



# Monterey County Planning Commission

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## Agenda Item No. 2

Legistar File Number: PC 19-006

February 27, 2019

**Introduced:** 2/20/2019

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

### **PLN150653 - CAL-AMERICAN WATER CO (CARMEL VALLEY PUMP STATION)**

Public hearing to consider the construction of a 1,200 square foot pump station to deliver water to the California American Water Company (CalAm) Monterey District service area as a component of the overall Monterey Peninsula Water Supply Project (MPWSP).

**Project Location:** 26530 Rancho San Carlos Road, in Carmel Valley (Assessor's Parcel Number 015-251-030-000), Carmel Valley Master Plan area. [Mailing address is "Carmel."]

**Proposed CEQA Action:** Consider an Environmental Impact Report (SCH#2006101004) previously certified by the California Public Utilities Commission.

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Consider the Environmental Impact Report (SCH#2006101004) prepared for the Monterey Peninsula Water Supply Project and certified by the California Public Utilities Commission on September 13, 2018.
- b. Approve a Use Permit and Design Approval for a 1,200 square foot pump station to deliver water to the California American Water Company (CalAm) Monterey District service area as a component of the overall Monterey Peninsula Water Supply Project (MPWSP).
- c. Adopt a Mitigation Monitoring and Reporting Plan

#### PROJECT INFORMATION:

**Planning File Number:** PLN150653

**Owner:** California American Water Co

**APN:** 015-251-030-000

**Zoning:** LDR/2.5-D-S-RAZ

**Agent:** John Chamberlain, AECOM

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** No

#### SUMMARY:

Monterey Peninsula Water Supply Project (MPWSP) is a project by the California-American Water Company (CalAm) to develop a new water supply for CalAm's Monterey District service area. Two components of the MPWSP require discretionary approval by the County of Monterey: the desalination plant, and the subject project, which is the Carmel Valley Pump Station. This Use Permit and Design Approval pertain only to construction of the Carmel Valley Pump Station, which is an individual component of the larger project.

The MPWSP also includes construction of a desalination plant located on Charles Benson Road, north of the city of Marina. RMA has received a separate application for the desalination plant, which is being processed separately. Other larger components of the project involve multiple surface slant wells at the CEMEX sand mine in the northern area of the City of Marina, and various pipeline and infrastructure projects throughout the area. These latter components are not located in an area that is under the County jurisdiction.

The California Public Utilities Commission (CPUC) prepared an Environmental Impact Report for the MPWSP and certified the EIR on September 13, 2018. CPUC assumed Lead Agency under CEQA and certified an EIR that evaluated the entire project. Monterey County is a Responsible Agency that is considering the EIR certified by the CPUC.

#### DISCUSSION:

##### **Monterey Peninsula Water Supply Project**

The objective of the Monterey Peninsula Water Supply Project (MPWSP) is to replace existing water supplies that have been constrained by legal decisions affecting the Carmel River and Seaside Groundwater Basin. Specifically:

1. State Water Resources Control Board (SWRCB) Order 95-10, which requires CalAm to reduce and terminate surface water diversions from the Carmel River in excess of its legal entitlement of 3,376 afy;
2. SWRCB Order 2009-0060, as amended by SWRCB Order 2016-0016, which requires CalAm to terminate its diversions in excess of its legal entitlement by December 31, 2021; and
3. The Monterey County Superior Court's adjudication of the Seaside Groundwater Basin, which effectively reduced CalAm's pumping from the Seaside Groundwater Basin from approximately 4,000 afy at the time of the adjudication to CalAm's adjudicated right of 1,474 afy.

The MPWSP as proposed consists of construction and operation of various facilities and improvements, including a subsurface seawater intake system at the CEMEX plant in Marina, a desalination plant off Charles Benson Road near the Marina landfill, desalinated water storage and conveyance facilities, and expanded Aquifer Storage and Recovery (ASR) facilities. The Carmel Valley Pump Station is one component of the MPWSP.

