

**RESOLUTION NO. 14-071**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE**  
**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR),**  
**ADOPTING THE MITIGATION MONITORING AND REPORTING PLAN, AND**  
**APPROVING THE PACIFIC GROVE LOCAL WATER PROJECT**

**FACTS**

1. The City of Pacific Grove has already made significant progress in planning of recycled water projects as an integral part of the peninsula's portfolio approach to solving the water crisis, in collaboration with the alternative desalination projects, the ground water recharge project, etc.
2. The City of Pacific Grove's commitment to developing recycled water is formally documented in the City's General Plan, Local Coastal Plan, and in City Council resolutions.
3. The Pacific Grove Local Water Project (PGLWP) is a non-potable recycled water supply project of 125 acre-feet per year (afy) to meet irrigation needs on the Pacific Grove Golf Links, El Carmelo Cemetery, and other uses, that will thereby reduce the potable water demands on the California American Water Company's system.

The PGLWP has contemplated the potential for the future expansion of the project but currently intends to pursue only the implementation of the 125 afy project. Analysis to date of the potential expansion of the PGLWP has contemplated serving additional demands up to 600 afy. Implementation of any expansion of the PGLWP above the 125 afy capacity will require additional environmental, planning, engineering analysis and approvals.

4. The City of Pacific Grove, in its support of the PGLWP, is consistent with the State of California's Recycled Water Policy to increase the use of recycled water. The City hereby recognizes that, pursuant to Water code section 13550 et seq., the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available.
5. The City of Pacific Grove has committed matching funds to study the feasibility of the PGWLP. On January 16, 2013, the City adopted resolution 13-002 to pursue a Facilities Planning Grant from the State Water Resources Control Board. The Facility Plan Study analyzed the feasibility of a recycled water plan and an initial analysis of its potential environmental effects.
6. The City of Pacific Grove has managed a \$125,000 Facility Planning Grant from the State Water Resources Control Board and provided a 50 percent match to the grant (\$62,500) to fund the work.

7. In March 2013, Brezack & Associates Planning (B&AP) was retained by the City of Pacific Grove to complete the PGLWP Facility Plan Report. The scope of work in this study was to: (1) develop a range of project alternatives (2) select a preferred project alternative, (3) provide an Engineer's Estimate of Probable Costs for each alternative (4) identify specific regulatory and environmental issues; and collaboration with other parties (5) develop a construction financing plan; and (6) conduct a recycled water market assessment and means for market assurance. In June 2013, B&AP was retained by the City of Pacific Grove to complete CEQA compliance for the PGLWP.
8. The City received a \$100,000 grant from the Monterey Peninsula Water Management District to conduct initial planning and engineering analyses.
9. The City of Pacific Grove intends to apply for a State Revolving Fund (SRF) Loan administered by the State Water Resources Control Board, Division of Clean Water Programs. The SRF Loan Program is partially funded by the U.S. Environmental Protection Agency (EPA) and is therefore subject to federal environmental regulations. To comply with applicable federal statutes and authorities, the EPA established specific "CEQA-Plus" requirements in the Operating Agreement with the State Water Resources Control Board for administering the SRF Loan Program. The PGLWP Environmental Impact Report includes the CEQA-Plus requirements established by the EPA.

## **FINDINGS**

1. The California Environmental Quality Act (CEQA) requires 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 Pacific Grove Local Water 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 Final EIR and approving the project.
3. The City of Pacific Grove is the Lead Agency for the proposed Project evaluated in the CEQA-Plus Document and independently reviewed and analyzed in the Draft EIR and Final EIR for the proposed 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 51 days between September 16, 2014 and November 5, 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.

Copies of the Draft EIR are available to the public at the City of Pacific Grove Community Development Department, 300 Forest Avenue and at the Pacific Grove Public Library, 550 Central Avenue and posted on the City's website  
<http://www.ci.pg.ca.us/index.aspx?page=28&recordid=182&returnURL=%2Findex.aspx>

6. The City evaluated the five 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 Final EIR provides adequate, good faith and reasoned responses to the comments, and these responses were provided to the commenters on November 7, 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 the project's 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 Final EIR;
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 proposed 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) transportation and traffic; and (12) public services and utilities. 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. The CEQA Document also evaluated the following federal requirements for compliance with CEQA-Plus: (1) Federal Endangered Species Act (ESA) Section 7 (2) Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat (EFH); (3) National Historic Preservation Act (NHPA) Section 106; (4) Clean Air Act; (5) Coastal Zone Management Act; (6) Coastal Barriers Resources Act; (7) Farmland Protection Policy Act; (8) Floodplain Management- Executive Order 11988; (9) Migratory Bird Treaty Act (MBTA); (10) Protection of Wetlands Executive Order 11990; (11) Wild and Scenic Rivers Act; (12) Safe Drinking Water Act, Source Water Protection; (13) Environmental Justice – Executive Order No. 12898. All of the significant environmental impacts of the Project were identified in the CEQA-Plus Document;
10. The Mitigation Monitoring and Reporting Plan (MMRP) includes all of the mitigation measures identified in the CEQA-Plus Document and has been designed to ensure compliance during implementation of the proposed 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 proposed 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 proposed 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 proposed Project prior to the November 19, 2014 hearing. The City also did not commit to a definite course of action with respect to the proposed Project prior to the November 19, 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 during regular business hours at the City of Pacific Grove's offices, located at 300 Forest Avenue, Pacific Grove, California 93950; and at the Pacific Grove Public Library, 550 Central Avenue and posted on the City's website <http://www.ci.pg.ca.us/index.aspx?page=28&recordid=182&returnURL=%2Findex.aspx>. The City is the custodian of record for such documents and other materials;
16. The responses to the comments on the Draft EIR, which are contained in the Final EIR, 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-Plus Document was completed in compliance with CEQA and the requirements of the State Water Resources Control Board;
3. The CEQA-Plus Document reflects the City's independent judgment;
4. Having reviewed the information contained in the CEQA-Plus Document and in the administrative record, the City finds that there is no new significant information regarding adverse environmental impacts of the proposed Project in the Final EIR;
5. Having received, reviewed and considered all information and documents in the CEQA-Plus 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. The Mitigation Monitoring and Reporting Plan is hereby adopted to ensure implementation of feasible mitigation measures identified in the Final EIR. The City finds that these mitigation measures are fully enforceable conditions on the proposed Project.
7. The City hereby approves the Pacific Grove Local Water Project and certifies the Final EIR in accordance with the requirements of CEQA.
8. This Resolution shall take effect immediately following passage and adoption thereof.
9. A Notice of Determination will be filed immediately after final approval of the project.

**PASSED AND ADOPTED** BY THE COUNCIL OF THE CITY OF PACIFIC GROVE  
this 19<sup>th</sup> day of November, 2014, by the following vote:

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

NOES: None

ABSENT: Councilmembers Huitt, Miller

APPROVED:

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BILL KAMPE, Mayor

ATTEST:

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SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney