

**RESOLUTION NO. 14-042**  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE**  
**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE**  
**AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE STORMWATER**  
**MANAGEMENT PROJECT**

**FACTS**

1. The Pacific Grove Area of Special Biological Significance (ASBS) is 3.2 miles of coastline adjacent to the city of Pacific Grove. Storm water discharges from the Department's Municipal Separate Storm Sewer System (MS4) to the ASBS is regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued by the State Water Boards. The ASBS is also subject to specific additional monitoring and water quality regulations.
2. Over the past several years, the Cities of Monterey and Pacific Grove have been evaluating alternative stormwater management projects to address regulatory requirements imposed by the State Water Resources Control Board (SWRCB) for stormwater discharges to the ASBS.
3. The City of Monterey has managed a \$270,000 Integrated Water Resources Management Planning (IRWMP) grant and provided a 36 percent match to the grant (\$151,875), to fund this work (total project funds (\$421,875). It is part of a larger (\$1M) grant managed by the Monterey Peninsula Water Management District.
4. In January 2013, Fall Creek Engineering, Inc. (FCE) was retained by the City of Monterey to complete the City of Monterey and Pacific Grove ASBS Refined 2006 Feasibility Study of Alternatives Management Plan. The scope of work in this study was to: (1) refine and select a preferred and alternate project from the broad list of projects identified by MACTEC Engineering and Consulting, Inc, (2) select a preferred project alternative, (3) develop conceptual and preliminary plans for the preferred project, (4) prepare the CEQA environmental impact report (EIR) for the preferred project; and (5) prepare a project implementation work plan for the preferred project.
5. In 2013, the Cities also initiated the multi-year Central Coast Regional ASBS Water Quality Monitoring Program to assess potential water quality impacts from stormwater runoff in to the Pacific Grove ASBS.
6. A Draft ASBS Compliance Plan is due in September 2014; the Final ASBS Compliance Plan is due within eighteen months after the draft, and must describe how the structural as well as non-structural controls are being implemented to reduce pollutant loads to the ASBS.

**FINDINGS**

1. The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. Exhibit A to this

resolution contains these required findings regarding the CEQA Document for the Monterey-Pacific Grove ASBS Stormwater Management Project;

2. No significant impacts that are not able to be reduced to less-than-significant levels have been identified for the proposed project. Therefore, there is no need for the City of Pacific Grove to adopt a statement of overriding conditions in order to consider certifying the FEIR and approving the project.
3. The City of Pacific Grove is the Lead Agency for the Project evaluated in the CEQA Document and independently reviewed and analyzed in the Draft EIR and FEIR for the Project;
4. The Notice of Preparation of the Draft EIR was circulated for public review. It requested that responsible and trustee agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;
5. The public review period for the Draft EIR was for 45 days between January 17, 2014 and March 3, 2014. The Draft EIR and appendices were available for public review during that time. A Notice of Completion and copies of the Draft EIR were sent to the State Clearinghouse, and Notices of Availability of the Draft EIR were published by the City. The Draft EIR was available for review at the City of Pacific Grove's offices, located at 300 Forest Avenue, Pacific Grove, California 93950;
6. The City evaluated the two comment letters on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The FEIR provides adequate, good faith and reasoned responses to the comments, and these responses were provided to the commenters on May 12, 2014. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding adverse environmental impacts.
7. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR;
8. The City finds that the CEQA Document provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit all comments made during the public review period;
9. The CEQA Document evaluated the following impacts: (1) aesthetics; (2) air quality; (3) biological resources; (4) cultural resources; (5) geology/soils; (6) greenhouse gas emissions/climate change; (7) hazards and hazardous materials; (8) hydrology and water quality; (9) land use and planning; (10) noise; (11) public services and utilities; and (12)

transportation/traffic. Additionally, the CEQA Document considered, in separate sections, significant irreversible environmental changes and growth inducing impacts of the Project, as well as a reasonable range of project alternatives. All of the significant environmental impacts of the Project were identified in the CEQA Document;

10. The MMRP includes all of the mitigation measures identified in the CEQA Document and has been designed to ensure compliance during implementation of the Project. The MMRP provides the steps necessary to ensure that the mitigation measures are fully enforceable;
11. The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City will serve as the MMRP Coordinator;
12. In determining whether the Project may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
13. The impacts of the Project have been analyzed to the extent feasible at the time of certification of the CEQA Document;
14. The City made no decisions related to approval of the Project prior to the June 18, 2014 hearing. The City also did not commit to a definite course of action with respect to the Project prior to the June 18, 2014 hearing;
15. Copies of all the documents incorporated by reference in the CEQA Document are and have been available upon request at all times at the City of Pacific Grove's offices, located at 300 Forest Avenue, Pacific Grove, California 93950; the City is the custodian of record for such documents or other materials;
16. The responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:**

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.
2. The CEQA Document was completed in compliance with CEQA;
3. The CEQA Document reflects the City's independent judgment;
4. Having reviewed the information contained in the CEQA Document and in the administrative record, the City finds that there is no new significant information regarding adverse environmental impacts of the Project in the FEIR; and

5. Having received, reviewed and considered all information and documents in the CEQA Document, as well as all other information in the record of proceedings on this matter, these Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency.

6. This Resolution shall take effect immediately following passage and adoption thereof.

**PASSED AND ADOPTED** BY THE COUNCIL OF THE CITY OF PACIFIC GROVE  
this 18<sup>th</sup> day of June, 2014, by the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Fischer, Huitt, Lucius, Miller

NOES: None

ABSENT: None

APPROVED:

\_\_\_\_\_  
BILL KAMPE, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID C. LAREDO, City Attorney

## **1.0 INTRODUCTION**

**1.1 Findings of Fact.** The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. CEQA Guidelines Section 15091 provides the following guidance regarding findings:

- “(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.”

Having received, reviewed and considered the Final Environmental Impact Report (FEIR) for the Monterey-Pacific Grove ASBS Stormwater Management Project (Project), SCH #2013101005, dated April 2014 (“CEQA Document”), as well as all other information in the record of proceedings on this matter, the following Findings regarding the CEQA Document for the Monterey-Pacific Grove ASBS Stormwater Management Project are hereby adopted by the City of Pacific Grove (City).

**1.2 Document Format.** These Findings have been categorized into the following sections:

- 1) Section 1.0 provides an introduction to these Findings.
- 2) Section 2.0 provides a summary of the Project and overview of other discretionary actions required for the Project, and a statement of Project objectives.
- 3) Section 3.0 provides a summary of those activities that have preceded the consideration of the Findings for the Project as part of the environmental review process, and a summary of public participation in the environmental review for the Project.
- 4) Section 4.0 sets forth determinations regarding Effects Found Not to be Significant from the proposed Project.
- 5) Section 5.0 sets forth determinations regarding those potentially significant environmental impacts identified in the CEQA Document which the City has determined to be Less Than Significant with the implementation of Project design features.

- 6) Section 6.0 sets forth findings regarding those significant or potentially significant environmental impacts identified in the CEQA Document which the City has determined can feasibly be mitigated to a less than significant level through the imposition of mitigation measures included in the EIR for the Project.
- 7) Section 7.0 sets forth findings regarding Significant and Unavoidable Impacts.
- 8) Section 8.0 sets forth findings regarding Beneficial Impacts.
- 9) Section 9.0 sets forth findings regarding Growth Inducing Impacts.
- 10) Section 10.0 sets forth findings regarding Alternatives to the Project.
- 11) Section 11.0 contains other relevant findings adopted by the City with respect to the Project.

The Findings set forth in each section herein are supported by findings and facts identified in the administrative record of the Project.

**1.3 Custodian and Location of Records.** The documents and other materials which constitute the administrative record for the City's actions regarding the Project are located at the offices of the City of Pacific Grove, 2100 Sunset Drive, Pacific Grove, California 93950. The City of Pacific Grove is the custodian of the administrative record for the Project.

## **2.0 PROJECT SUMMARY**

**2.1 Project Location.** The project site is comprised of five associated components located primarily in the City of Pacific Grove, with a portion of one component located in the City of Monterey, California. The five components include: 1) the former David Avenue Reservoir, adjacent to the intersection of David Avenue, Terry Street, and Carmel Avenue; 2) the Pine Avenue right-of-way between 7th Street and 18th Street; 3) the Ocean View Boulevard right-of-way (and vicinity) from Forest Avenue west to the former Pacific Grove Wastewater Treatment Plant at the Point Pinos Lighthouse Reservation; 4) the former Pacific Grove Wastewater Treatment Plant and adjacent Crespi Pond, located on the Pacific Grove Golf Links; and 5) the Ocean View Boulevard right-of-way (and vicinity) from Forest Avenue east to David Avenue.

**2.2 Project Description.** The primary goal of the proposed project is to limit flow and improve stormwater quality discharged into the Area of Special Biological Significance (ASBS) located along the Pacific Grove coastline. The project includes the diversion of both dry weather and portions of wet weather surface water runoff flows into an upgraded stormwater collection and treatment system from the ASBS watershed area, which includes much of the City of Pacific Grove and a portion of the City of Monterey. These flows would be directed to either a new Point Pinos stormwater treatment plant at the former Pacific Grove Wastewater Treatment Plant (PG WTP) site or the Monterey Regional Water Pollution Control Agency (MRWPCA) Regional Water Treatment Plant in the City of Marina. The objectives of the project are 1) to meet the ASBS Special Protection requirements to implement structural best management practices (BMPs) to achieve up to a 90% reduction in pollutant loading during storm events, if the wet weather discharges are impacting natural water quality to comply with the ASBS water quality standards set by the State Water Resources Control Board, and 2) to conserve potable water by developing dry and wet weather storm system flows as a source of non-potable water for

irrigation at the Pacific Grove Golf Links, El Carmelo Cemetery, and other feasible non-potable water demands.

The project includes five components that would collect and treat stormwater flows. These project components are described below.

1. **David Avenue Reservoir.** This component would involve improvements to the former David Avenue Reservoir designed to capture runoff from the portion of the ASBS watershed within the City of Monterey and to release it into the existing City of Pacific Grove storm drain system for conveyance downhill (northward) to Pine Avenue. To facilitate this objective, the following improvements are proposed: a new inlet connection to the Monterey storm drain collection system; a new outlet connection to the Pacific Grove storm drain collection system; and installation of a multi-layer geomembrane liner and sub-drain system within the interior of the former Reservoir to enable water storage behind the existing dam. After construction, the reservoir would have an estimated water storage capacity of 45 acre-feet (AF).
2. **Pine Avenue Conveyance.** This component would involve the installation of approximately 2,760 feet of new storm drain conveyance pipeline and an underground stormwater equalization/storage facility in the vicinity of the Robert Down Elementary School. This conveyance would collect runoff from drainage areas uphill (southward) of Pine Avenue, including areas from the restored David Avenue Reservoir. A new pump station would be installed between 14<sup>th</sup> and 15<sup>th</sup> Street, which would deliver water from the new Pine Avenue conveyance to existing storm drain pipelines northeast down 19<sup>th</sup> Street. From this point runoff would run via gravity to the intersection of Jewell and Pine Avenues. A new underground storage facility is proposed near the intersection of Jewell Avenue and Caledonia Street.
3. **Ocean View Boulevard Conveyance.** This component would be primarily within the Ocean View Boulevard right-of-way, west of Forest Avenue, and would include: installation of approximately 1,230 feet of new storm drain conveyance pipeline; installation of approximately 8,000 feet of pipe lining within an existing abandoned sewer force main; and installation of three new pump stations (located outside the Ocean View Boulevard right-of-way at Jewell Avenue, Sea Palm Avenue, and southeast of Coral Street). These improvements would serve to convey stormwater from existing facilities at the intersection of Jewell and Pine Avenues to the former PG WTP site.
4. **Point Pinos Stormwater Treatment Facility and Crespi Pond.** This component would include the installation of storm water treatment facilities at the former PG WTP (also referred to as the Point Pinos Stormwater Treatment Facility). Treatment would likely include screening, equalization, multi-stage filtration, and disinfection. Treated stormwater would either be discharged to the Monterey Bay through the existing Crespi Pond outfall or available for reuse as irrigation water. Treated stormwater would be discharged to Crespi Pond and discharged to the Bay through an improved outfall from the pond to the Bay. Unused stormwater could also be discharged to MRWPCA if capacity is available. The proposed facilities would be co-located on the former PG WTP site with the Pacific Grove Local Water Project (a wastewater treatment plant that would supply recycled water to the Pacific Grove Golf Links), which is currently being planned and will undergo separate environmental review

5. **Diversions to MRWPCA.** This component would be primarily within or adjacent to the Ocean View Boulevard right-of-way east of Forest Avenue, and would consist of upgrades to the City of Pacific Grove's existing dry weather urban diversion system. These upgrades would increase the capacity of the system to allow the conveyance of wet weather flows in addition to dry weather flows. This component of the project would capture runoff from approximately 222 acres (23% of the total 950 acre ASBS drainage area) and convey it to the MRWPCA Regional Water Treatment Plant in Marina. Additionally, connections between the stormwater collection system and the MRWPCA are proposed at the existing MRWPCA Coral Street pump station and at the Point Pinos Stormwater Treatment Facility.

### **3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

On October 2, 2013, a Notice of Preparation (NOP) was distributed by the City for the Project. The State of California Clearinghouse issued a project number for the MBSST Network Master Plan, SCH # 2013101005.

In accordance with CEQA Guidelines Section 15082, the NOP was circulated to interested agencies, groups, and individuals for a period of at least 30 days, during which comments were solicited and received, pertaining to environmental issues/topics that the Draft EIR should evaluate. The NOP comment period began on October 2, 2013 and ended on October 31, 2013 (30 days). The City held a public scoping meeting to receive input on the environmental analysis on October 24, 2013. NOP responses were considered in the preparation of the Draft EIR, which upon release, was made available to all Responsible/Trustee Agencies and interested groups and individuals, as required under CEQA Guidelines Sections 15105 and 15087.

The State-mandated public review of the Draft EIR began on January 17, 2014 and ended on March 3, 2014 (45 days). The City received comments between January 17, 2014 and March 3, 2014. The FEIR includes Response to Comments (Section 8.0 of the FEIR), which presents all written and oral comments received during the public review period of the Draft EIR, and includes responses to these comments and associated changes made to the EIR.

The EIR is comprised of the FEIR dated April 2014, including any exhibits or appendices thereto, the list of persons, organizations and public agencies which commented on the EIR, the comments which were received by the City regarding the EIR, and the City's written responses to significant environmental comments raised in the public review and comment process, all of which are incorporated herein and made a part hereof by reference. Pursuant to State CEQA Guidelines Section 15084, the EIR has been reviewed and analyzed by the City as the lead agency with respect to the Project, and the EIR represents the independent judgment of the City as the lead agency with respect to the Project. The following findings for the Project and each fact in support of a finding are thus based upon substantial evidence in the record, including the FEIR.