##### **Proposed Project**

The Carmel Valley Pump Station is proposed to provide water to Upper Carmel Valley during the summer season. As a result of legal requirements, CalAm will only be extracting a maintenance flow from the Carmel River during the summer season. The existing Begonia Iron Removal Plant (BIRP) treats the water from the Carmel River and pumps potable water to CalAm's Forest Lake Tanks in Pacific Grove and Segunda Tanks in Upper Carmel. Because only a maintenance flow will occur during the summer, the BIRP will be operating at minimal capacity and cannot deliver the pressures or the volume of water needed to serve Upper Carmel Valley. The new pump station would reverse the flow of water in the summer months and draw water from the Forest Lake Tanks in Pacific Grove (which is sourced by the desalination plant) to deliver water to customers in Upper Carmel Valley.

The pump station will be located on a property currently owned by CalAm in a developed residential neighborhood at on Rancho San Carlos Road, near the intersection with Carmel Valley Road. The property is zoned Low Density Residential. Monterey County Inland zoning (Title 21 of the Monterey County Code) allows water system facilities including wells and storage tanks serving fifteen (15) or more service connections with a Use Permit. The pump station will be enclosed in a 1,200 square-foot, single-story building, with a portable diesel-fuel powered generator in case of power outage. A gravel driveway/access road will provide access to the structure with a 14 foot by 30 foot concrete pad in front of a roll up garage door. Total grading for the project is estimated at 36 cubic yards of cut and 720 cubic yards of fill.

**CEQA:**

The California Public Utilities Commission, as the Lead Agency, prepared a Draft Environmental Impact Report (DEIR) for the MPWSP. The DEIR was circulated to responsible agencies and interested parties, including the State Clearinghouse (SCH#2006101004) during the public comment period from January 13, 2017 to March 29, 2017. The CPUC certified the FEIR on September 13, 2018 and adopted a Mitigation Monitoring and Reporting Plan (Exhibit E). The CPUC is responsible for implementation of the Mitigation Monitoring and Reporting Plan. A Condition of Approval (Condition 19) has been added to require the applicant to provide evidence to the County that the mitigation measures adopted as part of the FEIR for the MPWSP that pertain to the Carmel Valley Pump Station have been implemented.

The County is a Responsible Agency under CEQA because the County is the permitting agency for certain components of the project, including the Carmel Valley Pump Station. CEQA requires that a Responsible Agency confirm that its decision-making body (Monterey County Planning Commission) reviewed and considered the information contained in the EIR prepared for this project. This action affirms the conclusions of the CPUC environmental document, so no separate CEQA action is required by the County. No new information of substantial importance has been presented, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was adopted by the Lead Agency. All identified potential impacts will be mitigated to a level of less than significant with the exception of Air Quality impacts from combined construction activities, which was determined to be Significant and Unavoidable. There are no substantive changes in the project or unusual circumstances that exist which would necessitate additional environmental review by the County of Monterey.

CEQA requires public agencies to adopt a program for monitoring or reporting on the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program. CEQA guidelines section 15097(e) states that lead and responsible agencies should coordinate their mitigation monitoring or reporting programs where possible. In this case, the CPUC is responsible to ensure all measures are implemented according to the adopted MMRP. As a responsible agency, the County will adopt its own MMRP, which requires verification that mitigation measures which apply to the CVPS have been implemented in accordance with the CPUC adopted MMRP.

The Environmental Impact Report is available at the Resource Management Agency Office at 1441 Schilling Place, 2nd floor, Salinas, CA 93901 and online at:

<http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma/-/plan-ning/current-major-projects/monterey-peninsula-water-supply-project-california-american>

### **Issues/Potential Impacts**

#### **Design/Visual Impacts**

The property includes a Design Control (D) overlay, which provides for the regulation of the location, size, configuration, materials, and colors of structures in areas where design review is appropriate to ensure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. The structure will be 1,200 square feet, which is smaller than the majority of surrounding homes in the neighborhood. Colors and materials have been selected to blend with the natural environment and include a brown concrete masonry unit (CMU) wall with a steel roll-up door and a terracotta roof. The structure meets height and setback requirements for a main structure in the Low Density Residential area. The maximum allowable height per zoning is 30 feet. The structure will be 18.5 feet at its tallest point. Required setbacks per zoning are front: 30 feet, side: 10 feet, rear: 20 feet. The setbacks will be: front: 316 side: 53feet and 160 feet, rear: 350 feet. The structure is at a lower elevation than Carmel Valley Road and will not be visible from any public road or viewing area.

