



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Parker, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Approved a Road Improvement Agreement and Road Maintenance Agreement, between the County of Monterey and Bastogne Holdings, LLC, in compliance with Combined Development Permit No. PLN110426, 1083 Madison Lane, Salinas, Greater Salinas Area Plan; and
- b. Authorized the Chair of the Board to execute the Road Improvement Agreement and Road Maintenance Agreement.

PASSED AND ADOPTED on this 22nd day of April 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter


NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on April 22, 2014.

Dated: April 23, 2014
File Number: A 14-038

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

When Recorded, Return To:

Monterey County Resource Management Agency
Department of Public Works
168 W. Alisal Street, 2nd Floor
Salinas CA 93901

Space above for Recorder's Use

ROAD MAINTENANCE AGREEMENT

This Road Maintenance Agreement (hereafter "Agreement") made and entered into by and between the County of Monterey, a political subdivision of the State of California, (hereinafter "County") and Bastogne Holdings, LLC, (hereinafter "Applicant"). This Agreement is entered into subject to the following:

W I T N E S S E T H

WHEREAS, Applicant is the owner of certain real property located in Monterey County, California, described in Exhibit "A" attached hereto and made a part hereof;

WHEREAS, on June 13th, 2012, the Planning Commission of Monterey County approved a Use Permit PLN110426 (herein "Permit") for Bastogne Holdings, LLC to allow the storage and distribution of petroleum products on an existing heavy commercial site (hereafter "Project"), located in Monterey County, subject to the terms and conditions of, and otherwise set forth in Resolution No. 12-025 of the Monterey County Planning Commission, (hereafter "Resolution"). The Resolution is attached hereto as Exhibit "B" and incorporated herein by this reference;

WHEREAS, Condition No. 13 of the Planning Commission Resolution No. 12-025 provides as follows:

13. The Applicant shall enter into a road maintenance agreement with the Department of Public Works to pay a proportionate share of the maintenance costs of Madison Lane and Boronda Road. (Public Works)

WHEREAS, the "Madison Lane Traffic Impact Analysis, Boronda, Monterey County, California," dated December 16, 2011, prepared by Hatch Mott MacDonald, Inc., recommended an annual project fee contribution of \$1,117.58.

WHEREAS, the Applicant desires to enter into this agreement to comply with Condition No. 13 and to enable the Applicant to proceed with the Project;

WHEREAS, the Applicant has agreed to the imposition of the foregoing Condition and is ready, willing, and able to comply therewith;

NOW, THEREFORE, in consideration of the granting of the Permit to the Applicant by the County, the Applicant agrees to the following:

I. AGREEMENT

Contribution. Prior to July 1 of each year, the Applicant shall pay to the Monterey County Public Works Department a road maintenance and pavement improvement fee of \$1,117.58. If the Applicant fails to remit said amount of moneys, the County shall add said fee to the Applicant's property tax bills or to the tax bills of the succeeding property owners in equal proportion. Such assessment will be collected at the same time and in the same manner as ordinary County taxes are collected, and shall be subject to the same penalties and procedures in case of delinquency as provided for ordinary County taxes.

II. MISCELLANEOUS PROVISIONS

A. Complete Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all agreements, representations, warranties, statements, promises and understanding, whether oral or written, with respect to the subject matter thereof, and no party hereto shall be bound by or charged with any oral or written agreements, representations, warranties, statements, promises or understanding not specifically set forth in this Agreement or the exhibits hereto.

B. Successors and Assigns. This Agreement shall inure to the benefit of, and shall be binding upon, the Parties and their respective heirs, representatives, administrators, executors, successors, and assigns and shall run with the land described in Exhibit "A."

C. Amendments. This Agreement may be amended in whole or in part only by a further written agreement executed by all of the parties.

D. Construction of Agreement. It is agreed by the parties that this Agreement has

been arrived at through negotiation and neither party is to be deemed the party which prepared this Agreement for the purposes of interpreting this Agreement.

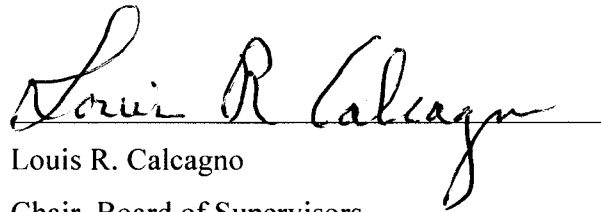
E. **Term.** This Agreement shall terminate upon termination of the uses allowed by Planning Commission Resolution No. 12-025.

