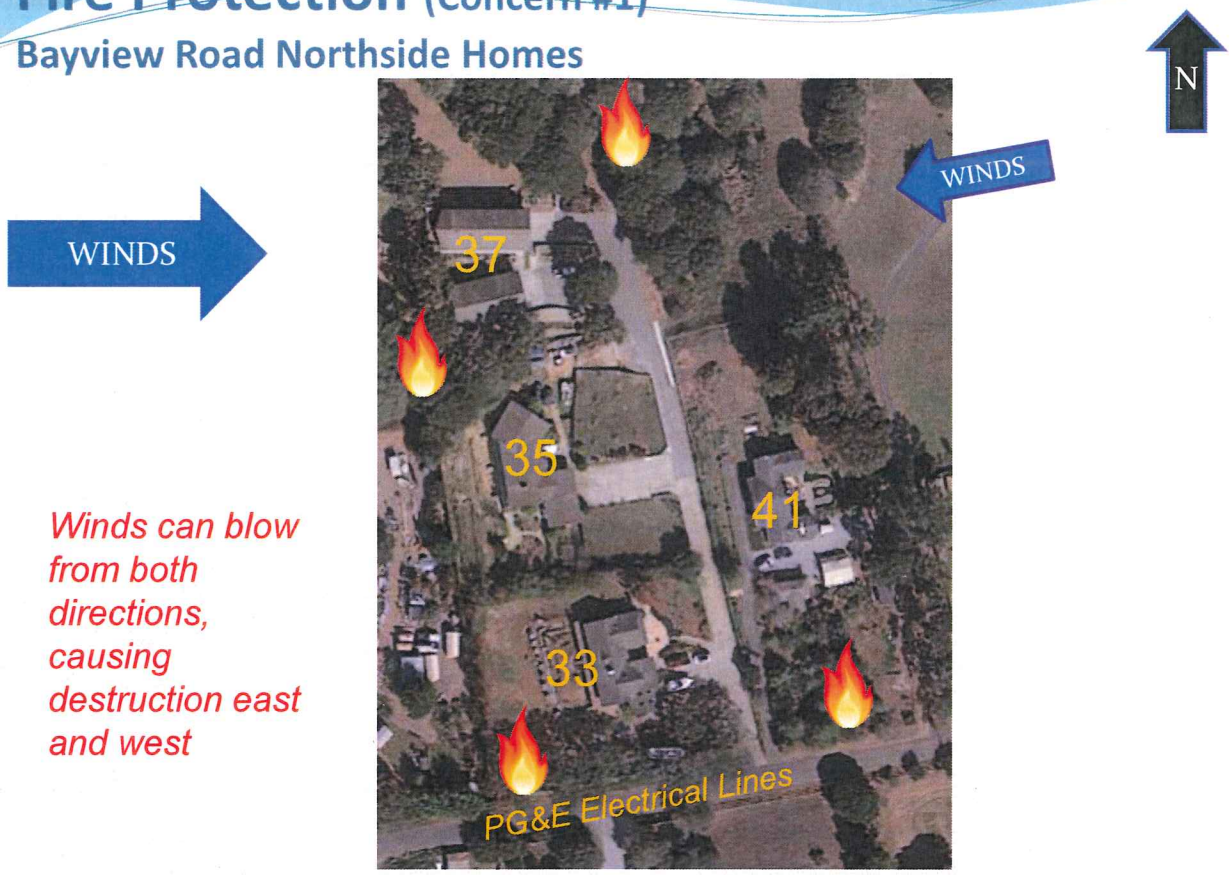



WINDS

*Excessive landscaping and man-made structures over the last 20 years*

# Fire Protection (Concern #1)

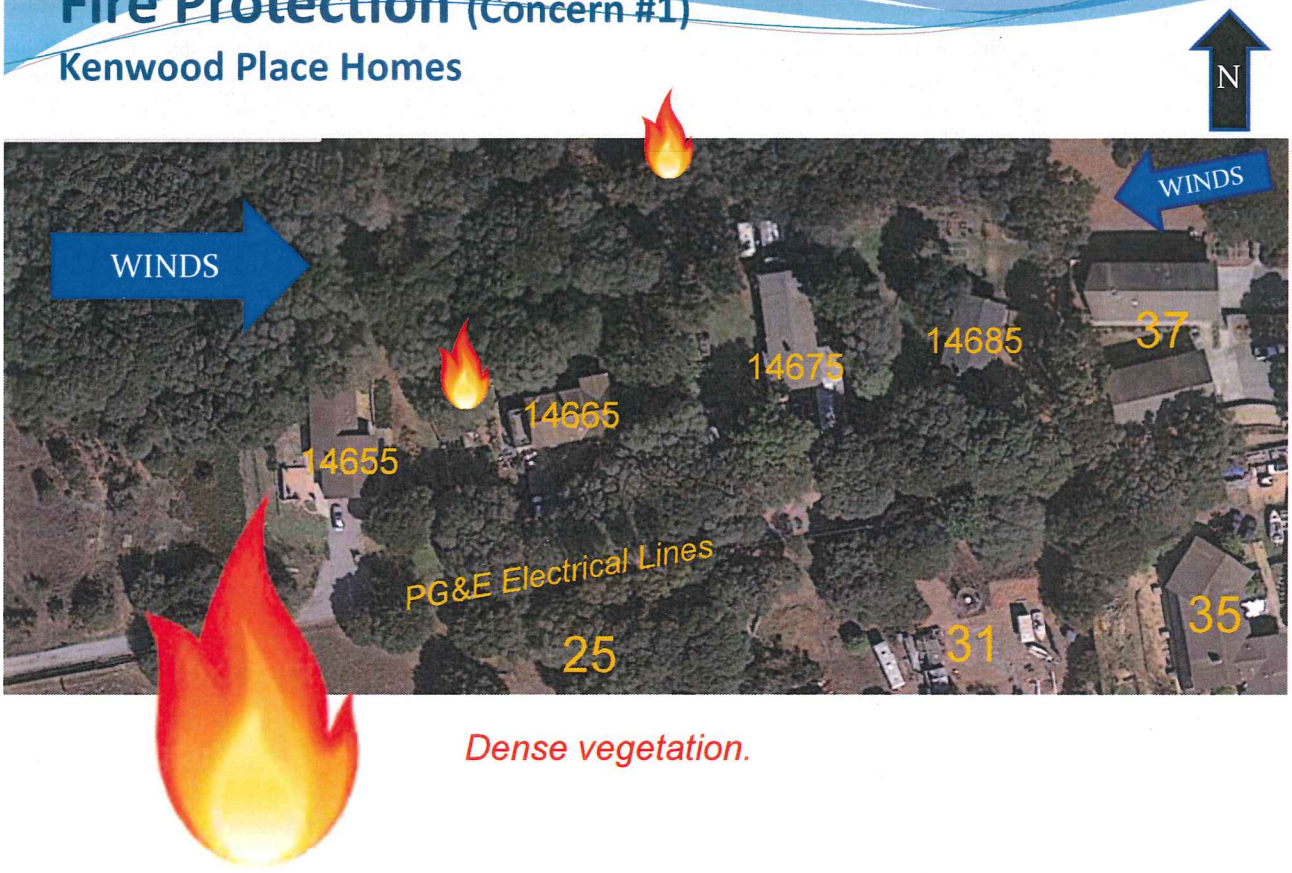
## Bayview Road Northside Homes




*Winds can blow from both directions, causing destruction east and west*

# Fire Protection (Concern #1)

## Kenwood Place Homes

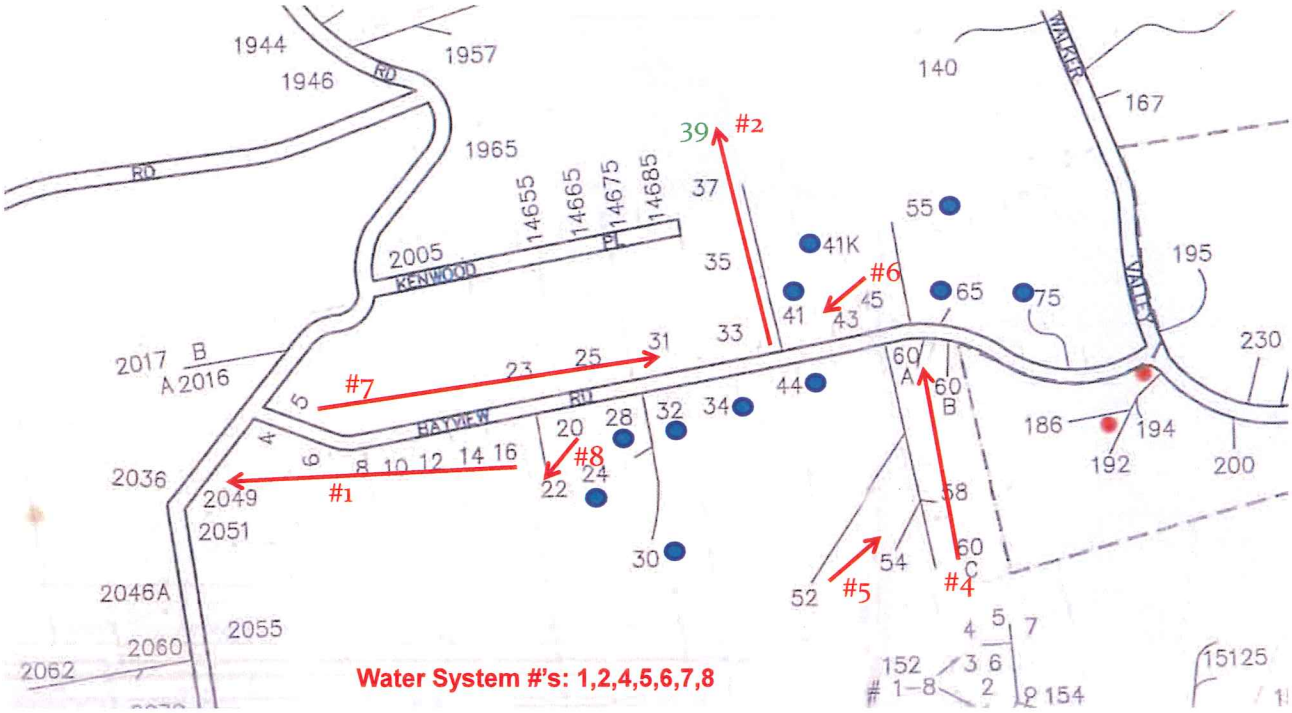



*Dense vegetation.*

# Fire Protection (Concern #1)

## Bayview Road – Water Systems

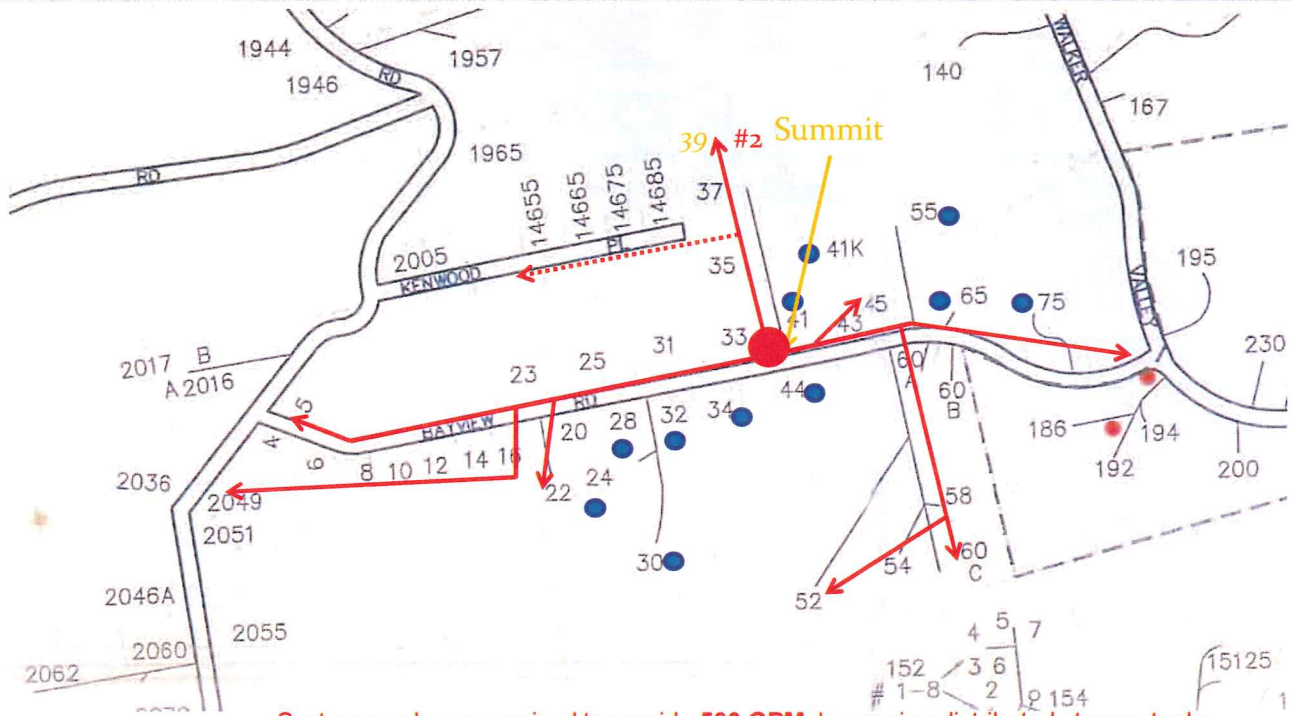
**27 homes on 7 water systems + 11 homes on private wells**




# Fire Protection (Concern #1)

## Bayview Road – Water Systems

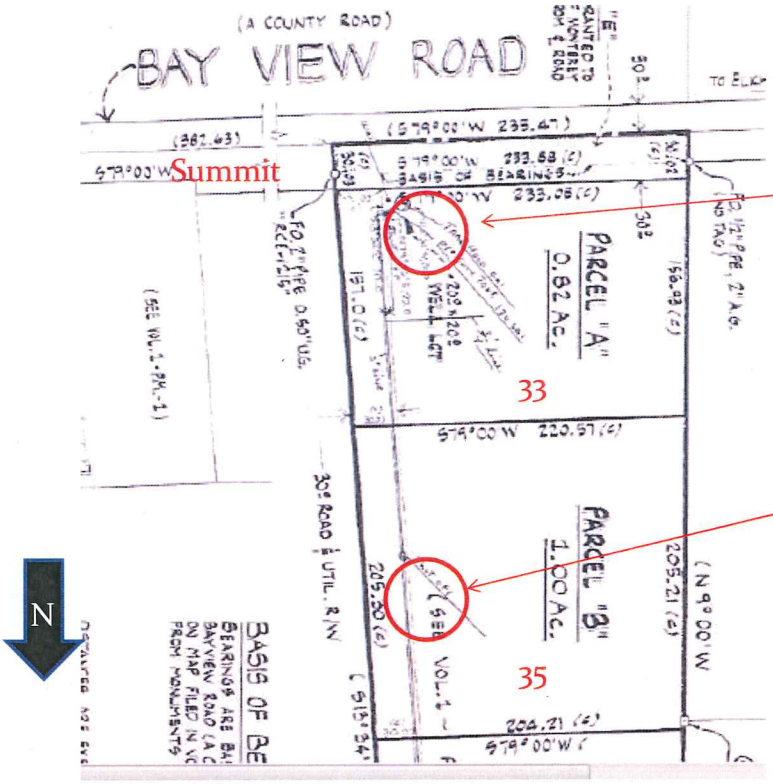
**Bayview Road WS # 2 may serve all homes on the present 7 Water Systems**




System can be pressurized to provide **500 GPM**, leveraging distributed storage tanks.

# Fire Protection (Concern #1)

## Bayview Road Water System #2




Existing Well Lot. new well cannot be drilled on existing well lot because of insufficient distance to 33 seepage pit going north or northwest. Cannot go South because of County Easement.

Proposed New Well Location. Downhill on 35.

However, Well Driller (Dan Lynch, Fred Ash & Sons) believes the new Well can be moved South from its present location and secured if Monterey County allows drilling on its Easement.


# Fire Protection (Concern #1)

## Bayview Road Water System #2

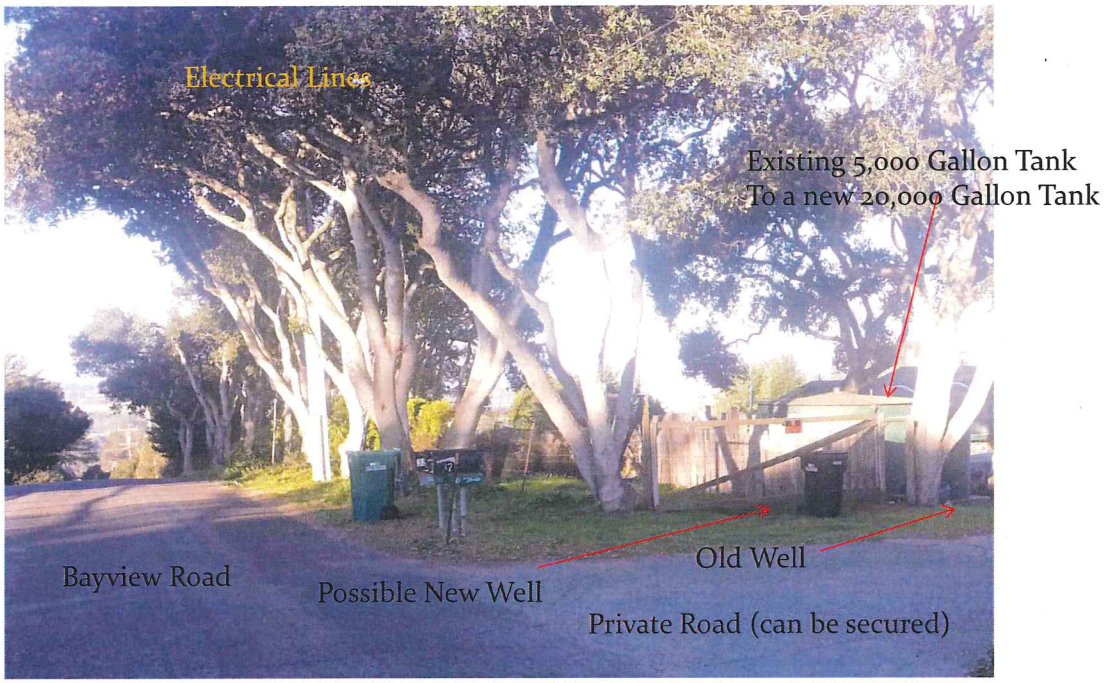

View looking south


Existing pad + 5,000 Gallon Steel/Concrete Tank
Replace with 20,000 Gallon Tank for WS consolidation

# Fire Protection (Concern #1)

## Bayview Road Water System #2

View looking south




New Well drilled to 600 – 700 feet, second aquifer, high-quality water at up to 200 GPM refill.

# Fire Protection (Concern #1)

## Bayview Road Water System #2

### 5 Bayview & Bayview Road WS #7

- 5, 23, 25, 31 Bayview are on the same WS, i.e., WS #7
- WS #7 may have insufficient throughput to support 5 Bayview once occupied
- WS #7 is 224' deep and subject to nitrates and other bacteria
- The new WS #2 can supplant WS #7 in PLN 140143
- Distance from WS #2 to WS #7 is roughly 150'
- WS #7 servicing and maintenance can be compromised if animosities are not resolved
- The new WS #2 can alleviate future water problems
- The new WS #2 can address architectural (landscape and building) rules in satisfying all (discussed in a later slide)

## Flagging & Staking (Concern #2)

### 5 Bayview Road

Concern from flagging and staking is fire hopping from 5 to 23 or 23 to 5 Bayview and loss of scenic views.

## Shed (Concern #3)

### 5 Bayview Road

Not a concern provided a fire can be contained within a defined perimeter of the shed and the shed does not block views from homes above.

# Manufactured House (Concern #4)

## 5 Bayview Road

*The issue is the Steel Structure*

- On 21 Jan 2015 in a legal settlement, an agreement was made among the owners of Bayview Road WS#2 (33, 35, & 37) to create a non-profit water company or other similar company, i.e., a Home Owners Association to provide water to Bayview Road WS #2 homes and also to other homes.
- 33, 35, and 37 Bayview Road WS#2 can create Bayview Road Home Owners Association with support from Monterey County and recommendations from LUAC that incorporates:
  - Landscaping architecture rules
  - Building architecture rules
  - Water usage regulations
  - Additional rules to protect neighbor and general public health, lives, and property

# Manufactured House (Concern #4)

## 5 Bayview Road

*The issue is the Steel Structure*

- WS #7 can be replaced by Bayview Road HOA as a compromise solution
  - Remove concern of insufficient water supply and quality
  - Remove need to drill a new well
- Enforceable Building Architecture Regulations:
  - Bayview Road Northside homes have wood exteriors
  - Bayview Road Southside homes have wood or stucco exteriors
- Possible effect on 5 Bayview Road Steel Structure:
  - Encasement using 1"x4"x8' cedar planks using Palram #10-12x1.5" wood screws on a steel structure
  - Money saved in reduced Water Storage at 5 Bayview and drilling a new well can be used for wood encasement.

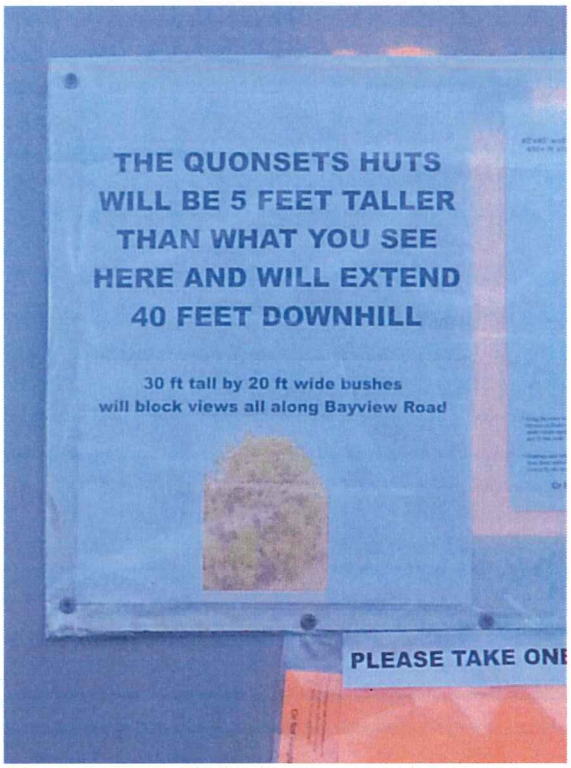
# Visual Sensitivity (Concern #5)

## Monterey Bay and Elkhorn Slough Views from Bayview Road

Concerns/Issues raised by 23, 25, and 31 Bayview at LUAC

Landscaping should include 100' scenic easement from roadway and house should be relocated downhill and be a conventional design.

The name of the street is Bay View and it has always been a community resource to view the Monterey Bay and I property should not be allowed to block neighbors' view when the almost 4 acre property does allow other sites for a home.





# Visual Sensitivity (Concern #5)

## Monterey Bay and Elkhorn Slough Views from Bayview Road


- 23, 25, and 31 Bayview are the Primary Offenders on Bayview Road regarding visual sensitivity, insisting on rules they want enforced on 5 Bayview situated below them while disregarding those same rules themselves.

- 33, 35, 37, and 41 Bayview Road, situated above them, have suffered the pain of losing sunlight, scenic views, and are forced to live in increased fear of fire because of their actions over the past 20+ years.

- 23, 25, 31 Bayview cannot live by one set of rules and require everyone else to live by another set.

## Visual Sensitivity (Concern #5)

### Scenic View Lost on Bayview Road caused by 33 Bayview

## Visual Sensitivity (Concern #5)

### Scenic View Lost on Bayview Road caused by 31 Bayview

## Visual Sensitivity (Concern #5)

### Scenic View Preserved on Bayview Road by 25 Bayview

## Visual Sensitivity (Concern #5)

### Scenic View Lost on Bayview Road caused by 23 Bayview

## Visual Sensitivity (Concern #5)

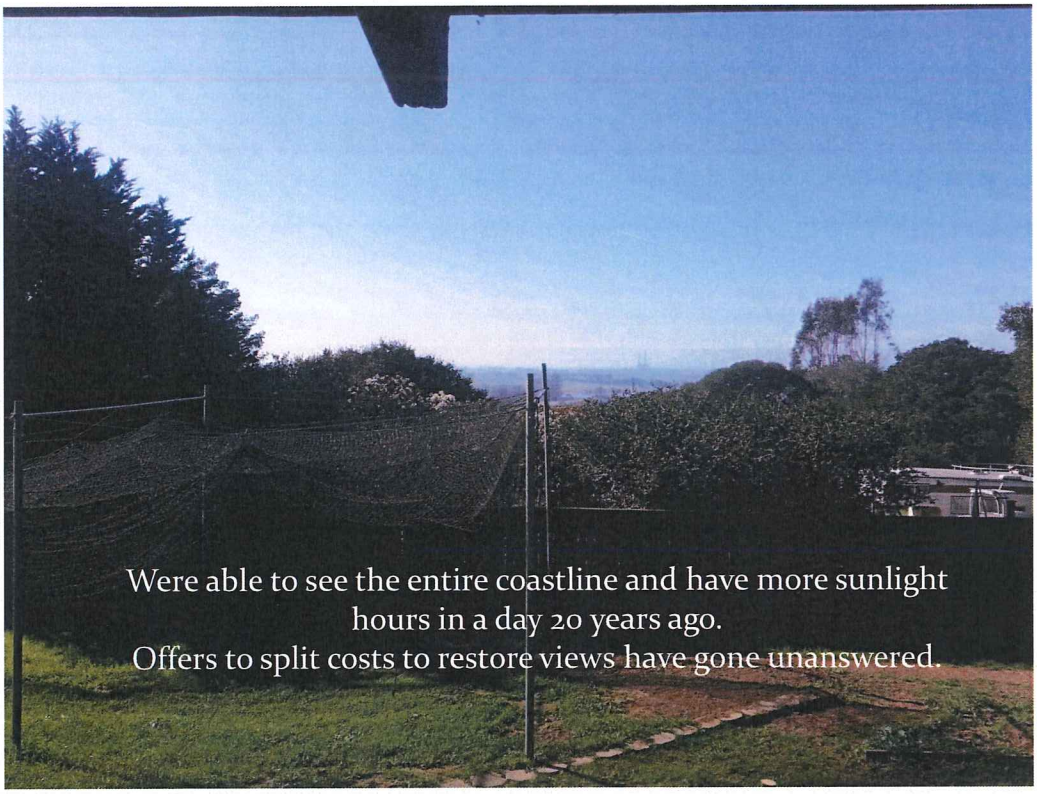
### Scenic View Feared Lost on Bayview Road by 5 Bayview

## Visual Sensitivity (Concern #5)

### Scenic View of West Lost by 33 Bayview caused by 31 Bayview

## Visual Sensitivity (Concern #5)

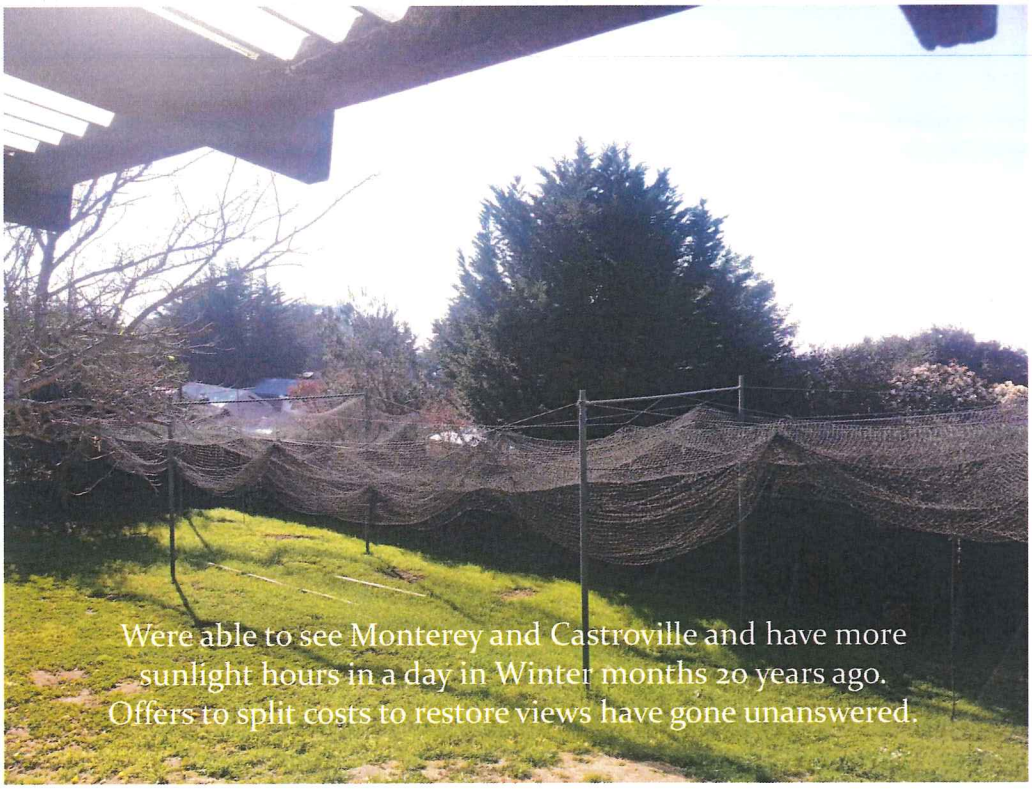
### Scenic View of West Lost by 35 Bayview caused by 31 Bayview



Were able to see the entire coastline and have more sunlight hours in a day 20 years ago.
Offers to split costs to restore views have gone unanswered.

## Visual Sensitivity (Concern #5)

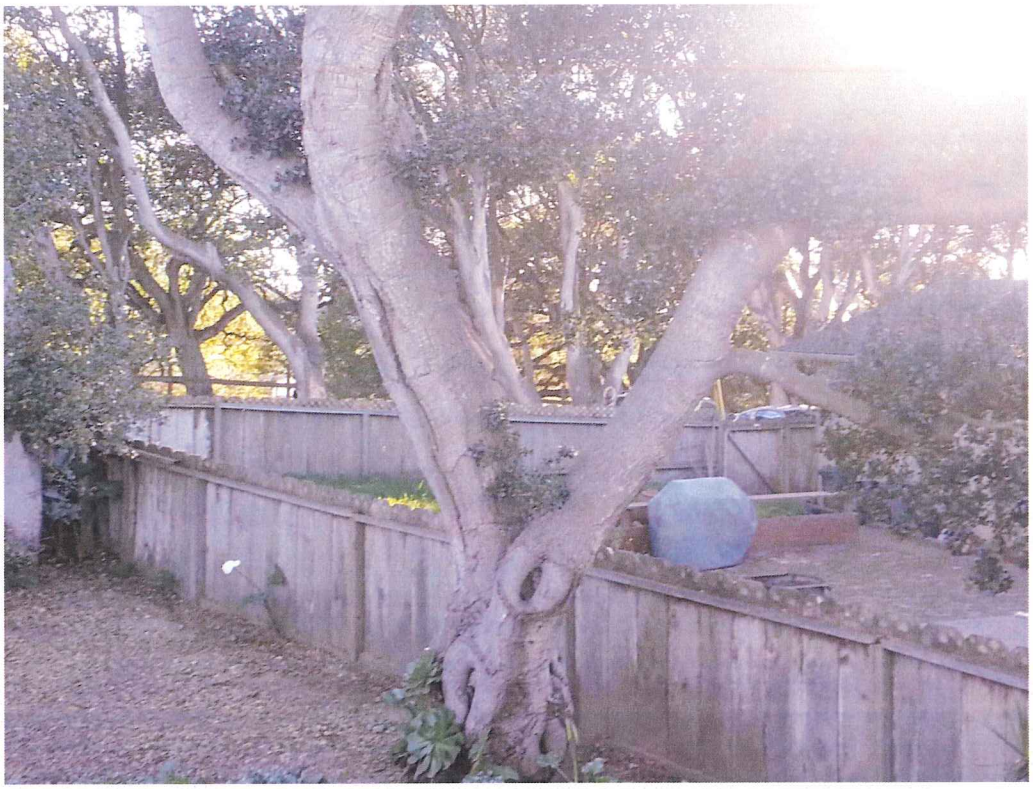
### Scenic View of Southwest Lost by 35 Bayview caused by 31 Bayview



Were able to see Monterey and Castroville and have more sunlight hours in a day in Winter months 20 years ago.
Offers to split costs to restore views have gone unanswered.

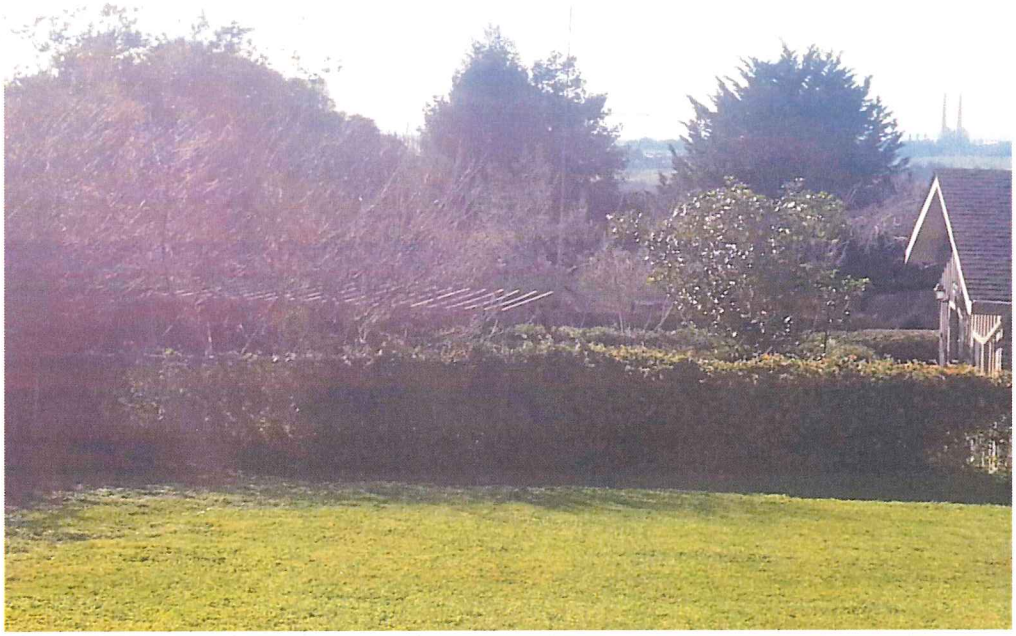
## Visual Sensitivity (Concern #5)

### Scenic View of South Lost by 37 Bayview caused by 31 Bayview



## Visual Sensitivity (Concern #5)

### Scenic View of West Lost by 41 Bayview caused by 31 Bayview and Southwest caused by 31, 33, and 35 Bayview



## Visual Sensitivity (Concern #5)
### Scenic Views Lost on Bayview Road

- No one on Bayview Road is guiltless except 37 and 41 Bayview at the outer fringes
- Views cannot be held captive by 2 or 3 homeowners for their own private use.
- 23, 25, and 31 Bayview's request to "Educate Yourself" has caused a greater awakening than what was expected.
- Restoring and maintaining scenic views requires a formal entity to enforce scenic rules in the neighborhood as left alone, neighbors have shown little to no concern for the mental pain and suffering caused to other neighbors in the neighborhood.
- 5 Bayview is NOT blameless as they have shown little willingness to prevent mental pain and suffering based on what they propose.

- Unfortunately, it appears WATER has to be used as the stick.

## Visual Sensitivity (Concern #5)
### Scenic Views Lost on Bayview Road

- From the LUAC Concerns/Issues List:

  - *The name of the street is Bayview and it has always been a community resource to view the Monterey Bay.*

  - *If homeowners on Bayview are not considerate of their neighbors and **risk the health, life, and property of neighbors,** then the street name needs to be changed to Bayviewless Road.*

## Demolition of existing structures (Concern #6)
### Old Building at 5 Bayview Road

Demolition and disposal of old structures needs to be conducted by professionals whose work will be inspected by Monterey County Environmental Health.

## Next Steps

1. The owners of Bayview Road WS #2 are willing to use WS #2 as a foundation for Monterey County to realize its Bayview Road Water System consolidation vision.
2. WS #2 neighbors are reaching out to WS #7 neighbors below them to spearhead consolidation, but are requesting of WS #7 neighbors
   a) restoration of sunlight and views to what they were 20+ years before WS #7 neighbors first moved in
   b) Further enhancement of WS #2 sunlight and views based upon what they themselves put forth at the LUAC in seeking help.
3. In the meantime, WS #2 needs to identify immediately where to drill the Well, which does require a Monterey County decision ASAP regarding (1).
4. The new Bayview Road HOA can be bootstrapped with landscape and building architecture regulations for Bayview Road Northside homes first through consolidation efforts.

## Flexibility

can be shown on Building Architecture

BUT NOT ON

Landscape Architecture that results in loss of views and sunlight

AND

Increases the risks to neighbors' health, lives and property.

## References


1. Guglielmo, E.J. 2014. *Resolving Monterey County Planning File Number: PLN140143 amongst the Neighbors.* Resolving_PLN140143.pdf.
2. County of San Diego. 2012. Residential Subdivision Design Guidelines.

**EUGENE J. GUGLIELMO, PH.D.**
35 BAYVIEW ROAD ■ CASTROVILLE, CA 95012 ■ 831.594.9100 ■ GENEG@VINEWYCK.COM

19 January 2015

**From**: Eugene and Nancy Guglielmo, 35 Bayview Road, Castroville

**To**: Grant and Amelia Howerton, 5 Bayview Road, Castroville
Keith and Leticia Rayburn, 23 Bayview Road, Castroville
Melissa McFaddin, 25 Bayview Road, Castroville
Larry and Claire Steffan, 31 Bayview Road, Castroville
Terry Kane, 33 Bayview Road, Castroville
Cathy and Eric Shue, 37 Bayview Road, Castroville
Ann Klosterman, 41 Bayview Road, Castroville

**Subject**: Resolving Monterey County Planning File Number: PLN140143 amongst the Neighbors

Attachment: A. Monterey County Zoning Administrator, Planning File Number: PLN140143
B. Flyer: *Please Educate Yourself on the proposed built at: 5 BAYVIEW ROAD, Sunday December 14, 2014*
C. Flyer: *Please Educate Yourself on the proposed build at: 5 BAYVIEW ROAD, Sunday January 4, 2015*

As shown in the *To*: section, this document is addressed to the homeowners on the North side of Bayview Road, starting at the bottom on the hill (5 Bayview Road) and going up to the top of the hill (41 Bayview Road). As background information, the subject planning file number refers to Grant's and Amelia's plans to build a single family home at 5 Bayview Road, the property that they purchased at the bottom of Bayview Road in the last year. Concerns have been raised by Keith, Leticia, Melissa, Larry and Claire over the proposed plans. Two informal meetings were conducted for the neighbors at Mountain Mike's Pizza in Prunedale, one on Sun 14 Dec 2014 and a second on Sun 4 Jan 2015. These meetings were followed by two additional meetings, the first on Tue 16 Dec 2014 at the North County Land Use Advisory Committee and the second, a Public Hearing, on Tue 8 Jan 2015 at the Monterey County Zoning Administrator's meeting. As a consequence of this latter meeting, the County approved the plans. However, flagging and staking were conducted by Keith, Larry, and Melissa's boyfriend (my apologies, as I forgot his name) at the property line separating 5 from 23 Bayview to make the public further aware of what is planned. Further, an Appeal process to the Board of Supervisors was being pursued.

Nancy and I became aware of the proposal on 14 Dec and since that time, have become "more educated" as requested by our neighbors. Cathy and Eric along with Nancy and I are already involved in a legal dispute as a consequence of neighbors not conducting themselves responsibly and adversely affecting property values as well as our physical and emotional health. I would hate to see this situation play out again. After reading Attachment A and listening to the arguments raised at the 8 Jan Public Hearing, the concerns raised by Keith, Leticia, Melissa, Larry, and Claire regarding Grant's and Amelia's properties are incomplete; they do not take into consideration the concerns of the property owners above them. As part of my education, I have been able to talk to other homeowners in my morning jogs around the block to get a broader perspective.

I believe it necessary at this time to document what I understand presently to help us all in helping Amelia and Grant, assuming they are willing, before this situation spins out of control. Fundamentally, the value of a property is dependent on the value of the neighborhood, i.e., the location. What each of us does,

affects the property values of not only our own property, but our neighbors as well. I would prefer to see our property values increase rather than stagnate. I would like to see the value of our properties approaching the $2M range rather than being restricted below $1M. Hence, a workable solution does exist if neighbors are first and foremost considerate of each other and willing to work towards the benefit of the neighborhood, a more holistic approach than what I have observed has been encountered to date. To move this process along, I will focus on the six concerns identified in Attachment A which are as follows:

- Concern 1: Water System
- Concern 2: Flagging and Staking
- Concern 3: Shed
- Concern 4: Kit Built/Prefab Home
- Concern 5: Visual Sensitivity
- Concern 6: Demolition of Old House

## Concern 1: Water System

1) As many of you are aware, the Water System servicing 33, 35, and 37 Bayview (Bayview Road Water System #2, aka WS2) was damaged, producing a total of 1.6 Gallons Per Minute (GPM), running at 7 minutes per cycle to allow time for the well to replenish. The County requirement for water production for a single family dwelling is 3 GPM, for a total of 9 GPM for the three homes on our system. We are in the process of designing and applying for a new water system to replace the existing system.
2) In designing the system, I spoke to the Fire Chief at North Monterey County Fire Department and discovered that 500 GPM is the throughput needed to fight a fire effectively. I obtained a map from the Fire Department of the hydrants in our area. The closest fire hydrant to Bayview Road is located at the intersection of Bayview Road and Walker Valley Road and is rated at 200 GPM. Further, Bayview Road is in a water hauling area. The Fire Truck hauls in 3,500 gallons of water to fight brush fire, that's it.
3) In meeting with well drilling companies, the design of the proposed system we are pursuing can potentially support up to 200 GPM. We are planning to incorporate distributed water tanks to fight a fire, specifically, up to 35,000 gallons of standing water with potentially five connected locations with hydrants. At 200 GPM, we can support more than just our three homes, specifically those homes below us (31 25, 23, and 5 Bayview) and those above us. Preliminary thoughts for the cost to connect WS2 to WS1 using just a 200 GPM throughput would be the cost of connecting the water line at 33 Bayview to the water line at 31 Bayview, a distance of roughly 150 feet. If there was interest to provide additional funding, we could increase the well bore diameter to support a pump producing 500 GPM to deal with a fire head on. The only system with this throughput in our vicinity is located on Walker Valley Road, servicing the six (6) properties from 251 through 295.
4) From the time a call is made to the Fire Department and a truck appears, up to 20 minutes of time may elapse. Hence a homeowner is either on his/her own or dependent on the help of his/her neighbors for that first 20 minutes. As most of the homes on Bayview have older adults, consider the possibility of a person being killed because his/her reaction time is not fast enough to deal with fire, which could have been prevented if the system was built and installed to consider this situation when it was being redesigned and the opportunity presented itself to address this. Hence, how much property and lives are sacrificial?

5) From our discussions with the drillers, the new water system will provide better quality water as it will tap into the second aquifer at a depth of 600 feet, versus the first aquifer at 300 feet. The wells on Bayview are roughly 40 years old and at the first aquifer now. WS2's depth was 348' before it collapsed. WS1's from my recollection is in the 200' depth range.
6) I do not believe the present water system for 23, 25, and 31 provides sufficient throughput to support Grant's and Amelia's needs; the findings in the County report appears to confirm this. Environmental Health could delay construction until sufficient water is identified. The choices are then either (a) drill a new well, (b) merge with another water system, or (c) put 5 Bayview on a different water system while 23, 25, and 31 stay on the present system. The cost of drilling a new well can run up to $80,000 and more from the cost estimates we've received. Merging the water systems could be done as described above. The additional requirements are individual water storage tanks at 5,000 gallons which requires no special permits or engineered pad construction.
7) Should 5 Bayview utilize WS2 by WS1 tapping into WS2, I believe Grant and Amelia would see a construction cost reduction from a 10,000 gallon tank, which requires an engineered pad, to a 5,000 gallon tank which does not require the pad; these funds could be diverted elsewhere. Additionally, the cost to redrill the well for WS1 would disappear. If WS1 were to be redrilled, its maximum capacity, using similar designs, would be limited to 200 GPM. Strategically, merging enables 500 GPM for fighting fires in the neighborhood; the costs for the larger bore diameter width would still have to be determined.
8) I have proposed a merger to Keith, Larry, and Melissa, but this information is new for Grant and Amelia. Fundamentally, I do not see the water system to support Grant and Amelia being a concern if we work together to address it as a neighborhood enhancement.

## Concern 2 – Flagging and Staking

The unofficial flagging and staking of the proposed building location for 5 Bayview Road does reveal the effect of Grant's and Amelia's new home on the views of 23 Bayview (a subject to be discussed later). It also though, highlights the potential for fire hopping from 23 to 5 Bayview or from 5 to 23 Bayview, either via the house itself or the trees. I believe the funds saved in the solution for Concern 1 could be used to create an alternative location for the site. If I recall correctly, the rationale for the present location was that a pad already existed at the proposed location, resulting in a cost savings in the overall project. Funneling the funds from the cost savings earlier could result in the building site being moved slightly north of the present location, creating an offset from Keith's and Leticia's house, reducing the risk of fire hopping while still maintaining views for both properties. Further cost savings could be incorporated if local machinery from nearby neighbors could be used to do preliminary pad construction. I recall that there is a tractor/trailer nearby on Walker Valley Road owned by the individual who used to maintain our well system.

## Concern 3 – Present Construction

The construction refers to a storage shed, and I, similar to the County, do not see a problem with the shed. If there is something I am missing, do please let me know.

## Concern 4 – Kit Built / Prefab Home

The issue with the Kit Built / Prefab Home is really about the finished exterior, the steel structure. I would agree that a steel structure is more appropriate for industrial use. However, I do believe it can be used as the base layer to support a finishing product like stucco. As I mentioned to some, there is that stucco covered mushroom house expanded over time that can be seen from Route 280 as you head past the Rest Stop on the way to San Francisco which is quite interesting to look at.

Some preliminary investigation I conducted indicates that it is possible to coat the steel structure with stucco, such as the material described at Stuc-o-Flex International, Inc. This exterior would then be similar to what exists on the south side of Bayview Road and what we see on the mushroom home on Rte 280. There is a local stucco artisan on Russo Road within a mile of Bayview Road who can be brought in to help in identifying possibilities including costs. I believe if such an approach were to be utilized and done correctly, such architecture could indeed enhance the area and increase property values.

The cost for the stucco surfacing again could be achieved using the cost savings from the water system coupled with savings for pad construction if done locally and smartly, reducing transportation cost.

## Concern 5 – Visual Sensitivity

There is no more emotional issue on Bayview than the deprivation of Monterey Bay and Elkhorn Slough views to a homeowner. While Keith, Leticia, Melissa, Larry and Claire raised concerns on their loss of views caused by Grant's and Amelia's landscape plans, those concerns are realities for homeowners above Keith, Leticia, Melissa, Larry, and Claire who have lost their view of the Bay and Slough and are suffering emotional distress as a consequence for the past twenty (20) years. The issue of views has to be looked at uniformly along all of Bayview Road, from 5 Bayview Road all the way up to 41 Bayview Road at minimum. In addition, steps need to be taken to provide views to property owners who do not presently have views, such as Eric's and Cathy's home which can be accomplished through appropriate trimming and cutback along the trees at the back of 35 and 31 Bayview.

The sanctity of restoring and then ensuring everyone has a view of the Bay and Slough is a fundamental right in purchasing a home on Bayview that should not be taken away or compromised. If all homeowners noted in this document can restore and enhance views for all of us on the North side of the road, then this success could be promulgated to the homes on the South side of the road, resulting in views that were otherwise lost to both sides of the road. If this basic right is not safeguarded, then the end result should be a name change to *Bayviewless Road.*

## Concern 6 – Demolition of Old House

I am led to believe that it would be more appropriate for Grant and Amelia to hire a dismantler who will then take the remains to the Monterey Landfill for proper disposal based on environmental regulations on proper disposal of construction material. I do not believe this is a task that Grant and Amelia should tackle on their own as the consequences are fines levied at the Landfill for mishandling contaminated substances, while also placing their health and those of passerbys at risk during the process. Hence, I do not see a problem with what was stated in the staff response in using proper mechanisms.

## Additional Concerns

There are additional concerns that affect the homeowners on Bayview that all need to be made aware of.

a. A recreational trailer was in active use on a property in which human waste was potentially not disposed of properly. This may have contributed to the E. coli problem in WS2, with disposal running downhill to an adjacent property and possibly other soils below. We need to have monitoring measures so that this does not occur again and damage homes along the hilltop.
b. Dirt motorcycle trespassing occurred on empty lots at 39 and areas of 41 and 41K Bayview which could have resulted in fire affecting 37, 41, and 41K immediately, before spreading to 35, 33, 31 Bayview as well as the homes along Kenwood Drive. As noted earlier, Bayview Road is ill-prepared presently to fight a fire. We need to have appropriate notification of law enforcement in support of the neighborhood so that a homeowner does not feel threatened by taking action solely, but is doing so in the name of the neighborhood.
c. Numerous trees and shrubs have been planted in the last twenty years that have gone unabated, contributing not only to the loss of views, but providing fuel to spread fires. As stated in Concern 1, Bayview Road is in a water hauling area and for the first 20 minutes of a fire, a homeowner can be on his/her own. No more so was this evident than the rise of smoke that was discovered this past week on a property below us at 35 as to whether this was under control or not.
d. The Western and Northwestern property lines of 5 Bayview are exposed to the retail shopping at the Elkhorn Superette and are susceptible to fire from a discarded cigarette or vehicles running errant on the side of the road as there is no safety buffer in place. A fire starting at the bottom of Bayview could traverse up Bayview as has occurred two times in the past.
e. The increase in fencing has hidden views of potential fire sources and also limited the ability to fight a localized fire. I must confess that I am guilty of this in the construction of a 6' cedar plank fence between 31 and 35 Bayview that should be taken down after hearing revelation of a potential brush fire that could have affected 35 Bayview by hindering firefighting activities.
f. Burglaries have occurred at 25, 33, and 37 Bayview, sometimes in plain sight of neighbors, which could have easily been prevented.