## 4.0 ENVIRONMENTAL EFFECTS DETERMINED TO NOT BE SIGNIFICANT IN THE EIR<sup>1</sup>

### 4.1 Aesthetics

**a. Thresholds of Significance.** Pursuant to the *State CEQA Guidelines*, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

1. *Have a substantial adverse effect on a scenic vista;*
2. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*
3. *Substantially degrade the existing visual character or quality of the site and its surroundings; and/or*
4. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*

Items 1, 3, and 4 are discussed in Section 4.1 of the FEIR, *Aesthetics*. Item 2 is discussed below.

1)

2) **b. Assessment of Impacts.** State Route 68 (also locally known as Holman Highway) is a State-designated scenic highway from Highway 1 in Monterey, east to the Salinas River (California Department of Transportation [Caltrans], 2011). The segment west of Highway 1, which travels within approximately 0.4 miles of the David Avenue Reservoir component of the project, is not designated as a State scenic highway. There are no other State-designated scenic highways in the project vicinity. Therefore, the proposed project would not damage scenic resources within a state scenic highway. There would be *no impact*.

**Reference** – FEIR page 4.13-1.

### 4.2 Agriculture and Forestry Resources

**a. Thresholds of Significance.** Pursuant to the *State CEQA Guidelines*, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;*
- 2) *Conflict with existing zoning for agricultural use, or a Williamson Act contract;*
- 3) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));*
- 4) *Result in the loss of forest land or conversion of forest land to non-forest use; and/or*

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<sup>1</sup> Section 4.0 is based on analysis located in Section 4.13, *Effects Found Not To Be Significant*, of the FEIR.

- 5) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.*

Items 1 through 5 are discussed below.

3)

4) **b. Assessment of Impacts.** Project component sites are located in an urbanized setting where there are no agricultural or timberland areas. As noted in Section 2.0, *Project Description*, project components would be located primarily in roadway rights-of-way or in areas designated as Open Space (O) and Open Space – Institutional (OSI) in the Pacific Grove General Plan. Therefore, the proposed project would not conflict with existing zoning for agricultural or timberland uses, or a Williamson Act contract. None of the project components contain Prime Farmland or Farmland of Statement Importance; rather, all five components are designated as Urban or Built-Up Land (California Department of Conservation, 2012). In addition, none of the project component areas are designated, zoned, or used for agriculture or forestry purposes. Given the already developed and urbanized nature of the component sites, the project would not result in the loss of forest land or the conversion of forest land to non-forest use. There would be *no impact*.

5)

**Reference** – FEIR pages 4.13-1 through 4.13-2.

6)

#### 4.3 Biological Resources

**a. Thresholds of Significance.** In accordance with Appendix G of the *State CEQA Guidelines*, impacts would be potentially significant if the proposed project would result in any of the following:

- 1) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;*
- 2) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;*
- 3) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; and/or*
- 4) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- 5) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or*
- 6) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

Items 1, 3, and 5 are discussed in Section 4.3, *Biological Resources*, of the FEIR. Items 2, 4, and 6 are discussed below.

7)

**b. Assessment of Impacts.** None of the five project components are located within a riparian corridor or the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation agreement. As described in Section 4.3, *Biological Resources*, none of the project components contain riparian habitat or other sensitive natural community. Therefore, the project would not have a substantial adverse effect on any of riparian or natural communities, and would not conflict with the provisions of any local, regional, state or other conservation plans.

The Point Pinos Stormwater Treatment Plan and Crespi Pond component of the project is located within the Point Pinos Lighthouse Reservation, an area identified as of “Scientific and Ecological Significance” within the City of Pacific Grove Local Coastal Program (LCP); however, the specific locations of the project site in this area are identified as low sensitivity in the LCP. The marine habitat adjacent to the Diversions to the Monterey Regional Water Pollution Control Agency (MRWPCA) component of the project is within the limits of the Monterey Bay National Marine Sanctuary. In addition, the Lovers Point State Marine Reserve (adjacent to the Ocean View Boulevard Conveyance and Point Pinos Stormwater Treatment Facility and Crespi Pond components of the project) is designated as an Area of Special Biological Significance (ASBS) and provides habitat for a variety of sensitive species, including harbor seals (*Phoca vitulina*). This project would have no direct impacts on these sensitive areas or the species that utilize marine habitat. Once the project is completed, urban runoff that previously entered the Pacific Grove ASBS directly would instead be treated at a wastewater treatment plant. As a result, the Pacific Grove ASBS habitat would likely be enhanced in the long term through the reduction in pollutants that are typically found in urban runoff. Therefore, the project would not have an adverse effect on any sensitive habitat or community.

The proposed project is also not located within wildlife movement corridors or nursery sites. The City of Pacific Grove General Plan Natural Resources Element identifies Crespi Pond as a stopping place for migratory birds traveling along the Pacific coast; however, project activity at Crespi Pond would not change the pond’s ability to support migrating birds. Therefore, the project would not interfere substantially with a migratory wildlife corridor.

**Reference** – FEIR pages 4.13-2 through 4.13-4.

#### 4.4 Cultural Resources

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5;
- 2) Cause a substantial adverse change in the significance of an archaeological resource

*pursuant to Section 15064.5;*

- 3) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value; and/or*
- 4) *Disturb any human remains, including those interred outside of formal cemeteries.*

Items 2 through 4 are discussed in Section 4.4, *Cultural Resources*, of the FEIR. Item 1 is discussed below.

**b. Assessment of Impacts.** The proposed project would be located in previously disturbed, urbanized areas. Project component sites do not contain buildings that would be eligible for listing on the National Register of Historic Places, the California Register of Historic Resources, the California Historical Landmarks, the California Points of Historical Interest, or the California Historic Resources Inventory. None of the project components would modify existing buildings. The Point Pinos Stormwater Treatment Facility and Crespi Pond component of the project would be located on the site of the retired Pacific Grove Wastewater Treatment Plan (PGWTP). Two circular tank structures remain on the retired PGWTP site, including a clarifier/administrative office (east tank) and a sludge digester (west tank); the majority of the site is comprised of dirt driveways, with storage of construction material and debris along the periphery (Denise Duffy & Associates, July 2013). The two tank structures may qualify as historic resources (Archives and Architecture, n.d.). However, the proposed project would not utilize these existing structures or cause them to be damaged (refer to Section 2.0, *Project Description*). Therefore, impacts to historical resources would be *less than significant*.

**Reference** – FEIR page 4.13-4.

## 4.5 Geology and Soils

### a. **Thresholds of Significance.** Pursuant to

Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
  - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;*
  - ii. *Strong seismic shaking*
  - iii. *Seismic-related ground failure, including liquefaction,*
  - iv. *Landslides;*
- 2) *Result in substantial soil erosion or the loss of topsoil;*
- 3) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;*
- 4) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; and/or*
- 5) *Have soils incapable of adequately supporting the use of septic tanks or*

*alternative waste water disposal systems where sewers are not available for the disposal of waste water.*

Items 1(ii) through 4 are discussed in Section 4.5, *Geology/Soils*, of the FEIR. Items 1(i) and 5 are discussed below.

**b. Assessment of Impacts.** The project is located in a seismically active area (refer to Figure 4.5-2 in Section 4.5, *Geology/Soils*). However, there are no faults that traverse any of the five project components. In addition, the proposed project does not involve and would not necessitate development of septic systems; thus, the issue of having soils that incompatible with septic systems is not relevant. There would be *no impact*.

**Reference** – FEIR pages 4.13-4 through 4.13-5.

#### **4.6 Hazards and Hazardous Materials**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- 2) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*
- 3) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school;*
- 4) *Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;*
- 5) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;*
- 6) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;*
- 7) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or*
- 8) *Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

Items 1 through 4 are discussed in Section 4.7, *Hazards and Hazardous Materials*, of the FEIR. Items 5 through 8 are discussed below.

**b. Assessment of Impacts.** The nearest airport, the Monterey Regional Airport, is located approximately 3.6 miles southeast of the David Avenue Reservoir,

the component nearest to the airport. Therefore, there would be *no impacts* related to hazards near airports and private air strips, as no such facilities are located in the project vicinity. The proposed project would include segments located within routes that are part of an existing emergency or evacuation plan. However, *no impacts* to emergency response plans or emergency evacuation plans would result. Impacts related to emergency access during construction are further addressed in Section 4.12, *Transportation/Traffic*.

The proposed project would not demolish any existing structures. Therefore, there is no potential of removing structures containing lead or asbestos.

According to the General Plan Health and Safety Element, the border of the Del Monte Forest and the City of Pacific Grove has the greatest potential for wildland fires in the City. The Del Monte Forest is approximately 0.5 miles west of the David Avenue Reservoir component of the project. All project components are surrounded by urban land uses, such as residences and roadways, or the Pacific Ocean. The proposed project would not place people or structures at a significant risk of loss, injury, or death due to wildland fires. There would be *no impact*.

**Reference** – FEIR pages 4.13-5 through 4.13-6.

#### **4.7 Hydrology and Water Quality**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Violate any water quality standards or waste discharge requirements;*
- 2) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;*
- 3) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;*
- 4) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;*
- 5) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;*
- 6) *Otherwise substantially degrade water quality;*
- 7) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;*
- 8) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows;*
- 9) *Expose people or structures to a significant risk of loss, injury or death involving*

*flooding, including flooding as a result of the failure of a levee or dam; and/or*  
10) *Be subject to inundation by seiche, tsunami, or mudflow.*

Items 1, 3 through 6, 9, and a portion of Item 10 are discussed in Section 4.8, *Hydrology and Water Quality*, of the FEIR. Items 2, 7, 8, and a portion of Item 10 are discussed below.

**b. Assessment of Impacts.** The proposed stormwater conveyance upgrades would not substantially deplete groundwater supplies or interfere with groundwater recharge. The project itself would not generate demand for water. In addition, as discussed in Section 4.8, *Hydrology and Water Quality*, the project would not introduce substantial new impervious surfaces into the area, thereby inhibiting groundwater recharge. In fact, the proposed project may generate a new source of non-potable water for irrigation at the Pacific Grove Golf Links, El Carmelo Cemetery, and other feasible non-potable water demands (including, potentially, the MRWPCA's Groundwater Replenishment Project that is currently in the planning process (California Association of Sanitation Agencies, 2013)). There would be *no impact* related to groundwater depletion or groundwater recharge.

The Federal Emergency Management Agency (FEMA) establishes base flood heights for the 100-year flood zone. The 100-year flood zone is defined as the area that could be inundated by the flood which has a one percent probability of occurring in any given year. The project site is not located in an area subject to flooding hazards (see Figure 4.8-1 in Section 4.8, *Hydrology and Water Quality*). The 500-year flood zone is defined as the area that could be inundated between the limits of the base flood and the 0.2-percent-annual-chance flood. It is noted that some of the polygons delineating the project component sites on Figure 4.8-1 overlap slightly with the 100-year flood designation; however, this is just a mapping issue as the actual improvements do not extend to the edges of the polygons. The proposed improvements are not located in the 100-year flood hazard area. There would be *no impact*.

Given that California is such an active seismic region and there is very little evidence of damage from seiches in recent history on record, the potential for adverse effects from seiches is considered less than significant (USGS, Earthquake Topics for Education, accessed December 2013). Additional setting information regarding seiches is provided in Section 4.8, *Hydrology and Water Quality*.

**Reference** – FEIR pages 4.13-6 through 4.13-7.

#### **4.8 Land Use and Planning**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Physically divide an established community;*
- 2) *Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of*

- avoiding or mitigating an environmental effect; and/or*
- 3) *Conflict with any applicable habitat conservation plan or natural community conservation plan.*

Item 2 is addressed in Section 4.9, *Land Use and Planning*, of the FEIR. Items 1 and 3 are discussed below.

**b. Assessment of Impacts.** Due to the nature of the proposed project components to re-use existing facilities and locate improvements below grade wherever feasible, the proposed project would not physically divide an established community. The proposed project is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved conservation agreement. There would be *no impact*.

**Reference** – FEIR page 4.13-8.

#### **4.9 Mineral Resources**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in either of the following:

- 1) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or*
- 2) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.*

Items 1 and 2 are discussed below.

**b. Assessment of Impacts.** There is no land designated for mineral resources in the City of Pacific Grove (Pacific Grove General Plan, 1994). Project component sites are not located on, adjacent to, or near mineral resources or recovery sites. There are no known mineral resources known to exist on or in the vicinity of project component sites. There would be *no impact* to mineral resources.

**Reference** – FEIR page 4.13-8.

#### **4.10 Noise**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in either of the following:

- 1) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*
- 2) *Exposure of persons to or generation of excessive ground-borne vibration or*

- ground-borne noise levels;*
- 3) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;*
  - 4) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;*
  - 5) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; and/or*
  - 6) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.*

Items 1, 2, and 4 are discussed in Section 4.10, *Noise*, of the FEIR. Items 3, 5, and 6 are discussed below.

**b. Assessment of Impacts.** Operation of the proposed project would have minimal impacts on the long-term noise levels in the surrounding areas, given that the majority of infrastructure provided as part of the project would be underground (e.g. conveyance pipelines and equalization basins/storage facilities) that would not generate operational noise. Some operational noise could result from generators and/or ventilation fans associated with the four new pump stations (located in the Pine Avenue Conveyance and Ocean View Boulevard Conveyance components of the project), which would be located above ground. However, this would be limited to emergency generators. In the event that the emergency generator would be needed, the muffler would emit a maximum of 20 dBA (City of Pacific Grove, email communication, May 16, 2012). Operational noise impacts would be *less than significant*.

The proposed improvements would require occasional maintenance vehicle trips; however, these vehicle trips would be infrequent and relatively short, and would not result in a substantial permanent increase in ambient noise levels. Impacts would be *less than significant*.

In addition, the project component sites are located outside of any airport noise impact contours and the project would not involve the construction of residences or office buildings. Therefore, the project would not expose residents or workers to excessive noise levels from airport or private air strip operations. There would be *no impact*.

**Reference** – FEIR pages 4.13-8 through 4.13-9.

#### **4.11 Population and Housing**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);*
- 2) *Displace substantial numbers of existing housing, necessitating the construction of*

- replacement housing elsewhere; and/or*
- 3) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

Item 1 is discussed in Section 5.0, *Long-Term Impacts*, of the FEIR. Items 2 and 3 are discussed below.

**b. Assessment of Impacts.** The majority of project components would be constructed within existing roadway rights-of-way. The David Avenue Reservoir and Point Pinos Stormwater Treatment Facility and Crespi Pond components of the project are both located in areas previously used for public facilities. None of the project components contain residences. As such, the project would not displace any houses or people or require the construction of replacement housing elsewhere. There would be *no impact*.

**Reference** – FEIR pages 4.13-9 through 4.13-10.

#### **4.12 Public Services**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*
  - i. Fire protection;*
  - ii. Police protection;*
  - iii. Schools;*
  - iv. Parks; and/or*
  - v. Other public facilities.*

Items 1(i) through 1(v) are discussed below.

**b. Assessment of Impacts.** The proposed project includes installation of new and improved stormwater infrastructure, and would not generate an increase in population that would increase demand for fire or police protection, thus necessitating the provision of new or additional fire or police facilities. Additionally, the proposed project would not generate students or otherwise increase demand for schools. The proposed project would not generate additional population, and therefore would not increase citywide demand for parks. There would be *no impact* to these public services.

The Point Pinos Stormwater Treatment Facility and Crespi Pond component of the project would be located adjacent to the Pacific Grove Golf Links. Construction activities would not be

expected to interrupt course play, and the course would not be negatively impacted during operation of the project. There would be *no impact*.

**Reference** – FEIR page 4.13-10.

#### 4.13 Recreation

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; and/or*
- 2) *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

Items 1 and 2 are discussed below.

**b. Assessment of Impacts.** The proposed project would not create an increase in population or promote activities that would increase the use of existing parks and recreational facilities. Additionally, the proposed project would not include any recreational facilities or promote any activities that would require the construction or expansion of recreational facilities. The Point Pinos Stormwater Treatment Facility and Crespi Pond component of the project would be located adjacent to the Pacific Grove Golf Links. Construction activities would not be expected to interrupt course play, and the course would not be adversely affected during operation of the project. There would be *no impact*.

**Reference** – FEIR page 4.13-11.

#### 4.14 Transportation/Traffic

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit;*
- 2) *Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;*
- 3) *Substantially increase hazards to a design feature (e.g., sharp curves or dangerous*

- intersections) or incompatible uses (e.g., farm equipment);*
- 4) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;*
  - 5) *Result in inadequate emergency access; and/or*
  - 6) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).*

Items 1, 2, and 5 are discussed in Section 4.11, *Transportation/Traffic*, of the FEIR. Items 3, 4, and 6 are discussed below.

**b. Assessment of Impacts.** After construction, all roadways would be returned to pre-construction conditions. Therefore, during operation of the project, no design features would affect vehicular or non-vehicular traffic. During construction, temporary diversions have the potential to increase hazards to pedestrians and bicyclists. These hazards are addressed in Section 4.12, *Transportation/Traffic*.

The nearest airport, the Monterey Regional Airport, is located approximately 3.6 miles southeast of the David Avenue Reservoir, the component nearest to the airport. The proposed project is not located within the vicinity of any public or private air strips. Additionally, the proposed project would not require any additional air traffic to service the project site. The project would not result in any changes in air traffic patterns. There would be *no impact*.

The proposed project would not conflict with adopted policies or programs supporting alternative transportation. There would be *no impact*.

**Reference** – FEIR pages 4.13-11 through 4.13-12.

#### **4.15 Utilities and Service Systems**

**a. Thresholds of Significance.** Pursuant to Appendix G of the *State CEQA Guidelines*, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;*
- 2) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- 3) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- 4) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;*
- 5) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;*

- 6) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or*
- 7) *Comply with federal, state, and local statutes and regulations related to solid waste.*

Items 3, 6, and 7 are discussed in Section 4.11, *Public Services and Facilities*, of the FEIR. Items 1, 2, 4, and 5 are discussed below.

**b. Assessment of Impacts.** The primary goal of the Pacific Grove ASBS stormwater management project is to improve stormwater quality discharged into the ASBS located along the Pacific Grove coastline, in compliance with State Water Resources Control Board (SWRCB) standards. The project includes the diversion of both wet weather and dry weather flows into an upgraded stormwater collection and treatment system from both Pacific Grove and New Monterey watershed areas. As proposed, flows would be directed to either a proposed Point Pinos Wastewater Treatment Plant at the retired PGWTP or to the MRWPCA RTP in Marina. The objective of the project is to achieve up to a 90 percent reduction in pollutant loading during storm events to comply with the ASBS water quality standards. The proposed Point Pinos Stormwater Treatment Facility would be designed to meet applicable Regional Water Quality Control Board (RWQCB) standards, and overall water quality effects would be expected to be beneficial. Therefore, impacts related to exceeding wastewater treatment requirements would be *less than significant*.

The project would not generate additional demand for water or wastewater services, and would not, therefore, require the construction of new water or wastewater treatment facilities. Similarly, the project would not require additional water supply. In fact, the proposed project may generate a new source of non-potable water for irrigation at the Pacific Grove Golf Links, El Carmelo Cemetery, and other feasible non-potable water demands (including, potentially, the MRWPCA's Groundwater Replenishment Project that is currently in the planning process (California Association of Sanitation Agencies, 2013), thereby offsetting existing potable water demand. There would be *no impact*.

**Reference** – FEIR pages 4.13-12 through 4.13-3.

## **5.0 ENVIRONMENTAL IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE EIR<sup>2</sup>**

The City finds, based upon the analysis presented in Section 4.0 of the Draft EIR, dated January 2014, as amended by the Final EIR, dated March 2014, that the following environmental effects of the project are less than significant, and, therefore, no mitigation measures are required.

### **5.1 Aesthetics**

**5.1.1 Less Than Significant Impact AES-1.** Several of the project component sites are located in visually sensitive locations. However, given the nature of the proposed improvements,

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<sup>2</sup> Section 5.0 is based on analysis located in Sections 4.1 through 4.12 of the FEIR.

construction and operation of the project would not have a substantial adverse effect on a scenic vista. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – Infrastructure improvements proposed by the project would be primarily located below grade (underground) and/or would be located at sites with existing above ground features. However, proposed improvements would not substantially alter the existing appearance of the sites. Construction and operation of project components would not result substantial adverse effects on scenic vistas.

**Reference** – FEIR pages 4.1-13 through 4.1-14.

**5.1.2 Less Than Significant Impact AES-2.** Construction and operation of the proposed project would alter the existing visual character of the component sites. Considering the existing and historical uses of these sites and the nature of the proposed changes, the project would not substantially degrade the existing character or quality of the sites. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – Infrastructure improvements proposed by the project would be primarily located below grade (underground) and/or would be located at sites with existing above ground features. Proposed improvements would not result in a substantial alteration to the existing visual character of component sites, with the exception of David Avenue Reservoir site, which would be re-used as a water storage facility and would not degrade the existing character or quality of the site.

**Reference** – FEIR pages 4.1-14 through 4.1-16.

**5.1.3 Less Than Significant Impact AES-3.** The proposed project would introduce new sources of lighting at the David Avenue Reservoir and Point Pinos Stormwater Treatment Facility. All new site lighting would be down-lit and directional in nature, consistent with City of Pacific Grove standards. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – Re-establishment of a water feature at the David Avenue Reservoir would not require substantial new nighttime lighting at the site. Security lighting is currently installed and operational at the site. A limited amount of additional nighttime security lighting may be introduced on the site as part of the proposed project; however, it would not represent a substantial increase in on-site lighting compared to existing conditions. Additionally, any new site lighting would be down-lit and directional in nature, consistent with City of Pacific Grove standards. Re-use of the retired PGWTP as part of this component would introduce nighttime security lighting at the site. The site is currently used for storage and stockpiling of materials by the City of Pacific Grove and does not currently have nighttime security lighting. However, provision of new lighting would not result in a substantial increase in lighting. The new Point Pinos Stormwater Treatment Facility would continue to be largely concealed by existing vegetation. In addition, all lighting would be down-lit and directional in nature, consistent with City of Pacific Grove standards. No new lighting would be introduced at Crespi Pond or at any of the other project component sites.

**Reference** – FEIR pages 4.1-16 through 4.1-17.

**5.1.4 Less Than Significant Impact AES-4.** The proposed project would introduce limited new sources of glare at the David Avenue Reservoir and Point Pinos Stormwater Treatment Facility sites. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – Re-establishment of a water storage facility at the David Avenue Reservoir would re-introduce a water feature that has been absent for decades. Water levels in the re-established reservoir would introduce a new/renewed source of glare in the area. Based on the relatively limited size of the reservoir and the positive aesthetic impacts which would occur with re-establishment of a water reservoir on the site, this would be a less than significant impact. Re-use of the retired PGWTP as part of this component would include introduction of new above- and below-ground equipment/facilities at the site. New facilities would be expected to have architectural coating (i.e. be painted) and would be required to be consistent with City of Pacific Grove standards requiring facilities to be painted in muted colors that blend with the surrounding natural environment. Additionally, existing and new facilities on the site would continue to be largely concealed from outside viewing locations by the existing fence and mature trees present around the perimeter. No facilities that would introduce new sources of glare would be constructed at Crespi Pond or at any of the other project component sites.

**Reference** – FEIR pages 4.1-17 through 4.1-18.

## **5.2 Air Quality**

**5.2.1 Less Than Significant Impact AQ-1.** The proposed project would not contribute to population growth, and would therefore be consistent with the growth assumptions in the Air Quality Management Plan (AQMP). This impact would be Class III, *less than significant*.

**Facts in Support of Determination** – State CEQA Guidelines § 15125(b) requires that an EIR evaluate a project's consistency with applicable regional plans, in this instance the 2008 AQMP. Project emissions which are not consistent with the AQMP are not accommodated in the AQMP and would represent a potentially significant impact for the purposes of CEQA.

A project would conflict with or obstruct implementation of the AQMP if it is inconsistent with the growth assumptions included in the AQMP, in terms of population, employment, or regional growth in VMT. Some project construction workers would be expected to come from out of the area and stay in hotels or residences, thereby temporarily increasing the local population. However, the proposed project does not contain a residential component and would not increase the long-term residential population of the area.

In addition, no direct growth inducement is expected to result from project implementation. Therefore, the project would not exceed growth assumptions in the AQMP directly (through

population growth) or indirectly (through employment or regional growth in VMT). As such, implementation of the project would not conflict with or obstruct implementation of the MBUACPD air quality management plans and impacts would be less than significant.

**Reference** – FEIR page 4.2-10.

**5.2.2 Less Than Significant Impact AQ-2.** Construction of the proposed project would result in the temporary generation of air pollutants, which would affect local air quality. Short-term emissions of PM10 during the construction period would not exceed MBUAPCD thresholds. Impacts would be Class III, *less than significant*

**Facts in Support of Determination** – Based on the MBUAPCD CEQA Air Quality Guidelines, since the project would involve the use of typical construction equipment, ozone precursor emissions from construction would be accommodated in the emission inventories of state- and federally-required air plans and would not have a significant impact on the attainment and maintenance of ozone AAQS. Neither short-term construction nor long-term operation of the proposed project would be expected to result in CO emissions that would require a quantitative CO hotspot analysis, and the project's impact to CO levels during construction and operation would be less than significant. Therefore, impacts related to construction emissions would be less than significant.

During construction, grading and excavation could result in generation of fugitive dust and PM10 emissions as well as ROG and ozone from construction equipment. According to the MBUAPCD CEQA Air Quality Guidelines, up to 2.2 acres per day could be graded and excavated without exceeding the MBUAPCD's direct emissions threshold of 82 lbs/day of PM10. None of the project component sites would involve more than two acres of disturbance, with the exception of the David Avenue Reservoir, which could involve up to six acres of disturbance. However, construction emissions from the proposed project would not exceed the MBUAPCD short-term construction threshold for PM10 and impacts would be less than significant.

**Reference** – FEIR pages 4.2-10 through 4.2-11.

**5.2.3 Less Than Significant Impact AQ-3.** The project does not have the potential to create objectionable odors that could affect neighboring properties. The construction of the Point Pinos Stormwater Treatment Facility would not emit compounds that would result in substantial objectionable odors. Therefore, impacts related to odors would be Class III, *less than significant*.

**Facts in Support of Determination** – The proposed Point Pinos Stormwater Treatment Facility would not emit compounds that would result in substantial objectionable odors for nearby residences. Project construction activities for each component would be temporary and exposure to any particular receptor would be short-term. No component of the project would establish a long-term odor generating use. Therefore the project would result in less than significant impacts related to objectionable odors during construction and operation.

**Reference** – FEIR pages 4.2-12 through 4.2-13.

### **5.3 Biological Resources**

**5.3.1 Less Than Significant Impact B-5.** Implementation of the proposed project could result in impacts to trees protected under the City of Pacific Grove 2013 Amended Urban Forestry Tree Ordinance. This impact is Class III, *less than significant*.

**Facts in Support of Determination** – Current project design has identified a minimum of 308 trees for removal from the David Avenue Reservoir site. This number includes 179 trees located within the reservoir interior, at least 30 of which have a 6 inch or greater diameter, and 129 trees on the exterior of the reservoir, at least 85 of which have a diameter of 6 inches or greater. Tree removal would be required of young Monterey pine, Coast live oak, and other trees present within the David Avenue Reservoir, and tree trimming may be necessary along the rim of the reservoir. Removal and/or trimming of Monterey pine and coast live oak present within the David Avenue Reservoir site would result in impacts to trees protected under the City of Pacific Grove 2013 Amended Urban Forestry Tree Ordinance. The ordinance provides guidelines and a permit process for tree removal including an application fee, preparation and submission of an arborist's report, a tree hazard evaluation, a site plan showing tree work locations and the location of replacement trees, a permit for tree trimming, and the replacement of protected trees at a 1:1 ratio. Adherence to the City of Pacific Grove 2013 Amended Urban Forestry Tree Ordinance would result in less than significant impacts to these trees. For all other project components, trimming of street trees may be required during construction activities; however, adherence to the City of Pacific Grove 2013 Amended Urban Forestry Tree Ordinance would result in less than significant impacts to these trees.

**Reference** – FEIR pages 4.3-34 through 4.3-35.

**5.3.2 Less Than Significant Impact B-6.** Implementation of the proposed project could result in impacts to hoary bat. However, the project would not modify the quality of foraging habitat, nor impact foraging behavior. This impact is Class III, *less than significant*.

**Facts in Support of Determination** – It is considered possible that hoary bat forages on the project site. The David Avenue Reservoir and Point Pinos Wastewater Treatment Plant and Crespi Pond component areas provide the best foraging habitat, but the other project components (Pine Avenue Conveyance, Ocean View Boulevard Conveyance, and Diversions to MRWPCA) also have suitable foraging habitat in the vicinity. However, bat foraging activity is limited to evening and nighttime hours, and therefore project construction activity occurring during daytime hours would not impact foraging behavior. Because the project would not result in significant changes to the three-dimensional structures of any bat foraging habitats, the project would not modify the quality of foraging habitat. No suitable roosting habitat is present within any of the project component impact areas. Potentially suitable roosting habitat is present in larger trees surrounding the David Avenue Reservoir, but outside of direct project impact areas and the project would not impact roosting bats. Therefore the

project would not be expected to impact hoary bats.