F. **Recordation.** The Applicant shall cause this Agreement to be recorded upon execution thereof by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures.

County of Monterey

Date: 4/23/14




Louis R. Calcagno
Chair, Board of Supervisors

APPROVED AS TO FORM:
Charles J. McKee, County Counsel

BY: Cynthia L. Hasson
Cynthia L. Hasson, Deputy County Counsel

Applicant

Date: 2/13/14



Print name: NATHAN CRUM
Manager, Bastogne Holdings, LLC

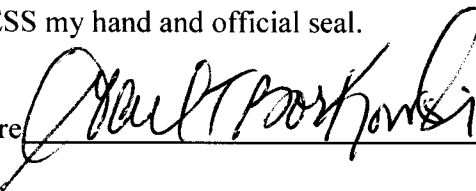
STATE OF CALIFORNIA }

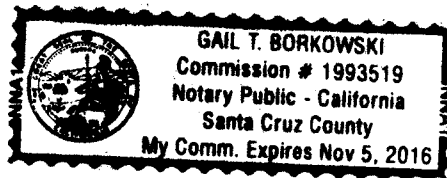
COUNTY OF MONTEREY }

On April 23, 2014 before me, Gail T. Borkowski, Notary
Notary Public, personally appeared Louis R. Calcagno, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



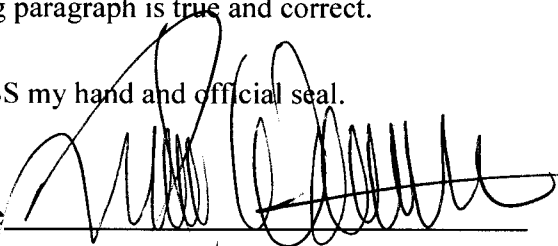
STATE OF CALIFORNIA }

San Joaquin
COUNTY OF ~~MONTEREY~~ }

On Feb. 13, 2014 before me, Jacob Woodworth,
Notary Public, personally appeared Nathan E. Crum, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

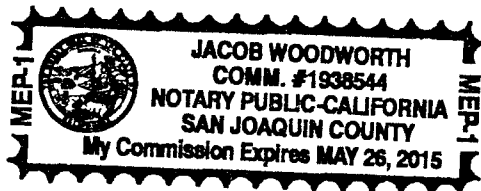


EXHIBIT A
(Property Description)

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Monterey, State of California, and is described as follows:

PARCEL I:

Certain real property situate, lying and being in the Rancho El Sausal in the County of Monterey, State of California, being a part of that certain 2.03 acre tract of land described in deed from William A. Burnett, et ux, to Jessie Gonzales, dated May 15, 1951 and recorded in Volume 1303 Official Records at Page 524, Records of said County, said part being particularly described as follows:

Beginning in the centerline of Madison Lane (a County road 40 feet wide) at the most Northerly corner of said 2.03 acre tract of land, and running thence along said lane centerline and Northeasterly boundary of said 2.03 acre tract of land

- (1) South $66^{\circ}33' \frac{1}{2}'$ East, 150.5 feet to the Northeast corner of said 2.03 acre tract of land; thence leave said lane centerline and running along the Easterly boundary of said 2.03 acre tract of land
- (2) South $0^{\circ}11'$ East, 9.1 feet; thence
- (3) South $6^{\circ}15'$ East, 13.4 feet to a 2" x 3" redwood post; thence
- (4) South $5^{\circ}4'$ East, 101.11 feet; thence
- (5) South $6^{\circ}39'$ West, 43.21 feet to the most Easterly corner of that certain 0.279 tract of land described in deed from Jessie Gonzales to Elmer B. Goss dated April 6, 1955 and recorded in Volume 1605 Official Records at Page 491, Records of said County; thence leave last mentioned boundary and running along the Northeasterly boundary of said 0.279 acre tract of land
- (6) North $64^{\circ}20' \frac{1}{2}'$ West, 105.39 feet to a $\frac{3}{4}$ " diameter iron pipe standing at the most Northerly corner of said 0.279 acre tract of land; thence leave last mentioned boundary and running
- (7) North $27^{\circ}59' \frac{1}{2}'$ East, 19.57 feet to a 1" diameter iron pipe; thence
- (8) North $68^{\circ}34' \frac{1}{2}'$ West, 116.77 feet, at 116.59 feet a 1" diameter Iron pipe, 116.77 feet to a point in the Northwesterly boundary of said 2.03 acre tract of land; thence along the last mentioned boundary
- (9) North $22^{\circ}33'$ East, 130.21 feet, at 110.21 feet a $\frac{3}{4}$ " diameter iron pipe, 130.21 feet to the place of beginning.