#### **Traffic Impacts**

The EIR analyzed the temporary increase in traffic that could result during construction of the pump station. Construction is estimated to take six months and may involve up to six round trip truck trips a day. Construction worker traffic could contribute up to 14 round trips a day. These increases are within the daily fluctuations of traffic volumes for Carmel Valley Road and the affected segment of Highway 1, and will not be noticeable to the average motorist. Construction of the project will require temporary closure of one lane of Carmel Valley Road in order to connect to the water main. This closure will be brief, likely only a few days. A traffic control and safety assurance plan is required as Mitigation Measure 4.9-1. In addition, a Construction Management Plan is required as a condition of approval to identify measures to reduce impacts on traffic and on neighboring properties.

#### **Noise**

The pump station will be located approximately 50 feet from the closest residences. All equipment will be enclosed. The EIR estimates the increase in ambient noise at the closest residences to be 1.1 dBA Leq, which is less than significant. A portable 50kW diesel powered generator will be stored onsite for use in the event of a power outage. Noise from this source would be occasional operation for testing purposed and will generate less noise than a diesel automobile and is not expected to result in any substantial increase over daytime noise levels.

Construction noise is not anticipated to exceed the noise standards of Monterey County Code Section 10.60.030 (Operation of noise-producing devices restricted), which prohibits noise levels exceeding eighty-five (85) dBA measured fifty (50) feet therefrom. The EIR includes mitigation measures to minimize construction related noise. Mitigation Measure 4.12-A requires advance notice to residents in the vicinity and procedures for addressing construction related complaints, including a designated construction disturbance coordinator. Mitigation measure 4.12-B requires sound control devices for construction equipment with internal combustion engines.

### **Biological**

The project site consists of non-native grassland with coast live oak woodland fringe south of Carmel Valley Road. The site is surrounded by non-native grassland. The EIR (Section 4.6) found that special status species that could potentially be impacted during construction include: California red-legged frog, Monterey pine, Coast Range newt, red-tailed hawk, white-tailed kite, American peregrine falcon, American kestrel, loggerhead shrike, pallid bar, western red bat, Monterey dusky-footed woodrat, and Monterey shrew. The potential presence of these species, or of suitable habitat for these species, is due to the proximity to the Carmel River and the presence of trees where birds or bats could nest. Implementation of mitigation measures identified in the EIR will reduce impacts to a less than significant level. Mitigation measures include:

- Designating a lead biologist to oversee and ensure implementation of special-status species protective measures
- Requiring worker training to ensure that workers are aware of the special-status species and the measures necessary to avoid, minimize, or mitigate impacts,
- General measures such as installation of exclusion fencing, trash abatement program to ensure special-status species predators are not attracted to the site
- Limiting construction to non-nesting season when feasible or requiring a no-disturbance buffer around active nests
- Habitat Mitigation and Monitoring Plan to describe all restoration and compensatory requirements
- Avoidance and minimization measures for the California Tiger Salamander and Red-legged Frog, including pre-construction surveys, relocation procedures, exclusion fencing, and monitoring of vegetation removal and grading
- Measures to avoid impacts to wetlands
- Compliance with tree removal requirements if applicable (no tree removal is proposed)
- Requiring low-intensity exterior lighting

### **Archaeological/Tribal Cultural**

The project site is designated as a high archeological sensitivity zone by Monterey County GIS. Per Monterey County Code Section 21.66.050, a Phase 1 inventory report (LIB190035) was prepared. No records of archaeological resources were identified in the project vicinity. Two recorded archeological sites are between 0.5 and 0.8 miles away. No cultural resources were identified within the project footprint. Midden soil with shell was observed outside of the project footprint, on the terraced slopes at the northern extent of the property bordering APN 015-252-006-000. Because midden soil was not observed at the top of the slope or on the adjacent property and because the layer of shell midden is underlain by non-native culturally sterile, fill soils used to construct the slopes, the shell midden is presumed to have been imported as fill from offsite and placed on the slopes as armament. There is not expected to be any significant impact to archaeological resources. However, due to the presence of the shell midden and the high archaeological sensitivity of the site, the archaeologist recommended monitoring by a qualified, professional archaeologist during project related ground disturbance. This requirement has been added as a Condition of Approval (Condition 5) in accordance with Title 21.66.050(D)(2)(a), which calls for incorporating conditions recommended by the archeologist even if no unique archaeological resources were found.

In compliance with state and federal requirements for tribal consultation, the lead agency (CPUC) contacted the Native American Heritage Commission (NAHC) and requested a search of the Sacred Lands File. The search identified no results, and the NAHC provided contact information for the appropriate tribes. On June 24, 2016 letters were sent to members of the Esselen Tribe of Monterey County, Costanoan Rumsen Carmel Tribe, Ohlone/Costanoan Esselen Nation, Amah Mutsun Tribal Band, and Indian Canyon Mutsun Band. During follow up phone calls on March 16, 2017, the Tribal Council Woman of the Ohlone/Costanoan Esselen Nation requested that letters and maps be resent. No further communication was received from tribal members. Mitigation measures 4.15-2b and 4.15-4 identify procedures for work to stop and consultation to occur with the appropriate native American representative and the Native American Heritage Commission if resources or remains are discovered during construction activities.

### **Floodway/Floodplain**

The subject parcel borders the Carmel River, and the proposed development will be partially within the FEMA special flood hazard area. The structure will be elevated and flood proofed a minimum of one foot above base flood elevation. A Condition of Approval (Condition 8) has been added to require final improvement plans demonstrating full compliance with Monterey County Code Chapter 16.16, Regulations for Floodplains in Monterey County.

### **Air Quality**

The EIR determined that the MPWSP would collectively have significant and unavoidable impacts to air quality due to the large amount of construction for all project components combined. Mitigation measures were adopted to address air quality impacts of all projects, including the Carmel Valley Pump Station. Measures include use of either: equipment with the highest emissions standards or alternatively powered equipment when possible, idling restrictions, fugitive dust control plans, and possible off-site mitigation. The project is consistent with Open Space Policies OS-10.9 of the General Plan, which requires future development to implement applicable Monterey Bay Unified Air Pollution Control District control measures. These Mitigation Measures are being carried forward through Condition of Approval No. 19. The EIR found the MPWSP potentially inconsistent with Policy OS-10.6 which states that the Monterey Bay Unified Air Pollution Control District's air pollution control strategies, air quality monitoring, and enforcement activities shall be supported, because construction activities in unincorporated Monterey County would generate emissions in the air basin that could conflict with implementation of the applicable air quality plan. For the Carmel Valley Pump Station, Air Quality impacts are due to earth moving activities and construction equipment. Operational Emissions will be due to limited use of emergency power generators and will be less than significant. No additional Air Quality impacts not analyzed in the EIR can be expected to occur and no further review is needed.

### **OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services

Water Resources Agency  
Monterey County Regional Fire Protection District

LUAC

The proposed project was reviewed by the Carmel Valley Land Use Advisory Committee (LUAC) on December 3, 2018. The LUAC recommended approval of the project by a vote of 6 to 0 (**Exhibit D**), but suggested the applicant look into undergrounding of existing power lines. As of the writing of this staff report CalAm is coordinating discussions with PG&E about this possibility.

Prepared by: Cheryl Ku, Senior Planner, 796-6049

Reviewed by: Brandon Swanson, Acting RMA Chief of Planning

Approved by: John Dugan, FAICP, Deputy Director, RMA Land Use and Community Development

The following attachments are on file with the RMA:

Attachment A - Project Data Sheet

Attachment B - Draft Resolution Including

- Exhibit A - Conditions of Approval
- Exhibit B - Plans
- Exhibit C - Mitigation Monitoring and Reporting Program

Attachment C - Color Elevations

Attachment D - LUAC Minutes

Attachment E - Vicinity Map

cc: Front Counter Copy; Craig Spencer, Interim RMA Services Manager; Applicant/Owner (CalAm)); The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN150653