## Next Steps

It is my belief that further escalation to the County through an Appeal should not be needed if neighbors are considerate for each other, looking out for the benefit for the neighborhood itself, and are willing to work amicably together in resolving problems. If this cannot be done, then the loss of life and property due to being inadequately prepared to deal with fire or the risk of death because of a neighbor commits suicide through mental depression caused by views being taken away, then the buck stops here with Grant, Amelia, Keith, Leticia, Melissa, Larry, Claire, Terry, Nancy, Gene, Cathy, Eric, and Ann. We have the means and the impetus right now to create the ideal neighborhood for us and future generations.

I propose a working session this coming Sat 24 Jan at 1PM Pacific and offer up the use of my home at 35 Bayview for this session. We can then continue the working session the following day, Sun 25 Jan at 1PM Pacific if further time is needed. For Terry and Ann who are not presently local, we can set up a conference call to allow you to participate. The following are the proposed agenda items:

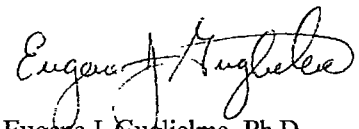
1. Water System to support Grant and Amelia. I can have the proposed Well Driller for WS2 attend the meeting and brief all as to the plans being pursued. WS2 can be used in lieu of, augment, or replace WS1 in supporting Grant and Amelia. Note however that regardless of whether we use

WS2 in supporting Grant and Amelia, we at 33, 35, and 37 need to prepare to submit the Coastal Application Permit to fix our water system problem. We can make enhancements to the permit for the benefit of the entire neighborhood, household consumption and firefighting. The time to do that is now.

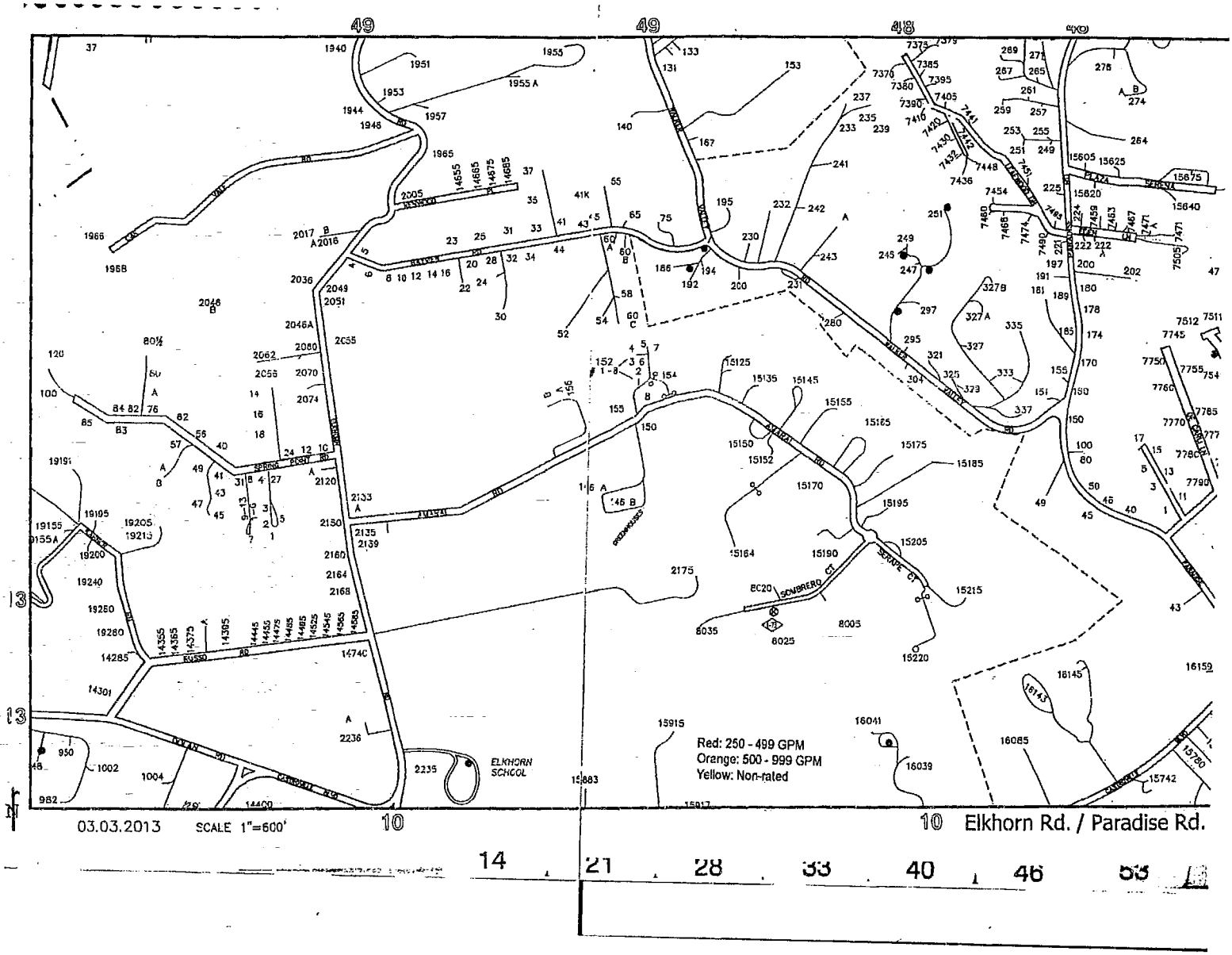
2. Location of Main House and Garage. If cost savings can be achieved using WS2, are Grant and Amelia open to shifting the house and garage further north so as to not block Keith's and Leticia's view and help reduce fire hopping? If so, is this acceptable to Keith, Leticia, Melissa, Larry, and Claire?
3. Present Construction. Is there any issue with the shed that needs to be discussed?
4. Kit Built/Prefab Home Steel Exterior. If cost savings can be achieved using WS2 and applied to exterior finishing, are Grant and Amelia open to finishing their home in stucco? If so, is this acceptable to Keith, Leticia, Melissa, Larry, and Grant?
5. Visual Sensitivity. Are Grant and Amelia willing to curb their landscaping so as not deprive their neighbors above them of their views of the Monterey Bay and Elkhorn Slough? If so, is this acceptable to Keith, Leticia, Melissa, Larry and Claire? Assuming agreement on this, are Keith, Leticia, Melissa, Larry, and Claire willing to reciprocate and fix their own landscaping to restore and enhance the views for Terry, Gene, Nancy, Eric, Cathy, and Ann as well as those individuals traversing along Bayview Road itself that were lost over the last twenty years? Fundamentally, a set of landscape rules to protect views cannot be imposed on Grant and Amelia as property owners and ignored by other property owners; they have to be equally applicable, considerate, and fair. For the record, I have put out an offer to cover ½ the cost to restore the views that were lost to us that benefit not just Nancy and myself, but also Terry, Ann, Eric, and Cathy.
6. Demolition of Old House. Is there any issue with the old house being taken down at 5 Bayview and disposed of properly using a professional service that needs to be discussed?
7. Other Concerns. These other concerns mentioned earlier along with the above six concerns provide impetus for the creation of a Homeowners Association for long-term protection of the neighborhood using a formal legal entity. I have already broached this subject with some of the property owners. The Association can add value to the properties in of itself in protecting scenic views, and providing long term security, comfort, protection of property values. The Water System Agreement for WS2 provides for the creation of a non-profit association, which we are now planning to pursue. Hence, we are already incurring legal costs to create the basic association structure. In submitting our plans to the County, it will be necessary to formally create the Association as our Grant Deeds need to be modified. Grant, Amelia, Keith, Leticia, Melissa, Claire, and Ann can gain value, both a savings in time and cost, if we leverage this association for the benefit of the neighborhood. We have one of the top water rights attorneys in the County to help us in our process.

Please ***RSVP WITH A REPLY TO ALL*** by this Thu, 22 Jan by 12:00 PM Pacific to attend the meeting(s) this coming weekend, Saturday and Sunday (if necessary) to resolve the concerns. I would like to eliminate any further misconceptions of unwillingness to meet and discuss the situation in a collaborative manner, thus it is essential that everyone be equally notified and informed appropriately I believe we can work towards enhancing property values and fostering emotional well-being and I have offered up both times, place to meet, and agenda to work towards. I look forward to making progress this weekend, which can then be extended to the homes on the South Side of Bayview Road to further enhance the neighborhood at some point afterwards.