**Reference** – FEIR page 4.3-35.

## **5.4 Cultural Resources**

**5.4.1 Less Than Significant Impact CR-3.** Construction of the proposed project would involve surface excavation, which has the potential to unearth or adversely impact previously unidentified human remains. Pursuant to compliance with California Health and Safety Code Section 7050.5 requirements, impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – No cemeteries are known to occur within or adjacent to any of the project components, and no evidence of a cemetery or burial area was identified within or adjacent to the project components during the data research and fieldwork performed by AC for the Preliminary Archaeological Reconnaissance for the ASBS Stormwater Management Project (November 2013) and Albion Environmental for the Archaeological Assessment For The Satellite Recycled Water Treatment Plant At The Former Point Pinos Wastewater Treatment Plant. Thus, discovery of buried human remains is not likely to occur during construction of the proposed project. Nonetheless, excavation and soil removal of any kind, irrespective of depth, would have the potential to encounter human remains. While not considered likely, construction would require excavation, trenching, and related earthwork that could uncover human remains.

**Reference** – FEIR pages 4.4-17 through 4.4-18.

## **5.5 Geology/Soils**

**5.5.1 Less Than Significant Impact GEO-2.** Project construction and development could result in soil erosion or loss of topsoil, and project components located along Ocean View Boulevard may be susceptible to coastal erosion. However, compliance with existing regulations would reduce impacts to a Class III, *less than significant*, level.

**Facts in Support of Determination** – Each of the five project components would have less than significant impacts related to short term construction related erosion due to requirements for implementing a SWPPP (where applicable) as well as Section 9.30 of the City of Pacific Grove Municipal Code. Long-term erosional impacts would likewise be less than significant due to the nature of the project sites, which are mostly in developed roadways, and upland from the shore. These characteristics in combination with revegetation efforts at the David Avenue Reservoir and the energy dissipation structure at Crespi Pond would result in less than significant long term erosional impacts.

**Reference** – FEIR pages 4.5-18 through 4.5-20.

## **5.6 Greenhouse Gas Emissions**

**5.6.1 Less Than Significant Impact GHG-1.** The proposed project would generate GHG emissions during construction and operation. However, GHG emissions generated by the project would not exceed the significance threshold of 1,150 MT CO<sub>2</sub> per year. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – For the proposed project, the combined annual emissions would total approximately 766 MT CO<sub>2</sub>E per year. This total represents roughly 0.00017 percent of California’s total 2011 emissions of 448 MMT. The State, MBUAPCD, and the City of Pacific Grove have not yet adopted formal GHG emission thresholds that apply to land use projects. Therefore, the proposed project is evaluated based on whether it would produce more than 1,150 MT CO<sub>2</sub>E per year. For the proposed project, total annual GHG emissions would be approximately 766 MT CO<sub>2</sub>E per year. Although the proposed project would generate additional GHG emissions beyond existing conditions, the total amount of GHG emissions would be below the annual threshold of 1,150 MT CO<sub>2</sub>E. As described above, project components, including pump stations, would also require electricity that would result in relatively small additional GHG emissions. Because the project is substantially below the recommended threshold of significance, these emissions would not be anticipated to contribute to the quantified emissions in a manner that would result in an exceedance of the 1,150 MT CO<sub>2</sub>E threshold of significance. As such, GHG emissions generated by the proposed project would not be cumulatively considerable and impacts would be less than significant.

**Reference** – FEIR pages 4.6-14 through 4.6-15.

**5.6.2 Less Than Significant Impact GHG-2.** The proposed project would not conflict with California GHG reduction goals, or any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. This impact would be Class III, *less than significant*.

**Facts in Support of Determination** - The project falls well below the annual quantitative GHG emissions threshold of 1,150 MT CO<sub>2</sub>E, and would therefore be consistent with the objectives of AB 32, SB 97, and SB 375. In addition, the project would be required to comply with applicable state regulations and MBUAPCD AQMP policies which would further reduce project-generated GHG emissions. Therefore, the project would not conflict with the County’s and State’s GHG reduction goals, or related plans or policies. Overall, impacts would be less than significant.

**Reference** – FEIR page 4.6-15.

## **5.7 Hazards and Hazardous Materials**

**5.7.1 Less Than Significant Impact HAZ-1.** Construction and operation of the proposed project may include the use, storage, and/or transport of hazardous materials. Compliance with existing laws and regulations governing the use, transport and/or storage of hazardous materials would reduce impacts to Class III, *less than significant*.

**Facts in Support of Determination** – Construction equipment uses various hazardous materials (diesel fuel, oil, solvents, etc.) and these materials would be disposed of off-site in accordance with all applicable laws pertaining to the handling and disposal of hazardous waste. Hazardous or flammable materials used during construction would consist primarily of small volumes of petroleum hydrocarbons and their derivatives (e.g., fuels, oils, lubricants, and solvents) required for the operation of construction equipment. Materials would be those routinely associated with the operation and maintenance of heavy construction equipment or other support vehicles, including gasoline, diesel fuels, and hydraulic fluids. In addition, it is anticipated that small quantities of additional common hazardous materials would be used and produced on-site during construction, including antifreeze and used coolant, latex and oil-based paint, paint thinners and other solvents, cleaning products, and herbicides.

Soils, surface water, groundwater, or members of the public could be affected if a spill of motor vehicle fuel or transformer fluid were to occur as a result of transportation of these materials to any of the component sites during project construction. However, such materials are routinely safely transported on public roadways. The transport of large quantities of hazardous materials is strictly regulated by the CHP, and the transport of oversize/overweight loads is regulated by Caltrans. Large quantities of hazardous materials used during project construction would be transported along regulated routes by a licensed transporter, and would therefore not pose a substantial hazard to people or the environment.

The purpose of the project is to remove hazardous pollutants from stormwater that would normally flow untreated into the Pacific Grove Area of Special Biological Significance (ASBS). This would require the filtration and limited storage of these pollutants to occur on-site at each component. During heavy rain events, stormwater runoff, with potentially high levels of pollutants, would move throughout the pipelines and stormwater equalization/storage facilities proposed by this project. The pollutants would include typical urban runoff, which may include: trash, automotive fuels, pesticides/herbicides and fertilizers, detergents, animal feces, automotive residues, and other anthropogenic sources of sediment, nutrients, metals, and hydrocarbons. Exposure to these types of contaminants would have the potential to cause a significant impact to the public or the environment

Together, the five components of the project would redirect flows from the ASBS watershed area. Harmful exposure to urban pollutants as a result of the proposed project is not likely to occur unless the concentrations of pollutants in the diverted runoff are high and remain so after treatment. As water would be treated at either the proposed Point Pinos Stormwater Treatment Facility or the existing MRWPA WTP (rather than entering the Pacific Grove ASBS directly), water quality conditions would improve as a result of the proposed project. Additionally, the proposed project would be required to comply with the requirements of the Monterey Regional Water Pollution Control Agency (MRWPA) Special Discharge Permit.

Operation and maintenance of some project components may involve periodic and routine transport, use, and disposal of minor amounts of hazardous materials, primarily petroleum products (fuels and lubricating oils). Compliance with all applicable regulations, including OSHA and Cal/OSHA would ensure that all fuels, fluids, and components with hazardous materials or hazardous wastes would be handled properly and kept in segregated storage with secondary containment, as necessary. In compliance with RCRA regulations, the City would maintain all records of storage and inspection and provide for proper off-site disposal. Potential impacts, therefore, would be Class III, *less than significant*.

**Reference** – FEIR pages 4.7-11 through 4.7-14.

**5.7.2 Less Than Significant Impact HAZ-3.** The proposed project has components that are within ¼ mile of a school. However, the proposed project would not include the handling or emitting of acutely hazardous materials; therefore, impacts would be *less than significant*.

**Facts in Support of Determination** – The closest school to the project site is Robert Down Elementary School, which is adjacent to the proposed Pine Avenue Conveyance Component of the project. Pacific Grove Middle School is also located 0.1 miles north of the David Avenue Reservoir and approximately 0.5 miles southwest of the Diversions to MRWPCA components of the project. Construction activities may result in temporary hazardous emissions; however, as identified in Section 4.2, Air Quality, these emissions would be reduced to less than significant levels. In addition, as described under Impact HAZ-1 above, none of the project components would be expected to require the use or transport of substantial amounts of hazardous materials during either construction or operation. Minor quantities and releases of hazardous materials would be less than significant pursuant to compliance with existing laws and regulations. Because no project component located within ¼ mile of a school would require the handling of substantial amounts of hazardous materials, impacts would be less than significant.

**Reference** – FEIR page 4.7-15.

## **5.8 Hydrology and Water Quality**

**5.8.1 Less Than Significant Impact HYD-1.** Site preparation, grading and construction activities could degrade water quality due to the potential for erosion and sedimentation. However, compliance with existing federal, state, and local requirements would ensure that impacts remain Class III, less than significant.

**Facts in Support of Determination** – Earth-moving activities including grading, trenching, excavation, and soil hauling associated with the five project components would have the potential to degrade water quality due to erosion and sedimentation. Regulations under the federal Clean Water Act require that an NPDES storm water permit be obtained for projects that would disturb greater than one acre during construction. Each of the five project components could be undertaken separately, and only those project components greater than one acre would be required to comply with

the NPDES program through preparation of a SWPPP, which outlines Best Management Practices (BMPs) that would address post-construction runoff.

In addition, the project as a whole would be required to comply with existing Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit requirements, which would require Erosion and Sediment Control Plans for all sites with land disturbance (including those less than one acre).

All project components (including those smaller than one acre) would be subject to the City of Pacific Grove Storm Water Management and Discharge Control Ordinance (Section 9.30 of the Municipal Code). This section of the Municipal Code permits the City Public Works Department to identify construction BMPs. These construction BMPs require that every construction project have an erosion and sediment control plan to prevent soil and materials from leaving the site. Construction activities must be scheduled so that soil is not exposed for long periods of time, and key sediment control practices must be installed. Therefore, potential impacts would be Class III, *less than significant*.

**Reference** – FEIR pages 4.8-16 through 4.8-19.

**5.8.2 Less Than Significant Impact HYD-3.** The proposed project involves upgrades and redevelopment of existing infrastructure at five different stormwater conveyance sites within the City of Pacific Grove, as well as infrastructure improvements in the City of Monterey. The project would not introduce substantial additional impervious surfaces, and would not, therefore, increase the potential for downstream flooding or increased erosion. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – The proposed project component sites are already mostly developed with water conveyance or treatment infrastructure. The proposed project would involve re-development and rehabilitation or refurbishment of already developed sites at the David Avenue Reservoir and at the Point Pinos Wastewater Treatment site and Crespi Pond. Improvements for the Pine Avenue Conveyance, Ocean View Boulevard Conveyance, and Diversions to MRWPCA are all located within existing street right-of-way. Runoff would not exceed capacity of the proposed Point Pinos Wastewater Treatment Facility, as this component of the project is being designed to capture the design flows from the project. Therefore, potential impacts would be less than significant.

**Reference** – FEIR pages 4.8-21 through 4.8-22.

**5.8.3 Less Than Significant Impact HYD-4.** The proposed project would involve construction of drainage facilities in an area that is subject to inundation by a tsunami and may be subject to shoreline retreat associated with sea level rise. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – The coastline within the cities of Monterey and Pacific Grove is subject to flooding during large storm events and in the event of a

tsunami, and may be subject to increased flooding and shoreline retreat associated with sea level rise. Figure 4.8-2 shows tsunami hazard areas. As described in Section 4.8.1(b) (Food Hazards), the California Climate Adaptation Strategy (December 2009) estimates a sea level rise of up to 55 inches by the end of this century; however, most project components would not be subject to substantial effects from sea level rise, according to maps generated by the Pacific Institute (2009).

**Reference** – FEIR pages 4.8-22 through 4.8-24.

## 5.9 Noise

**5.9.1 Less Than Significant Impact N-2.** Project construction would result in a short-term increase in vehicle trips to and from the project site that could increase traffic noise on area roadways. However, this noise would not result in a substantial increase in ambient noise levels on affected roadways that would impact nearby sensitive noise receptors. This impact would be Class III, less than significant.

**Facts in Support of Determination** – Construction of the proposed project would generate noise off-site, primarily from commuting construction workers and from use of haul trucks bringing materials to and from the project component sites. While large trucks which would be required for construction activities of each of the project components are substantially louder than passenger vehicles, the anticipated increase in traffic would be small in relation to existing traffic, and would not substantially increase roadways noise in the area. In addition, the anticipated construction traffic would only occur temporarily during the construction phase of each project component. Temporary traffic detours would be necessary for components of the project, but would occur temporarily and would be spread amongst numerous streets, thereby ensuring that the noise created by the truck traffic would not have a significant negative affect on the nearby sensitive receptors. Therefore, project components would not result in a significant traffic noise increases in their respective areas.

**Reference** – FEIR pages 4.10-17 through 4.10-19.

## 5.10 Public Services and Utilities

**5.10.1 Less Than Significant Impact PSU-1.** The amount of solid waste that would be generated during construction and operation of the proposed project would not exceed the surplus capacity of the landfill serving the site. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – Solid waste generated during construction would include common household trash, cardboard, wood pallets, copper wire, scrap metal and wood wire spools, erosion control materials (such as straw bales and silt fencing), and packaging materials for equipment and parts. Waste generated during construction would be collected in trash bins and picked up/disposed of by a local waste disposal company or recycled. The Monterey Peninsula Landfill and Recycling Facility has a remaining capacity of 48.56 million cubic yards, or 98 percent (CalRecycle, December 2013).

The project's construction waste produced is expected to be minimal due to the short length of construction and the nature of the proposed improvements, and would be temporary. The waste that would be produced by construction could be accommodated by the remaining capacity of the Monterey Peninsula Landfill and Recycling Facility. Impacts from construction would, therefore, be less than significant.

As part of operations at the proposed Point Pinos Waste Water Treatment Plant, residual solids would be dried and disposed of at a landfill. As stated above, the Monterey Peninsula Landfill and Recycling Facility has a remaining capacity of 48.56 million cubic yards and is not anticipated to close until 2107. It is therefore anticipated that the landfill has adequate capacity to serve this demand during the life of the project. The project does not include any residential or staffed facilities that would create any other waste byproducts. Impacts during project operational activities would, therefore, be less than significant.

**Reference** – FEIR pages 4.11-4 through 4.11-5.

**5.10.2 Less Than Significant Impact PSU-2.** The proposed project would divert some stormwater to the MRWPCA Regional Treatment Plant via the Fountain Pump Station in Pacific Grove. The diverted stormwater would not exceed the capacity of the Fountain Pump Station or the Regional Treatment Plant. Impacts would be Class III, *less than significant*.