APN: 261-052-008 and 261-052-009

PARCEL II:

Certain real property situate, lying and being in the Rancho El Sausal in the County of Monterey, State of California, being a part of that certain 2.03 acre tract of land described in deed from William A. Bumett, et ux, to Jessie Gonzales, dated May 15, 1951 and recorded in Volume 1303 Official Records at Page 524, Records of said County, said part being particularly described as follows:

Beginning at a point in the Northwesterly of said 2.03 acre tract of land, from which the most Northerly corner thereof (in the centerline of Madison Lane, a County road 40 feet wide) bears along said boundary North 22°33' East, 130.21 feet distant; and running thence from said point of beginning along said boundary,

(1) South 22°33' West, 27.39 feet to an angle point in said boundary, from which a disturbed 2" x 3" redwood post bears South 69°19' East, 0.18 feet distant; thence leave said boundary and running

(2) South 16°30 1/2' West, 74.67 feet to a 1" diameter iron pipe; thence

(3) South 57°29 0/4" East, 98.84 feet at 20.8 feet a 1" diameter iron pipe 98.84 feet to a 3/4" diameter iron pipe standing at the most Westerly corner of that certain 0.279 acre tract of land described in deed from Jessie Gonzales to Elmer B. Goss dated April 6, 1955 and recorded in Volume 1605 Official Records at Page 491, Records of said County; thence along the Northwesterly boundary of 0.279 acre tract of land and the production Northeasterly of said boundary

(4) North 27°59 1/2' East, 121.57 feet, at 102.0 feet a 3/4" diameter iron pipe standing at the most Northerly corner of said 0.279 acre tract of land, 121.57 feet to 1" diameter iron pipe; thence

(5) North 68°34 1/2' West, 116.77 feet, at 116.59 feet a 1" diameter iron pipe, 116.77 feet to the place of beginning.

APN: 261-052-006

PARCEL III:

A parcel of land situate in the County of Monterey, State of California; a part of the Rancho El Sausal, and being a portion of that certain 2.03 acre tract of land conveyed from William A. Burnett, et ux, to Jessie Gonzales, by deed dated May 15, 1951, recorded May 16, 1951 in Volume 1303 Official Records of Monterey County, California, at Page 524 therein, more particularly described as follows:

Beginning at a 3/4" iron pipe standing in the fence corner, from which the most Northerly corner of said 2.03 acre tract bears the following 2 reference distances and bearings:

(1) North 62°57' west, 105.30 feet;

(2) North 22°33' East, 240.66 feet; thence from said place of beginning:

(1) North 38°03' East, 102.00 feet to a 3/4" pipe standing in the fence corner;

(2) South 64°21' East, 105.5 feet, along a fence line, to a point on the Easterly boundary of said 2.03 acre tract; thence along said boundary

(3) South 6°39' West, 27.19 feet;

(4) South 20°59' West, 69.60 feet;

(5) South 37°54' West, 10.05 feet; thence leave said boundary,

(6) North 62°57' West, 122.22 feet to the place of beginning.

APN: 261-052-002

EXHIBIT B

(Resolution No. 12-025)

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Bastogne Holdings LLC (PLN110426)

RESOLUTION NO. 12-025

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Negative Declaration and
- 2) Approving a Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall located outside the existing 6,000 square foot warehouse. The tanks will store motor oil (48,000 gallons), unleaded gasoline (12,000 gallons) and diesel (32,000 gallons). The existing warehouse will store approximately 11,000 gallons of motor oil in totes. Associated improvements include two new oil/water separators, berming and fencing modifications.