Very Respectfully,



Eugene J. Guglielmo, Ph.D.


49
49
48
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ELKHORN SCHOOL
Red: 250 - 499 GPM
Orange: 500 - 999 GPM
Yellow: Non-rated
03.03.2013
SCALE 1"=600'
10
10 Elkhorn Rd. / Paradise Rd.
14
21
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CA State Contractors License #266768

# Well Test Report

**This report is comprised of (3) three pages in its intirety, and are not seperable. One (1) page is not valid without all pages.**

A. **Customer:** Warwick Cruz Telephone: 831.596.7427
Mailing Address: 13085 Luber Street, Salinas
Well Location: 39 Bayview Road, Castroville APN: data unknown

B. **Well Data:**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Drilled By: | Jan-74 | Date: Dougherty Pump | | | | | |
| Depth of Well: | 348' | ☐ MDT | ☑ CR | ☐ OR | ☐ NM | ☐ VO |
| Diameter Casing: | 8" steel | ☐ MDT | ☑ CR | ☐ OR | ☐ NM | ☐ VO |
| Depth of Perforation: | 300' - 340' | ☐ MDT | ☑ CR | ☐ OR | ☐ NM | ☐ VO |
| Type of Perforation: | machined | ☐ MDT | ☑ CR | ☐ OR | ☐ NM | ☐ VO |
| Pump HP and Type: | 1.5 HP, submersible | ☐ MDT | ☑ CR | ☐ OR | ☐ NM | ☐ VO |
| Depth Pump Set | 310' | ☐ MDT | ☑ CR | ☐ OR | ☐ NM | ☐ VO |

C. **Well Test:** Date of Test: 7/22/2014

(1) Water Level at Start(Static): 284' ft. (2) Final Pumping Level: 310' ft. ☐ MDT ☑ NM
(3) Draw Down: 26' ft. (4) Total Pumping Duration: 1 hrs. 7 mins.
(5) Total Gallons Pumped: 107 gal. (6) Average Gpm for Pumping Duration: 1.59 gpm
(7) Final Measured Pumping Rate: 1.6 gpm
Pumped Water Continuously? ☑ Yes ☐ No*If NO, see explanation below.

(MDT= Measured During test; CR= Company Records; OR= Owner Records; NM= Not Measured; requires additional testing beyond the scope of report; VO= Visual Observation; NA= Not Accessible)

**Comments:**

The well appears to serve four properties. The system is equipped with one approximate 5K steel-concrete storage tank, one 120 gallon galvanized pressure tank and one 1 HP booster pump.

## Well Test Report Continued

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**Customer:** Warwick Cruz

Well Location: 39 Bayview Road, Castroville APN: data unknown

**Water Quality Analysis** (If performed in conjunction with this report.)

D. Title 22 Report Attached: ☐ Yes Date: _____ ☑ No ☑ Not Collected

Bacteriological Analysis Attached: ☐ Yes Date: _____ ☑ No ☑ Not Collected

Chemical Analysis Attached: (Listed below) ☐ Yes Date: _____ ☑ No ☑ Not Collected

Nitrate only

E. **Water System Visual Inspection:**

| | | | |
|---|---|---|---|
| Well Pump Operation: | ☑ Functional | ☐ Non- Functional | ☐ Not Observed |
| Electrical Equipment: | ☑ Functional | ☐ Non- Functional | ☐ Not Observed |
| Pressure Tank: | ☑ Functional | ☐ Non- Functional | ☐ Not Observed |
| Water Pipes: | ☑ Functional | ☐ Non- Functional | ☐ Not Observed |
| Storage Tank: | ☑ Functional | ☐ Non- Functional | ☐ Not Observed |
| Booster Pump Operation: | ☑ Functional | ☐ Non- Functional | ☐ Not Observed |

F. **Additional Comments:**

None

G. **Attachments:** None

Date: 7/22/2014 By: _____

THIS REPORT DOES NOT ADDRESS CODE COMPLIANCE

PLEASE SEE DEFINITIONS, ADDITIONAL TERMS, AND DISCLAIMERS ON PAGE 3

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**WELL REPORT**

**DEFINITIONS, ADDITIONAL TERMS, AND DISCLAIMERS**

**Sole report:** This report contains the sole observations and conclusions of Dougherty Pump & Drilling, Inc. (hereinafter called "DPD") pertaining to the testing of the customer's well. Any prior statements of the agents or employees of DPD which are not contained herein are superseded by this report, and shall be relied upon at the customer's own voluntary risk.

**Draw down (C3):** Water in a well, which is not being pumped, will reach and generally stabilize at some level, called the static level. Draw down is the difference between the static, or the starting water level, and the final water level in the well after or during pumping.

**Sustained GPM (C6):** Sustained GPM is the pumping rate at which long-term pumping can be maintained, and is the rate normally used to compare wells. If the test is of sufficient duration (and presuming the aquifer has a large storage capacity), sustained GPM is the best indicator of long term well production during regular operation. As used in this report, final observed GPM is the production rate measured at the conclusion of a test. The FINAL GPM does not infer a constant or sustained GPM or yield. DPD makes no guarantee that the test was of sufficient duration to establish a true sustained GPM.

**Average GPM (C6):** In many wells, especially wells with small diameter casing, water levels cannot be monitored during pumping, and a sustained GPM can only be approximated by calculating average GPM (which is total volume pumped divided by total pumping time including any period in which the pump is not pumping water.) Since the pumping level may be declining while testing, and the measured water production may include water stored in the well and surrounding formations at the start of the test, average GPM calculations may be significantly higher than the true sustained GPM (particularly where the pumping time is less than four hours).

**Unusual pumping conditions:** Wells that do not have a sustainable capacity to maintain the continuing operation of a pump or have high draw down in relation to the standing water level, are often indicative of marginal long-term water producers. Protective devices should be considered for pumps installed in wells that exhibit these, or may be subject to these types of operating conditions. A smaller capacity pump itself may be too small to pump the full well capacity, and thus the true sustained (or average) GPM may be higher than observed in this test.

**Test limitations:** The data and conclusions provided are based upon the tests and measurements of DPD using accepted standards and practices of the groundwater industry. However, conditions in water wells are subject to dramatic changes in even short periods of time. Additionally, the techniques employed may be subject to considerable error due to factors within the well and groundwater formations which are beyond DPD's immediate control or observation. Therefore, the data contained in this report is valid only as of the date and to the extent of the observational limitations of the test or installation indicated.

**Use of test:** The test conclusions are intended for general comparison of the well in its present condition against known water well standards or guidelines, and should not be relied upon to predict either the future quantity or quality of water that the well may produce. Wells should be periodically re-tested to show both seasonal and long-tem fluctuations.

**Disclaimers:** In presenting the data and conclusions, DPD makes no warranties, either express or implied, as to future water production of the well. Further, DPD, unless expressly stated to the contrary, does not represent (1) that the well or pump system is in any particular condition or state of repair,(2) that the test results will satisfy cognizant governmental ordinances or regulations, (3) that the test duration or methodology is sufficient to meet local water system or new construction permit standards (which may require 24 hour or more tests), or (4) that the water is adequate for a particular purpose contemplated by the customer, (5) the usefulness of the report for any purpose more than one year after the date of the test.

**Customer's release:** In accepting this report, the customer releases and holds DPD harmless from liability for consequential or incidental damages arising (1) out of the breach of an express or implied warranty of future water production, or (2) in any manner through the further dissemination of this report, or its conclusions, by either the customer or third parties, except as the dissemination is required to complete the project or other activity for which the report was prepared.

PUMP TEST RECORD

DATE: 11/5/82

LOCATION: Cnr of Bayview & Elkhorn

PERFORMED FOR: Gunther Miller

PERFORMED BY: Dougherty Pump

LICENSE NUMBER:

HEALTH DEPT. REP: Mary Dennis-Bannister

WELL DEPTH: 10" 224'

PUMP DEPTH: '

PUMP SIZE: Jeun 5 4B

PUMP MAKE:

PERFORATIONS DEPTH(S) 40' Sdl

| TIME | WATER LEVEL | GALLONS/MINUTES |
|---|---|---|
| 2100 (Start) | 134' (Static) | |
| 12:15 | 141 | 12 gpm |
| 12:30 | | |
| 12:45 | | |
| 1100 | | |
| 1:15 | | |
| 1:30 | | |
| 1:45 | | |

MCHD:ENV.-43/3-81

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