**Facts in Support of Determination** – The primary purpose of the project is to improve stormwater quality prior to being discharged into the ASBS, in accordance with SWRCB standards. It would do so by capturing runoff from the ASBS watershed and conveying it to either the existing MRWPCA RTP or to a new Point Pinos Stormwater Treatment Facility at the retired Pacific Grove Wastewater Treatment Plant (PGWTP), where the water would be treated prior to discharge, or used as irrigation. The majority of this captured runoff would be treated at the new treatment facility at the retired PGWTP site; however, 222 acres of the watershed (23 percent of the total 950-acre ASBS drainage area) would be conveyed to the MRWPCA RTP in Marina. By diverting some of the runoff from the Pacific Grove ASBS watershed to the MRWPCA RTP, the project would incrementally increase the amount wastewater entering this existing facility.

The proposed project is anticipated to divert approximately 148 acre feet per year (AFY) (0.13 MGD) of runoff annually to the MRWPCA RTP, via the Fountain Pump Station (FCE, 2013). As stated above, the Fountain Pump Station has a wet weather design capacity of 7.2 MGD and currently averages one MGD during dry conditions. The project would use approximately 1.8 percent of the capacity of the station. This additional stormwater being diverted through the pump station would not be expected to exceed existing design capabilities.

The stormwater would then flow to the MRWPCA RTP. As noted previously, this facility has the capacity to treat 29.6 MGD and currently treats an average of 18.5 MGD (MRWPCA, 2013), leaving a remaining capacity of approximately 11.1 MGD. The

project would divert approximately 0.13 MGD to this facility, representing 1.2 percent of the remaining capacity. Stormwater diverted by the proposed project could therefore be accommodated by the treatment plant, and impacts would be less than significant.

**Reference** – FEIR pages 4.11-5 through 4.11-6.

## **5.11 Transportation/Traffic**

**5.11.1 Less Than Significant Impact T-2.** Construction of the proposed project would generate temporary traffic at the intersection of David Avenue and Forest Avenue. Impacts to this intersection’s level of service would be Class III, *less than significant*.

**Facts in Support of Determination** – Assuming concurrent construction for project components as a worst case scenario for generating traffic, up to 38 hourly truck trips (19 in/19 out) would occur at the intersection of David Avenue and Forest Avenue during the AM and PM peak hours. Assuming a PCE of 1.5, this equates to approximately 57 PCE hourly trips (28 in/28 out). The intersection currently operates at LOS C during the AM and PM peak hours, and would continue to operate at LOS C during construction of the proposed project. Thus, it is not anticipated that the construction truck activity would create a significant impact at the David Avenue and Forest Avenue intersection.

**Reference** – FEIR pages 4.12-18 through 4.12-19.

## **6.0 FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT<sup>3</sup>**

The City finds, based upon the threshold criteria for significance presented in the FEIR, that the following potentially significant environmental effects of the project can be avoided or reduced to insignificance with feasible mitigation measures identified in the FEIR and adopted by the City as conditions of project approval. No substantial evidence has been submitted to or identified by the City that indicates that the following impacts would, in fact, occur at levels that would necessitate a determination of significance.

### **6.1 Biological Resources**

**6.1.1 Potentially Significant Impact B-1.** Implementation of the proposed project could result in impacts to California red-legged frogs (CRLF). This impact is Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

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<sup>3</sup> Section 6.0 is based on analysis located in Sections 4.1 through 4.12 of the FEIR.

**Facts in Support of Finding** – CRLF have potential to occur within the David Avenue Reservoir and Point Pinos Stormwater Treatment Facility and Crespi Pond project component sites based on suitable habitat within the component sites. Individual CRLFs may be disturbed, injured or killed during project construction activities (including ground disturbance, vegetation removal, and reservoir lining activity), and this would be considered a significant impact. With implementation of the below mitigation measures, potential impacts to the CRLF would be reduced to a less than significant level.

- Mitigation Measure B-1(a) CRLF Consultation and Protocol Surveys. Prior to construction of the David Avenue Reservoir and Point Pinos Stormwater Treatment Facility and Crespi Pond components of the project, a qualified biologist shall prepare a CRLF site assessment of the David Avenue Reservoir and Crespi Pond following the guidelines included in the USFWS Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog (USFWS, 2005). The site assessment shall be submitted to the USFWS for review and determination if a protocol survey is recommended for the project. If USFWS recommends completion of CRLF protocol surveys, a qualified biologist shall conduct protocol surveys prior to initiation of construction activity at the David Avenue Reservoir and prior to construction of the water conveyance structure between the Point Pinos Stormwater Treatment Facility and Crespi Pond and any associated work within Crespi Pond. Protocol surveys shall be conducted in accordance with the USFWS guidelines (USFWS, 2005). If protocol surveys are negative for CRLF, then no further agency consultation or permit applications are required. If CRLF are observed during protocol surveys, the City shall initiate informal consultation with USFWS. Regardless of the result of the protocol surveys, measures B-1(b) through B-1(i) shall be implemented.
- Mitigation Measure B-1(b) Worker Environmental Awareness Program (WEAP) Training. WEAP training shall be provided to all construction personnel prior to onset of construction at the David Avenue Reservoir and Point Pinos Stormwater Treatment Facility and Crespi Pond components of the project. Training shall include how to recognize CRLF and review of applicable avoidance measures to protect the species. Construction personnel shall also be informed that if a CRLF is encountered in the work area, a qualified biologist shall be contacted and construction shall stop until the animal leaves the area of its own volition.
- Mitigation Measure B-1(c) Pre-construction Surveys for CRLF. A qualified biologist shall conduct a pre-construction CRLF survey immediately prior to any ground disturbing activities at the David Avenue Reservoir and Crespi Pond and shall be on-site during all vegetation clearing and ground disturbing activities. If a CRLF is encountered in the work area, construction shall not begin until the animal leaves the area of its own volition.

- Mitigation Measure B-1(d) Submission of Biologist Qualifications. At least 15 days prior to the onset of construction activities for the David Avenue Reservoir and Point Pinos Stormwater Treatment Facility and Crespi Pond components of the project, the project proponent shall submit the name(s) and credentials of biologist(s) who would conduct activities specified in these measures to the City of Pacific Grove and/or USFWS. No project activities shall begin until the project proponent has received written approval from the City of Pacific Grove that the biologists are qualified to conduct the work.
- Mitigation Measure B-1(e) Construction Fencing. A temporary silt fence or other wildlife exclusion fencing suitable for amphibians shall be erected along the perimeter of the construction areas at the David Avenue Reservoir and at the site of construction for the water conveyance structure between the Point Pinos Stormwater Treatment Facility and Crespi Pond to prevent entry of CRLF into the construction area and to deter construction personnel from accessing adjacent habitat. The qualified biologist shall verify appropriate placement of the construction fencing prior to the start of construction. The fence shall be inspected on a daily basis to ensure that it remains in place without any breaks or openings. No construction activity shall be allowed until this condition is satisfied. No grading, clearing, storage of equipment or machinery, or other disturbance or activity may occur until the qualified biologist has inspected and approved all temporary construction fencing.
- Mitigation Measure B-1(f) CRLF Entrapment Avoidance. To avoid entrapment of CRLF, all excavated steep-walled holes or trenches more than 12 inches deep shall be provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day. If escape ramps cannot be provided, then holes or trenches shall be covered with plywood or similar materials. Providing escape ramps or covering open trenches is anticipated to prevent injury or mortality of individuals resulting from falling into trenches and becoming trapped. The trenches shall be thoroughly inspected for the presence of CRLF prior to covering and at the beginning of each workday by a designated person trained by the qualified biologist. This person shall report daily during construction to the qualified biologist on the findings of these inspections.
- Mitigation Measure B-1(g) Trash Disposal. All food-related garbage shall be placed in tightly sealed containers at the end of each workday to avoid attracting predators. Containers shall be emptied and garbage removed from the construction site at the end of each work week. If sealed containers are not available, garbage shall be removed from the construction site upon completion of daily activities. All garbage removed from the construction site shall be disposed of at an appropriate off-site refuse location.
- Mitigation Measure B-1(h) Construction Timing. All construction activities shall be performed during daylight hours or with suitable lighting so that frogs

can be seen.

- Mitigation Measure B-1(i) Work Restrictions during Precipitation. No ground disturbing work shall occur during rain events of more than 0.5 inches in 24 hours.

**Reference** – FEIR pages 4.3-26 through 4.3-29.

**6.1.2 Potentially Significant Impact BI-2.** Implementation of the proposed project could result in impacts to western pond turtle. This impact is Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The western pond turtles has potential to occur within the David Avenue Reservoir and Point Pinos Stormwater Treatment Facility and Crespi Pond project component sites based on suitable habitat within the component sites. Individual western pond turtles may be disturbed, injured or killed during project construction activities (including ground disturbance, vegetation removal, and reservoir lining activity), and this would be considered a significant impact. With implementation of the below mitigation measures, potential impacts to the western pond turtle would be reduced to a less than significant level.

- Mitigation Measure B-2 Pre-construction Surveys for Western Pond Turtle. A qualified biologist shall conduct a pre-construction survey immediately prior to any ground disturbing activities at the David Avenue Reservoir and at the site of construction for the water conveyance and dissipation structures between the Point Pinos Wastewater Treatment Facility and Crespi Pond, and shall be on-site during all vegetation clearing and ground disturbing activities at these locations. If a western pond turtle is encountered in the work area, the qualified biologist shall relocate individuals to a part of Crespi Pond where no construction activity would occur.

**Reference** – FEIR pages 4.3-29 through 4.3-30.

**6.1.3 Potentially Significant Impact BI-3.** Implementation of the proposed project could result in impacts to white-tailed kite and other nesting bird species. This impact is Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – White-tailed kite are considered possible to forage and nest within or near project component sites based on the presence of suitable nesting and foraging habitat. This species is known to breed on the Monterey Peninsula and e-bird includes numerous records of the species across the entire peninsula. A number of other bird species protected under the MBTA would be expected to nest within the wooded areas of project component site and other landscaped areas containing trees and/or shrubs. Construction project components would require ground clearing, including some tree trimming and removal of trees. These activities have the potential to directly affect nesting white tailed kites and other nesting bird species if individuals were injured or killed as a result of construction activity, or if nesting behavior was disrupted sufficiently to cause nest failure. With implementation of the below mitigation measures, potential impacts to the white-tailed kite would be reduced to a less than significant level.

- Mitigation Measure B-3(a) Tree Removal Conducted Outside of Nesting Season. Every effort shall be made to conduct all, or the majority, of tree removal activity at the David Avenue Reservoir during the non-nesting season (September 16 to January 31). No trees shall be removed from the David Avenue Reservoir site during the nesting season (February 1 through September 15) unless there is no reasonable alternative, and removal during the non-nesting season is not possible.
- Mitigation Measure B-3(b) Preconstruction Surveys for Nesting Birds. For construction activities occurring during the nesting season (February 1 to September 15) and for any tree removal that would occur during the nesting season at any project component, surveys for nesting birds covered by the CFGC and the MBTA (including, but not limited to, white-tailed kite, red-tailed hawk and red-shouldered hawk) shall be conducted by a qualified biologist no more than 14 days prior to initiation of construction activities for each component project site where construction staging and tree or other vegetation removal would occur. The surveys shall include the entire disturbance area plus a 200 foot buffer around the site. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have full discretion for establishing a suitable buffer. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.

**Reference** – FEIR pages 4.3-30 through 4.3-32.

**6.1.4 Potentially Significant Impact BI-4.** The proposed project would involve removal of established wetland habitat on-site and discharge of non-potable water into the Pacific Ocean, thus impacting waters of the state and waters of U.S. These impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The David Avenue Reservoir currently consists of a well-developed, but intermittent wetland. The habitat includes typical obligate wetland plants species including bulrush, horsetail and willow. The wetland would be entirely removed to line and fill the reservoir as an essential component of the proposed project. The reservoir bottom contained water and wetland vegetation (bulrush marsh) at the time of the site visit and is subject to the jurisdiction of the RWQCB and CDFW as waters of the State. Removal of the existing intermittent wetland present within the David Avenue Reservoir and the filling of the reservoir would directly convert wetland habitat to open water habitat and be considered a significant impact. It is expected that consultation with CDFW and issuance of a Streambed Alteration Agreement (SAA) would be required to mitigate for impacts to wetlands within the David Avenue Reservoir.

Development of the entire project would result in stormwater runoff being directed to a new Point Pinos Stormwater Treatment Facility at the retired PGWTP or conveyed to the MRWPCA Regional Wastewater Treatment Plant in Marina. Stormwater conveyed to the Point Pinos Stormwater Treatment Facility would be treated to a non-potable condition and discharged to the Monterey Bay through the existing Crespi Pond outfall, or would be available for reuse as irrigation water. Monterey Bay is waters of the U.S., and although no dredge or fill is expected to be discharged into waters of the U.S., discharges of treated surface water into waters of the U.S. is subject to the jurisdiction of the RWQCB. Furthermore, it is expected that consultation with CDFW and issuance of a SAA, and consultation with USACE and issuance of a 404 permit would be required to mitigate for impacts to Crespi Pond from construction of the conveyance and dissipation structures.

With implementation of the below mitigation measures, potential impacts would be reduced to a less than significant level.

- Mitigation Measure B-4 Jurisdictional Delineation. Once final design has been developed, but prior to the start of construction, a qualified biologist shall conduct a jurisdictional delineation of the David Avenue Reservoir and Crespi Pond disturbance areas where construction activity could affect jurisdictional waters. The jurisdictional delineation shall determine if features are under the jurisdiction of CDFW, USACE, Regional Water Quality Control Board (RWQCB), and/or other regulatory agencies. The result shall be a preliminary

jurisdictional delineation report that shall be submitted to the implementing entity, CDFW, USACE, RWQCB (and other agencies if necessary), as appropriate for review and approval. Prior to construction, all necessary permits shall be obtained from each agency where applicable. If it is determined that no jurisdictional waters would be impacted by project development, no further action is required. If the project would impact waters of the State and/or waters of the US, consultation with CDFW, RWQCB, and/or USACE shall be initiated, and applications for any required permits (SAA, 404 and 401, and/or Waste Discharge Requirement [WDR]) shall be prepared and submitted to the requisite agencies.

**Reference** – FEIR pages 4.3-32 through 4.3-34.

## **6.2 Cultural Resources**

**6.2.1 Potentially Significant Impact CR-1.** Construction of the proposed project would involve surface excavation, which has the potential to unearth or adversely impact identified prehistoric or archaeological cultural resources. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The Preliminary Archaeological Reconnaissance for the ASBS Stormwater Management Project completed for the proposed project (AC, November 2013) concluded that, based upon the background research and the field reconnaissance, portions of the Ocean View Boulevard Conveyance, which lies partially within the recorded boundaries of archaeological sites CA-MNT-111, CA-MNT-113C, CA-MNT-120 and CA-MNT-127, contain surface evidence of potentially significant cultural resources. Previous radiocarbon dating has placed three of these sites within the Late Period of Prehistoric Occupation. CA-MNT-113C, although a more substantial site because of the scarcity of finds from the Middle Period, was found to be thin and unproductive along its extreme western edge, the current project area.

The current paved environment precludes further examination of the areas of direct project impact within the archaeological site boundaries. Previous sewer and drainage trenching has caused substantial previous disturbance in the current project areas. However, excavations for pipelines and pump stations may disturb remnants of previously undisturbed midden soil within the identified archaeological sites. As a result, potential impacts to prehistoric or archaeological cultural resources would be potentially significant and mitigation is required to reduce impacts to a less than significant level.

- Mitigation Measure CR-1(a) Phase II Archaeological Assessment. Prior to the issuance of any building or grading permits for the Ocean View Boulevard

Conveyance component, a Phase II Archaeological Assessment shall be completed for that portion of the project by a licensed archaeologist. This assessment shall be submitted for review and approval by the City of Pacific Grove. Any recommendations given in the Assessment shall be included as notes on any grading or building permit issued for the project site. Such recommendations may include, but would not be limited to: avoidance measures, capping the resource are using cultural sterile and chemically neutral fill material, and/or completion of a Phase III data recovery program.

- Mitigation Measure CR-1(b) Archaeological Monitor. The following notes shall appear on all grading permits issued for the Ocean View Boulevard Conveyance improvements:
  - A qualified archaeological monitor shall be present during all project excavations for the pump stations within the boundaries of the archaeological sites at Lovers Point, the foot of Sea Palm Avenue, and the Coral Street Pump Station. The monitor shall document and recover any potentially significant cultural materials that may be found in the excavated soil. Excavated soil may be screened to assist in such data recovery.
  - If, at any time, intact midden containing potentially significant cultural materials or features is encountered, work shall be halted until the monitor and/or the principal archaeologist has evaluated the discovery. If the find is determined to be significant, appropriate data recovery mitigation shall be developed, with the concurrence of the City of Pacific Grove, and implemented.

**Reference** – FEIR pages 4.4-14 through 4.4-16.

**6.2.2 Potentially Significant Impact CR-2.** Construction of the proposed project would involve surface excavation. Although unlikely, construction activities have the potential to unearth or impact previously unidentified prehistoric or archaeological cultural resources. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – Project construction activities, including ground clearing, grading and excavation, could have adverse impacts on previously unidentified prehistoric or archaeological cultural resources. Pre-construction reconnaissance can only confidently assess the potential for encountering surface prehistoric or archaeological cultural resource remains. The entire Pacific Grove Coastal Zone is designated as an archaeological sensitive area. In addition, there are archaeological resources throughout

the non-coastal portions of the City. Therefore, the possibility remains for encountering previously unidentified subsurface prehistoric or archaeological cultural resources during construction activities. Mitigation measures are required to reduce impacts to a less than significant level.

- Mitigation Measure CR-2(a) Archaeological Resource Construction Monitoring. Prior to the commencement of construction activities for each component of the project, an orientation meeting shall be conducted by an archaeologist, general contractor, subcontractor, and construction workers associated with earth disturbing activities. The orientation meeting shall describe the potential of exposing archaeological resources, the types of cultural materials may be encountered, and directions on the steps that shall be taken if such a find is encountered.

A qualified archaeologist shall be present during all initial earth moving activities for each component. In the event that unearthed prehistoric or archaeological cultural resources or human remains are encountered during project construction, mitigation measure CR-2(b) shall take effect.

- Mitigation Measure CR-2(b) Unearthed Prehistoric or Archaeological Cultural Remains. If prehistoric or archaeological cultural resource remains are encountered during construction or land modification activities, work shall stop and the City of Pacific Grove shall be notified at once to assess the nature, extent, and potential significance of any prehistoric or archaeological cultural remains. The City shall implement a Phase II subsurface testing program to determine the resource boundaries within the project component/impact area, assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts.

If the site is determined significant, the City may choose to cap the resource area using culturally sterile and chemically neutral fill material. A qualified archaeologist shall be retained to monitor the placement of fill upon the site. If a significant site will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed to record and remove significant prehistoric or archaeological cultural materials that could otherwise be tampered with. If the site is determined insignificant, no capping and or further archaeological investigation shall be required. The results and recommendations of the Phase II study shall determine the need for construction monitoring.

**Reference** – FEIR pages 4.4-16 through 4.4-17.

**6.2.3 Potentially Significant Impact CR-4.** Construction of the proposed project would involve surface excavation. Although unlikely, these activities have the potential to unearth and/or impact paleontological resources. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – Excavations and grading that extends beyond the depth of surface soils (typically 3 to 5 feet) have a likelihood of disturbing geologic units with high paleontological sensitivity. Based on the above information, the David Avenue Reservoir and Pine Avenue Conveyance components are located in an area with high paleontological sensitivity; therefore, there is a potential to disturb scientifically significant paleontological resources. As a result, project construction, including ground clearing, grading and excavation, could have adverse impacts on paleontological resources. Therefore, mitigation measures are required to reduce impacts to a less than significant level.

- Mitigation Measure CR-4 Paleontological Resource Construction Monitoring. Any excavations exceeding three feet in depth at the David Avenue Reservoir or Pine Avenue Conveyance components of the project shall be monitored on a full-time basis by a qualified paleontological monitor. Ground disturbing activity that does not exceed three feet in depth shall not require paleontological monitoring. If no fossils are observed during the first 50 percent of excavations exceeding three feet in depth, paleontological monitoring shall be reduced to weekly spot-checking under the discretion of the qualified paleontologist.

If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover them. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.

**Reference** – FEIR pages 4.4-18 through 4.4-19.

### **6.3 Geology/Soils**

**6.3.1 Potentially Significant Direct Impact GEO-1.** Although the project would not introduce people or new habitable structures to areas exposed to geologic hazards, the project could expose existing populations or structures to substantial adverse effects involving strong seismic shaking or seismic-related ground failure, including

liquefaction, landslides, subsidence, lurch cracking, and lateral spreading. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The project is located in a seismically active area, as shown on Figure 4.5-2. As discussed in the setting, the greatest potential for groundshaking from earthquakes is from the San Andreas Fault, the Monterey Bay Fault, and the Palo Colorado Fault. The proposed project includes five separate component sites, each of which has a different potential for adverse effects from groundshaking and seismic related ground failure. The potential for adverse effects at each component site is considered to be a potential significant impact. However, mitigation measures would reduce impacts to less than significant.

- Mitigation Measure GEO-1(a) DSOD Oversight. The City of Pacific Grove shall designate the DSOD the applicable oversight agency with respect to design, construction, maintenance, operation, emergency response and eventual in operation and/or removal. The DSOD shall accept oversight pursuant to Statutes and Regulations Pertaining to Supervision of Dams and Reservoirs (DSOD, n.d.). Compliance shall be verified by the City Engineer. If the DSOD declines to regulate the reservoir, mitigation measures GEO-1(c) through GEO-1(e) shall be implemented.
- Mitigation Measure GEO-1(b) Emergency Action Plan (EAP). An EAP shall be developed to address site specific scenarios following the Department of Water Resources DSOD Sample EAP (Pacific Geotechnical, November 25, 2013) contained in Appendix F. The EAP shall be distributed to emergency managers and law enforcement as well as dam operators and oversight agencies. The EAP shall be designed to facilitate and organize actions during emergencies. The EAP shall include notification requirements and actions for different types and levels of emergencies specific to the proposed David Avenue Reservoir design and operation. The EAP shall also contain dam operator staff training guidance, EAP annual review guidance, and a process for incorporating revisions as necessary to ensure the EAP covers applicable emergency scenarios. EAP preparation and consistency with the Sample EAP shall be verified by the City Engineer.
- Mitigation Measure GEO-1(c) Preliminary Geotechnical Study. If the DSOD declines to regulate the reservoir, prior to finalizing the preliminary design of the David Avenue Reservoir, the initial phase of geotechnical investigation shall consist of a sufficient number of exploratory borings and cone penetration tests to adequately characterize the extent of past grading and depth of fill as well as the underlying native materials. Secondly, the

preliminary seismic analysis to determine seismic loading shall be conducted based on current seismic parameters for the site and current code standards. Liquefaction potential of the foundation materials shall be re-analyzed using current seismic parameters. The preliminary investigation shall include but not be limited to:

- Geologic mapping.
- Analysis and subsurface mapping to define the extent of past grading at the site.
- Areal extent and depth of fill currently at the site.
- Hydrologic characteristics of the bedrock and alluvial materials to better understand the groundwater flow regime and how it would affect the proposed design.

The results of this investigation shall be utilized to determine the critical design considerations and shall be followed in the design process. Compliance shall be verified by the City Engineer.

- Mitigation Measure GEO-1 (d) Design-Level Geotechnical Study and Oversight. If the DSOD declines to regulate the reservoir, after an initial investigation has addressed the liquefaction hazard and seismic setting of the David Avenue Reservoir site, subsequent phases of investigation shall be geared towards final design. The City of Pacific Grove Public Works Division shall be consulted when determining the scope and requirements for the Design-Level Geotechnical Investigation. At a minimum, the Design-Level Geotechnical Investigation shall include:

- Liquefaction and subsidence potential
- Seismic stability
- Static Stability

The results of the Design-Level Geotechnical Investigation shall be utilized to refine the final design such that the proposed design would be stable under static and seismic conditions pursuant to current code standards and applicable standards of the DSOD. All earthwork operations, including site preparation and grading, shall be performed in accordance with the recommendations and the project specifications set forth in the design-level geotechnical report. Earthwork recommendations may include, but would not be limited to, the following:

- Removal of unsuitable soil materials
- Recommendations for compaction
- Recommendations for outflow and drainage
- Recommendations for installation of the liner
- Recommendations for key-ins

All earthwork operations shall be performed under the observation of a Professional Geologist to ensure that the site is properly prepared, the selected fill materials (if used) are satisfactory, and placement and compaction of the fill has been performed in accordance with the report recommendations and project specifications. Sufficient notification prior to earthwork shall be given. Compliance shall be verified by the City Engineer.

- Mitigation Measure GEO-1(e) Safety Measures. If the DSOD declines to regulate the reservoir, safety measures applicable to the David Avenue Reservoir shall be incorporated into the design components, operational directives, and maintenance directives as indicated below to protect life and property. These design components, operational directives and maintenance directives shall be consistent with applicable standards of the Division of Safety of Dams under the oversight of a Professional Geologist and Registered Civil Engineer specializing in the design and maintenance of dams and reservoirs. Compliance shall be verified by the City Engineer. Design components, operational directives and maintenance directives consistent with the proposed double lined pond system could include but would not be limited to the following:
  - Design Components
    - Settlement monuments mounted within the embankment to monitor stability.
    - Vibrating wire piezometers beneath the liner and standpipe piezometers along the crest of the embankment to monitor pore water pressure.
    - Pumping system with automated level controls to prevent build-up of water on the lower liner.
    - A strobe light and alarm on the control system panel to indicate if the water within the sump is too high, providing an indication that the pumping system is not working properly, or if a significant breach of the primary liner has occurred.
    - Flow meter with a totalizing function to indicate the amount of solution that has been pumped.
    - Continuous monitoring at specific intervals with real time monitoring from a remote location if desired.
  - Operational Directives
    - First Month of Initial Operation
      - Monitoring of the settlement monuments and piezometers (if installed) on a weekly basis during the initial filling or whenever the reservoir is filled quickly.
      - Upon initial filling, check the sump daily for proper operation and to determine if there is any leakage.
    - Quarterly
      - Settlement monuments and piezometers (if

installed) and the sump system should be monitored quarterly and immediately after each significant seismic event (site acceleration over 0.1g).

- Visual inspection of the embankment and lined area.
- Maintenance Directives
  - Precautionary Maintenance
    - If there are any indications of the embankment and liner system being compromised, the reservoir shall be drained and examined for deficiencies.
    - Leakage through the primary liner that does not exceed 1,000 gallons per acre of reservoir area shall be pumped out via sump.
    - If leakage through the primary liner exceeds 1,000 gallons per acre of reservoir area, or the sump is not able to pump as much as is leaking, the reservoir shall be drained as soon as practical during a dry part of the year, the leaks located, and the primary liner repaired.
  - Deficiency Response
    - Each deficiency shall be examined for the potential cause and risk level. For high hazards such as slope failure or liner breach, the municipality shall be notified immediately and emergency actions shall be taken.
    - For lesser hazards, the municipality shall be notified verbally immediately upon completion of the inspection and a formal report filed with recommended actions provided within one week.
    - The EAP shall be implemented and followed in response to any deficiencies identified during operation and maintenance of the reservoir (refer to Mitigation Measure GEO-1[b]).
- Mitigation Measure GEO-1(f) Compliance with Geotechnical Recommendations. If the DSOD declines to regulate the reservoir, geotechnical recommendations shall be utilized to finalize the design of the Point Pinos Stormwater Treatment Facility and Crespi Pond. All earthwork operations at the Point Pinos Stormwater Treatment Facility and Crespi Pond site, including clearing and grubbing, excavations and shoring, subgrade preparation, engineered fill, utility trench excavation, cut and fill slopes, wet weather construction and foundations, shall be performed in accordance with the recommendations set forth in the geotechnical report (Pacific Geotechnical Engineering, August 2013). Compliance shall be verified by the

City Engineer.

**Reference** – FEIR pages 4.5-11 through 4.5-18.

**6.3.2 Potentially Significant Direct Impact GEO-3.** Some of the project components would be located on soils with moderate or high shrink-swell potential. The impact would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The potential for adverse effects at the David Avenue Reservoir and Pine Avenue Conveyance components of the project based on the potential for soils with moderate or high shrink-swell potential would be significant but mitigable.

- GEO-3 Robert Down Elementary School Geotechnical Study and Geotechnical Oversight. A Geotechnical Study shall be performed by a licensed Professional Geologist to characterize the on-site soils and provide engineering recommendations that would facilitate construction of the equalization and storage facility proposed in the athletic field south of Robert Down Elementary School. The Geotechnical Study shall include recommendations that reduce the potential for adverse effects from expansive soils. Earthwork recommendations related to expansive soil conditions may include, but would not be limited to, the following:
  - Selective grading to avoid expansive soil;
  - Use of non-expansive fill material;
  - Treating expansive areas with additives to lower the expansion index; and/or
  - Specifying a flexible containment system for the equalization facility.All earthwork operations shall be performed under the observation of a Professional Geologist to ensure that the site is properly prepared, the selected fill materials (if used) are satisfactory, and placement and compaction of the fill has been performed in accordance with the report recommendations and project specifications. Sufficient notification prior to earthwork shall be given.

**Reference** – FEIR pages 4.5-21 through 4.5-23.

## **6.4 Hazards and Hazardous Materials**

**6.4.1 Potentially Significant Impact HAZ-2.** Underground utilities lines may be located beneath the project component areas. Construction of the proposed project would be affected by the presence of these lines. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – Underground utilities may traverse the project component sites, especially the Pine Avenue Conveyance, Ocean View Boulevard Conveyance, and Diversions to MRWPCA, which would be located primarily within existing roadways. The specific alignment of such utilities has not been determined, but utility lines are frequently located under roadways and may pass through the David Avenue Reservoir or Point Pinos Stormwater Treatment Facility sites to service other properties. Grading and excavation for pipeline installation and other improvements could strike an unidentified or improperly identified underground utility, resulting in potential safety concerns for on-site workers. As such, construction activities could result in potentially significant impacts related to underground utilities. Mitigation is required to reduce impacts to a less than significant level.

- Mitigation Measure HAZ-2 Utility Line Location and Consultation. Prior to construction of each project component, the contractor shall determine the presence and exact location of any underground utility lines that correspond to the project area. In addition, the presence of any above-ground utility lines in close proximity to the project area shall be determined.

If any utility lines are found to be in proximity to a project component, the contractor shall contact the utility line operator regarding any regulations for grading and construction activities near the lines. The project component shall be constructed and designed in compliance with all regulations and policies set forth by the City of Pacific Grove.

**Reference** – FEIR pages 4.7-13 through 4.7-14.

**6.4.2 Potentially Significant Impact HAZ-4.** Some project components would be located on or near site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Grading associated with construction could expose construction workers to health hazards by releasing contaminants that could be present in the soil or groundwater. This construction-related hazard is a Class II, *significant but mitigable* impact.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – There are five known hazardous materials sites with the potential to impact this component of the proposed project. All five cases have either affected soil and groundwater near the site (and have not yet been remediated), or have

the potential to result in contaminated groundwater in the area. Grading associated with construction of this project component could expose construction workers to health hazards by releasing contaminants that could be present in the soil or groundwater. Therefore, the impact is potentially significant. Mitigation measures are required to reduce potential impacts to a less than significant level.

- Mitigation Measure HAZ-4 Soil and Groundwater Sampling and Remediation. Prior to issuance of grading permits for the Ocean View Boulevard Conveyance improvements, a soil and groundwater assessment shall be completed for that component under the supervision of a professional geologist, hydrologist or professional civil engineer to determine the presence or absence of contaminated soil and groundwater. If soil or groundwater sampling of areas to be disturbed indicates the presence of any contaminant in quantities not in compliance with applicable laws or regulations, the construction contractor shall coordinate with the City of Pacific Grove Public Works Department and Monterey County Environmental Health Bureau to develop and implement a program to remediate or manage the contaminated soil during construction. Disposal shall occur at an appropriate facility licensed to handle such contaminants and remedial excavation shall proceed under the supervision of an environmental consultant licensed to oversee such remediation. The remediation/disposal program shall be approved by City of Pacific Grove Public Works and Monterey County Environmental Health. The construction contractor shall submit all correspondence to City of Pacific Grove prior to issuance of grading permits. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation/disposal, a qualified environmental consultant shall prepare a report summarizing the project, the remediation/disposal approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.

**Reference** – FEIR pages 4.7-15 through 4.7-17.

## **6.5 Hydrology and Water Quality**

**6.5.1 Potentially Significant Impact HYD-5.** The proposed project would rehabilitate an existing reservoir, which would include improvements to enable water storage behind an existing dam. The potential for dam failure as a result of the proposed improvements is a Class II, *significant but mitigable*, impact.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** –The project involves the rehabilitation of the David Avenue Reservoir and activation of the reservoir as a stormwater holding facility,

including installation of a multi-layer geomembrane liner and sub-drain system within the interior of the former reservoir to enable water storage behind the existing dam. After construction, the reservoir would hold 49.15 AF of water. Historically, the David Avenue Reservoir had a capacity of 56 AF of water. Thus, the proposed rehabilitation would hold approximately 12 percent less water than under historical conditions.

The proposed project is located in an area that is subject to seismic activity. If the dam were not constructed, operated, and maintained in accordance with current safety and engineering standards, a dam failure could occur. In the event of a dam failure, mud, debris and water could flow downslope to the north and cause a loss of life and property.

Given that the DSOD regulates about 120 reservoirs throughout the state in a manner that allows for continued safety of adjacent populations and given that the proposed David Avenue Reservoir is being almost entirely re-constructed based on current seismic parameters and current code standards, it is reasonable to conclude that the proposed rehabilitation can be constructed and maintained in a manner that would reduce the potential for adverse effects to a level that is less than significant. Mitigation measures GEO-1(a) through GEO-1(e) would ensure that the David Avenue Reservoir is constructed, operated, and maintained in accordance with current standards and applicable oversight agency requirements, thereby minimizing the potential for adverse effects to life and property.

**Reference** – FEIR pages 4.8-24 through 4.8-25.

## **6.6 Land Use and Planning**

**6.6.1 Potentially Significant Impact LU-1.** Based on the design of project components and following implementation of the mitigation measures identified throughout this EIR, the proposed project would be consistent with applicable policies of the City of Pacific Grove's General Plan, including its Local Coastal Program. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The proposed project would be generally consistent with policies included in the City of Pacific Grove General Plan, Zoning Ordinance, and LCP. Though minor inconsistencies with aspects of some policies could occur, all feasible mitigation measures to address these impacts have been required and are detailed in Sections 4.1 to 4.12 of the FEIR.

**Reference** – FEIR pages 4.9-6 through 4.9-13.

## 6.7 Noise

**6.7.1 Potentially Significant Impact N-1.** Operation of heavy equipment during construction of all components of the proposed project would result in a temporary noise level increase that could disturb nearby sensitive receptors. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The operation of heavy equipment during construction of the project components would result in temporary increases in noise in the immediate vicinity. Given the proximity of sensitive uses to the project component sites numerous receptors may be exposed to noise levels exceeding thresholds. Therefore, impacts are potentially significant and mitigation is required. With imposition of the following mitigation measures, impacts are less than significant.

- Mitigation Measure N-1(a) Construction Hours. Hours of construction for the David Avenue Reservoir, Pine Avenue Conveyance, Ocean View Boulevard Conveyance, and Diversions to MRWPCA components of the project shall be limited to the hours between 8:00 AM and 7:00 PM on weekdays and 9:00 AM to 4:00 PM on Saturdays. No construction work shall be allowed to occur on Sundays or other federal, state or local holidays. The portions of the David Avenue Reservoir and Diversions to MRWPCA which are in the City of Monterey would be subject to less restrictive construction hours based on the MCC; however, since portions of the component are also in the City of Pacific Grove, the more restrictive hours shall be applied.
- Mitigation Measure N-1(b) Construction Equipment. Stationary construction equipment that generates noise that exceeds 70 dB at the boundaries of adjacent sensitive receptors shall be baffled to reduce noise and vibration levels. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited.
- Mitigation Measure N-1(c) Noise Mitigation and Monitoring Program. For the David Avenue Reservoir and Diversions to MRWPCA, the construction contractor shall provide, to the satisfaction of the City of Monterey Planning Office, a Noise Mitigation and Monitoring Program, as described below. For all components of the project, the construction contractor shall provide, to the satisfaction of the City of Pacific Grove Planning Division, a Noise Mitigation and Monitoring Program that requires all of the following:
  - Construction contracts that specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and

- maintained mufflers and other state required noise attenuation devices.
  - That all property owners and occupants located within 300 feet of project components shall be sent a notice, at least 15 days prior to commencement of construction, regarding the construction schedule of the project. All notices shall be reviewed and approved by the appropriate City Planning Office/Division prior to the mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and telephone number where residents can inquire about the construction process and register complaints. Notices shall be sent to affected property owners within both the City of Pacific Grove and City of Monterey where applicable.
  - That prior to issuance of any grading or building permit, the construction contractor shall demonstrate to the satisfaction of the appropriate City Planning Office/Division how construction noise reduction methods such as shutting off idling equipment and vehicles, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging and parking areas and occupied residential areas, and electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.
  - That during construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
  - For all noise-generating construction activity on each component site, additional noise attenuation techniques shall be employed to reduce noise levels to the maximum extent feasible. Such techniques may include, but are not limited to: the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between the construction site and nearby sensitive receptors.
- Mitigation Measure N-1(d) Staging Areas. The construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between activity and sensitive receptors (neighboring residences). This would reduce noise levels associated with most types of idling construction equipment.
  - Mitigation Measure N 1(e) Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers.

**Reference** – FEIR pages 4.10-12 through 4.10-17.

**6.7.2 Potentially Significant Impact N-3.** Construction of the proposed project would involve the use of construction equipment, including loaded trucks, jackhammers, and bulldozers, which

could result in temporary groundborne vibration that could disturb nearby sensitive receptors. This impact would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – Project component would comprise upgrades to existing facilities, and would not require substantial trenching or material hauling. Because material hauling is not anticipated and the maximum vibration exposure would only occur as a result of loaded trucks, the maximum vibration level may not occur. Nevertheless, based on the proximity of residences and the potential to exceed the threshold of 80 VdB at these receptors, impacts would be potentially significant and mitigation is required

Mitigation is required for the Pine Avenue Conveyance, Ocean View Boulevard Conveyance, and Diversions to MRWPCA components of the project. Mitigation measure N-1(a) restricts construction of these project components to daytime hours. Residential land uses (which comprise the majority of sensitive receptors adjacent to these project components) would not be sensitive to vibration impacts during the day to the extent that impacts would be significant because, generally, vibration impacts affect residents the most if sleep is disturbed. As noted above, the only sensitive receptors adjacent to the Ocean View Boulevard component of the project are residences. In addition, the only sensitive receptors near the Diversions to MRWPCA component of the project that would be impacted by vibration are residences. Therefore, compliance with this measure would reduce impacts from these project components to a less than significant level.

The Pine Avenue Conveyance component of the project would expose non-residential sensitive receptors to vibration levels exceeding the established threshold. These include: professional offices, Pacific Grove City Hall, Pacific Grove Recreation Department and Youth Center, and the Robert Down Elementary School. The following mitigation measure is required to mitigate impacts to these uses. With imposition of the following mitigation measures, impacts are less than significant.

- Mitigation Measure N-3 Vibration Mitigation. Vibration-generating construction activities associated with the installation of storm drain conveyance pipeline beneath Pine Avenue and the installation of an underground stormwater equalization/storage facility at Robert Down Elementary School shall not occur simultaneously. Equipment used for these activities shall be limited to 20 tons, and heavily-loaded trucks shall be routed away from professional offices on Pine Avenue, Pacific Grove City Hall, Pacific Grove Recreation Department and Youth Center, and the Robert Down Elementary School. Earth-moving equipment shall be operated as far from these uses as possible.

**Reference** – FEIR pages 4.10-19 through 4.10-21.

## **6.8 Transportation/Traffic**

**6.8.1 Potentially Significant Impact T-1.** Construction of the proposed project would result in changes to intersection operations and roadway traffic. The project would generate new truck trips as part of the construction phase and would require temporary block closures during construction. Impacts would be Class II, *significant but mitigable*.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

**Facts in Support of Finding** – The proposed project includes installation of above and underground storm water management facilities the construction of which would include grading and material removal work for some of the project components. This would result in generation of construction related truck trips and lane and block closures during construction, representing potential significant impacts requiring mitigation measures. With imposition of the following mitigation measures, impacts are less than significant.

- Mitigation Measure T-1(a) Temporary Traffic Handling Plans. Plans shall be prepared for the proposed lane reductions on Pine Avenue and Ocean View Boulevard as part of the Pine Avenue Conveyance and Ocean View Boulevard Conveyance components of the project, respectively. The plans shall be prepared in accordance with the latest California Manual on Uniform Traffic Control Devices (CA MUTCD) and Work Area Traffic Control Handbook (WATCH) manual requirements (where appropriate) and contain provisions for handling bike and pedestrian traffic, as well as ensuring access to neighboring facilities and residences during construction and ensuring emergency access to fire hydrants along all roadways. The plans shall be reviewed and approved by the City of Pacific Grove Public Works Department prior to construction. At each of the lane closure locations and at the intersection of Pine Avenue and Forest Avenue, a traffic flagger shall be utilized to ensure that traffic can be safely accommodated through the closures during construction. In addition, traffic flaggers shall be utilized to handle school/pedestrian traffic crossing if construction on Pine Avenue is to occur during school hours.
- Mitigation Measure T-1(b) City Staff Coordination. For the Point Pinos Stormwater Treatment Facility and Crespi Pond and Diversions to MRWPCA Components of the project, the project administrator shall coordinate with City staff regarding the duration and locations of short-term traffic diversions. Temporary traffic handling plans shall be prepared when necessary to detour

traffic to appropriate locations. In addition, the daytime hours of traffic diversion shall be restricted to allow for adequate traffic flow at high traffic volume locations during peak commute hours.

**Reference** – FEIR pages 4.12-13 through 4.12-18.

## **7.0 FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS<sup>4</sup>**

Based on the analysis in the FEIR, the City finds that the project would not result in any significant and unavoidable impacts.

## **8.0 FINDINGS REGARDING BENEFICIAL IMPACTS<sup>5</sup>**

The City finds, based upon the threshold criteria for significance presented in the FEIR, that the following beneficial environmental effect would result from construction and operation of the proposed project.

### **8.1 Hydrology and Water Quality**

**8.1.1 Beneficial Impact HYD-2.** The proposed project would serve to improve water quality by diverting stormwater, providing treatment, and allowing for re-use as irrigation water. This is a Class IV, *beneficial*, impact.

**Finding** – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that the proposed project components would result in beneficial impact and would not require additional mitigation measures beyond those identified in the project’s FEIR.

**Facts in Support of Finding** – The primary goal of the project is to improve stormwater quality discharged into the ASBS located along the Pacific Grove coastline. The project includes the diversion of both wet weather and dry weather flows into an upgraded stormwater collection and treatment system from both Pacific Grove and New Monterey watershed areas. As proposed, flows would be directed to either a proposed Point Pinos Wastewater Treatment Facility at the retired PGWTP or to the MRWPCA RTP in Marina. The objective of the project is to achieve up to a 90 percent reduction in pollutant loading during storm events to comply with the ASBS water quality standards.

**Mitigation Measures** – Not applicable.

**Reference** – FEIR pages 4.8-19 through 4.8-20.

## **9.0 FINDINGS REGARDING GROWTH INDUCING IMPACTS<sup>6</sup>**

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<sup>4</sup> Section 7.0 is based on analysis located in Sections 4.1 through 4.12 of the FEIR.

<sup>5</sup> Section 8.0 is based on analysis located in Section 4.8, *Hydrology & Water Quality*, of the FEIR.

<sup>6</sup> Section 9.0 is based on analysis located in Section 5.0 of the FEIR.

CEQA Guidelines Section 15126.2(d) requires that an EIR:

“Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

The primary goal of the proposed project is to limit flow and improve stormwater quality discharged into the Area of Special Biological Significance (ASBS) located along the Pacific Grove coastline. The project includes the diversion of both dry weather and portions of wet weather surface water runoff flows into an upgraded stormwater collection and treatment system from the ASBS watershed area, which includes much of the City of Pacific Grove and a portion of the City of Monterey. These flows would be directed to either a new Point Pinos stormwater treatment plant at the former Pacific Grove Wastewater Treatment Plant (PG WTP) site or the Monterey Regional Water Pollution Control Agency (MRWPCA) Regional Water Treatment Plant in the City of Marina. Consequently, no direct growth inducement would result from implementation of the proposed project.

**Finding** - The City hereby finds that Monterey-Pacific Grove ASBS Stormwater Management Project does not result in any significant growth inducing impacts.

8) **Facts in Support of Finding –**

9)

*Economic and Population Growth.* The proposed project does not propose any new homes and would therefore not directly induce substantial population growth. The proposed project would directly generate short-term employment during construction of project components. Construction of proposed project components would occur over a maximum estimated 97 weeks construction period, with the possibility of overlapping of construction of individual project components.

The proposed project would generate short-term employment opportunities during construction of project components and a limited amount of long-term employment opportunities associated with the operation and maintenance of components. However, both temporary and long-term employment opportunities would be expected to be filled from within the existing community and long-term employment would be nominal. Therefore, construction and operation of project components would not be considered growth inducing and impacts related to direct or indirect population growth would be less than significant.

*Removal of Obstacles to Growth.* Proposed project components would be located in an urbanized area, generally served by existing infrastructure. The proposed project would not provide for any capacity-increasing transportation and circulation improvements. No new roadways are proposed. The project essentially constitutes refurbishment and upgrades to existing infrastructure within an urbanized area, and would not expand services so as to provide for additional opportunities for growth. Rather, the proposed drainage infrastructure would serve the existing urbanized area

within the Pacific Grove Area of Special Biological Significance (ASBS) watershed.

The proposed project does not include changes in land use or zoning designations, nor does it include changes in density limits. Therefore, the proposed project would not facilitate growth in the surrounding area by removing any land use, zoning, or density restrictions, which could currently be considered obstacles to such growth.

**Reference:** FEIR page 5-1.

## **10.0 FINDINGS REGARDING PROJECT ALTERNATIVES<sup>7</sup>**

The City must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen environmental effects while achieving most of the project objectives.

In evaluating and subsequently rejecting the alternatives, the City has examined the objectives of the project and weighed the ability of the various alternatives to meet those objectives. The decision-makers believe that the Project best meets these objectives with the least environmental impact. The primary goal of the project is to improve stormwater quality discharged into the Monterey-Pacific Grove ASBS. In addition, key objectives of the project are:

- To meet the ASBS Special Protection requirements to implement structural BMPs to achieve up to a 90 percent reduction in pollutant loading during storm events, if the wet weather discharges are impacting natural water quality to comply with the ASBS water quality standards set by the State Water Resources Control Board (SWRCB);
- To conserve potable water by developing dry and wet weather storm system flows as a source of non-potable water for irrigation at the Pacific Grove Golf Links, El Carmelo Cemetery, and other feasible non-potable water demands;
- To restore the David Avenue Reservoir to a year-round continuous reservoir;
- To install necessary stormwater infrastructure and structural BMPs to comply with the Special Protections and NPDES permit requirements, including: new storm drain pipelines, stormwater treatment units, equalization basins, and lift stations so that runoff can be managed in an effective manner to protect water quality, and to allow the reuse of runoff either locally from David Avenue Reservoir, the proposed equalization systems, the planned Point Pinos Stormwater Treatment System and/or at the Monterey Regional Water Pollution Control Agency (MRWPCA) future groundwater replenishment project;
- To construct improvements in such a way as to allow the future addition of stormwater BMPs into the system to further enhance water quality and local reuse activities;
- To expand the existing dry weather diversion system to collect runoff west of Lovers Point for discharge to the Point Pinos Stormwater Treatment Facility or the MRWPA system for reuse in North Monterey County or the proposed groundwater

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<sup>7</sup> Section 10.0 is based on analysis located in Section 6, *Alternatives*, of the FEIR.

replenishment project in Seaside.

- To reduce regulatory uncertainty by addressing the requirements of the ASBS Special Protections that may impact the cities of Monterey and/or Pacific Grove if they do not participate in the project;
- To construct a project that is both financially and technically feasible;
- To construct a project that does not exceed MRWPCA Regional Wastewater Treatment Plant (WTP) capacity; and
- To construct a project that can be eligible for multiple funding opportunities.

The following alternatives were addressed in the FEIR:

- Alternative 1: No Project
- Alternative 2: Treatment at the MRWPCA WTP
- Alternative 3: Treatment at the Retired PGWTP

### **Alternative 1: No Project**

**Description:** Under the No Project Alternative, construction and operation of the proposed ASBS Stormwater Management Project would not occur, and current uses of the five component sites would continue. Specifically, no improvements to the David Avenue Reservoir would be constructed, and the site would continue to be used as a CalAm maintenance, operations, and materials storage area. Similarly, conveyance facilities, pump stations, and equalization/storage facilities would not be constructed along Pine Avenue or Ocean View Boulevard. The retired PGWTP site would be unaltered, and thus would continue to be used by the City of Pacific Grove as a corporation yard and water storage facility. It should be noted, however, that the proposed Pacific Grove Local Water Project (PGLWP) may still move forward under this alternative, and thus, some improvements to the PGWTP site, outside of those proposed as part of this project, may still occur. Finally, the City of Pacific Grove's existing dry weather urban diversion system would not be upgraded under this alternative, and would therefore continue to convey only dry weather flows to the MRWPCA WTP.

Stormwater runoff under this alternative would continue to flow to the Monterey Bay as under current conditions. As a result, if water quality monitoring finds that stormwater discharges are altering natural ocean water quality, this alternative would not comply with the ASBS Special Protections, which may result in fines or other penalties. However, because of these existing regulatory requirements, an alternate project may be constructed elsewhere in the ASBS watershed under this alternative, in order to comply with the Special Protections and avoid penalties for noncompliance.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a) (3), CEQA Guidelines Section 15091(a) (3)].

**Facts in Support of Finding:** With the implementation of the No Project Alternative, no new development would occur within the project component areas. Since new

development would not occur, potential impacts related to construction and long-term site disturbances would also not occur. This includes impacts to: aesthetics; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; and noise. In addition, since no construction-related vehicle trips would be added to local roadways, temporary impacts to the transportation network, including those resulting from temporary road closures, would not occur. However, this alternative would not accomplish any of the objectives of the proposed project, including: meeting the ASBS Special Protection requirements; conserving potable water; restoring the David Avenue Reservoir; installing stormwater infrastructure and BMPs; and reducing regulatory uncertainty. Further, the proposed ASBS Stormwater Management Project, as well as Alternatives 2 and 3, would comply with the ASBS Special Protections, thereby improving the quality of runoff entering the Pacific Grove ASBS in the Monterey Bay. In addition, the proposed project would generate a new source of water that could be used for irrigation purposes, thereby offsetting existing potable water demand. Because this alternative would not divert and treat stormwater runoff, it would not result in beneficial impacts to water quality, and would not offset existing water demand.

**Reference:** FEIR Pages 6.6 through 6.7.

## **Alternative 2: Treatment at the MRWPCA WTP**

**Description:** The Treatment at the MRWPCA WTP alternative would divert both dry and wet-weather runoff from both Pacific Grove and New Monterey to the MRWPCA WTP in Marina. This alternative is similar to “Option 9” analyzed in the MACTEC study, with the addition of the David Avenue Reservoir (considered as part of “Option 22” in the MACTEC study). This alternative would include the following components.

*David Avenue Reservoir.* Similar to the proposed project, this alternative would involve improvements to the former David Avenue Reservoir. This would include upgrading the reservoir to current standards for stability, providing overflow capability for storm events, and providing an aesthetic benefit to adjacent residents. Runoff from the portion of the ASBS watershed within the City of Monterey would be captured and released into the existing storm drain system for conveyance into the rest of the system. Improvements within the reservoir would be similar to the proposed project.

*Pipeline and Diversion Structures.* Under this alternative, wet weather and dry weather flows would be diverted from the City of Monterey and City of Pacific Grove storm drain systems at five primary locations and 27 secondary locations. The primary locations would divert dry weather flows from the five largest drainage basins within Pacific Grove, while the secondary locations would divert flows from smaller drainage basins that comprise storm drain outfalls serving one or two catch basins. Stormwater and dry weather flows diverted at these structures would flow through gravity lines into wet wells for pumping. Underground force mains would connect the pump stations to a wet pond located at the MRWPCA WTP in Marina. These force mains would approximately parallel the existing force main that conveys sanitary sewage to the MRWPCA WTP.

*Flow Equalization Basins.* A total of seven underground flow equalization facilities would be required within the City of Pacific Grove for this alternative. The facilities would be sized in conjunction with the pump stations to store the total volume of runoff generated for each of the sub-watersheds subtracting what is being pumped out.

*Pump Stations.* A total of seven pump stations would be constructed within the City of Pacific Grove to pump diverted wet weather and dry weather flows from the wet wells to a force main and three additional booster stations between Pacific Grove and the MRWPCA WTP. A remote control/monitoring system would be required for the operation and monitoring of the regional lift station systems. Each lift station would be fitted with a remote control/ monitoring system and tied to a central monitoring system.

*Treatment Facility and Outfall.* The force main would discharge into a wet pond at the MRWPCA WTP. Dry weather flows entering the unlined sedimentation basin could then be discharged into the WTP during low flow periods so as not to exceed existing capacity or discharged into an infiltration basin during periods when the WTP could not accept flows. The wet pond would be constructed to hold the wet weather water quality volume and would settle out sediment and other floatable debris and remove various pollutants through biological uptake. The infiltration basin would be sized to infiltrate the entire wet weather water quality volume over a 72-hour period.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a) (3), CEQA Guidelines Section 15091(a) (3)].

**Facts in Support of Finding:** Alternative 2 would convey runoff to the MRWPCA RTP in Marina, thus requiring substantially more in-ground pipeline. This alternative would require a greater level of disturbance than the proposed project. As a result, this alternative would generate increased impacts related to construction emissions, geologic hazards, hazardous materials, erosion and sedimentation, construction-related noise and vibration, solid waste, and traffic. Additionally, this alternative would not result in the City of Pacific Grove benefiting from increased water supply to use for irrigation purposes.

**Reference:** FEIR Pages 6.7 through 6.15

### **Alternative 3: Treatment at the Retired PGWTP**

**Description:** The Treatment at the Retired PGWTP alternative would divert 100 percent of runoff to the retired PGWTP for treatment, rather than diverting a portion of the drainage area to the MRWPCA WTP, as in the proposed project. This alternative is similar to “Option 3” analyzed in the MACTEC study, with the addition of the David Avenue Reservoir (considered as part of “Option 22” in the MACTEC study). This alternative would include the following components (refer also to Figure 6-2).

*David Avenue Reservoir.* Similar to the proposed project, this alternative would involve improvements to the former David Avenue Reservoir. This would include upgrading the reservoir to current standards for stability, providing overflow capability for storm events, and providing an aesthetic benefit to adjacent residents. Runoff from the portion of the ASBS watershed within the City of Monterey would be captured in the reservoir and released into the existing storm drain system for conveyance into the rest of the system. Improvements within the reservoir would be similar to the proposed project.

*Pipeline and Diversion Structures.* Under this alternative, wet weather and dry weather flows would be diverted from New Monterey and City of Pacific Grove storm drain systems at five primary locations and 27 secondary locations. The primary locations would divert dry weather flows from the five largest drainage basins within Pacific Grove while the secondary locations would divert flows from smaller drainage basins that comprise storm drain outfalls serving one or two catch basins. Diverted wet and dry weather flows would flow through approximately 4,105 linear feet of gravity lines into equalization basins for pumping. A total of 12,786 linear feet of underground force main pipe would connect the pump stations to a media filter or constructed wetlands/wet pond located at the retired PGWTP. This force main would be constructed beneath Ocean View Boulevard.

*Flow Equalization Basins.* A total of seven underground flow equalization facilities would be required within the City of Pacific Grove to equalize wet weather flows and minimize the size of pumps required. The equalization basins would be sized in conjunction with the pump capacities to store the total volume of runoff generated for each of the sub-watersheds subtracting what is being pumped out.

*Pump Stations.* A total of seven pump stations with wet wells would be constructed within the City of Pacific Grove. Each pump station would have two dual submersible pumps in a wet well (a 6-foot diameter precast concrete manhole with two submersible pumps). The second pump would be a redundant pump in case the primary pump failed for some reason. A larger wet well would be required for pumps greater than 50 horsepower or if a variable frequency drive (VFD) pump is used. A separate valve pit would be located next to the pump station. An above ground free standing electrical control panel would be located nearby. A superstructure would need to be constructed to house the control panel and for a VFD drive pump or pumps greater than 100 horsepower. A remote control/ monitoring system (i.e., SCADA) would be required for the operation and monitoring of the regional lift station systems. Each lift station would be fitted with a remote control/ monitoring system and tied to a central monitoring system.

*Treatment Facility and Outfall.* Similar to the proposed project, a new wastewater treatment facility would be constructed at the retired PGWTP; however, this facility would be larger than the proposed project to accommodate the additional flows. All treatment system components would be located within the existing PGWTP site footprint. As with the proposed project, the two existing tanks on the site could be refurbished as part of the Pacific Grove Local Water Project (PGLWP) and made available for seasonal

use by the proposed project.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations make this alternative environmentally inferior to the proposed Project. [Public Resources Code Section 21081(a) (3), CEQA Guidelines Section 15091(a) (3)].

**Facts in Support of Finding:** Alternative 3 would utilize the retired PGWTP site, located in Pacific Grove, for stormwater treatment. Alternative 3 would require a greater level of disturbance than the proposed project. As a result, this alternative would generate increased impacts related to construction emissions, geologic hazards, hazardous materials, erosion and sedimentation, construction-related noise and vibration, solid waste, and traffic.

**Reference:** FEIR Section 6.16 through 6.24.