[PLN110426, Bastogne Holdings LLC, 1083
Madison Lane, Salinas, Greater Salinas Area Plan
(APN: 261-052-008-000, 261-052-002-000, 261-052-
003-000, 261-052-006-000, and 261-052-009-000)]

The Bastogne Holdings LLC application (PLN110426) came on for public hearing before the Monterey County Planning Commission on June 13, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Greater Salinas Area Plan;
 - Monterey County Zoning Ordinance (Title 21);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The property is located at 1083 Madison lane, Salinas (Assessor's Parcel Number 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan. The parcel is zoned Heavy Commercial with an Urban Reserve overlay [HC-UR], which allows a broad range of heavy commercial uses, such as

warehousing, storage facilities, and fabrication shops. The proposed petroleum storage use is allowed with a discretionary permit (21.20.060.O Zoning Ordinance). The Urban Reserve overlay identifies that there is an incorporated city near the project that shall provide review and input regarding the project. The City of Salinas reviewed the project on December 12, 2011 with no conditions or concerns. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on August 24, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) The project was not referred to the Boronda Citizens Advisory Committee (CAC) for review. The CAC has been disbanded, so no review was able to take place.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110426.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey County Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, Water Resources Agency, and the City of Salinas. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Biological Resources, Drainage /Water Quality and Traffic. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - “Salinas Facility for Valley Petroleum Services Biological Assessment”(LIB120052) prepared by PMC, Rancho Cordova, CA, prepared on February 17
 - “Madison Lane Traffic Impact Analysis” (LIB110453) prepared by Hatch Mott MacDonald, Gilroy, CA, December 16, 2011.
 - “Preliminary Wetland Delineation Report for the Madison Lane Improvement Project” prepared by PMC, Rancho Cordova, CA, February 17, 2012.
 - c) Staff conducted a site inspection on August 24, 2011 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110426.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of

this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by Monterey County Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, Water Resources Agency, and the City of Salinas. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are already available. Water is provided by the California Water Company. Wastewater is provided by City of Salinas Wastewater Services.
 - c) Preceding findings and supporting evidence for PLN110426.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on August 24, 2011 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110426.

5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN110426).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation

Monitoring and/or Reporting Plan have been prepared in accordance with Monterey County regulations and are designed to ensure compliance during project implementation and are hereby incorporated herein by reference.

- e) The Negative Declaration (“ND”) for PLN110426 was prepared in accordance with CEQA and circulated for public review from April 27, 2012 through May 26, 2012. On May 30, 2012, the Planning Commission continued the hearing to June 13, 2012 to allow the review period on the Negative Declaration to be extended until June 5, 2012. A notification letter regarding the extension was mailed on May 30, 2012 to all owners, agencies, and interested parties on the distribution list providing additional time to comment.
- f) Issues that were analyzed in the Negative Declaration include: biological resources, hazards/hazardous materials, hydrology/water quality, and transportation/traffic.
- g) Biological Resources: Based on the database search for special-status wildlife and habitat suitability the species that have the potential to occur within the project area include: northern harrier, white-tailed kite, burrowing owl, short-eared owl, and other nesting migratory birds and raptors. The required Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Countermeasures (SPCC) plans, as well as conditions by the Monterey County Regional Fire District and Environmental Health Bureau for handling of flammable substances, will eliminate to the degree practicable the potential for accidental discharge of fuel or contaminated storm-water to impact the Markley Swamp.
- h) Hazards/Hazardous Materials: The proposed project is located within a Heavy Commercial zoning district with a project site that has had multiple heavy commercial uses. The proposed storage of petroleum products will be either stored in above-ground tanks or within the existing warehouse. All tanks and storage containment inside the warehouse will meet all fire and health safety standards, as conditioned, to ensure safety is maintained at all times.
- i) Hydrology/Water Quality: According to County Resource Maps, the project site is adjacent to a wetland area known as Markley Swamp. The swamp is classified as Palustrine Emergent Marsh which is seasonally flooded and farmed (PEMCF). This land receives stormwater runoff from the project site and surrounding neighborhoods. Based on the current conditions of the project site, on-site drainage does not filter out contaminants, nor are there berms or improvements for on-site run-off. Using County Resource Maps, which provide aerial photos dated back to 2007, the previous auto repair and towing business, which ended in early 2011, placed dismantled cars along the drainage areas and near the banks of the swamp. The proposed project will improve the site by adding berms and two oil/water separators at the end of the drainage areas so all contaminants are removed before being drained into the basin. Since there will be no changes to the existing site, besides the installation of tanks and drainage improvements, water quantity draining into the swamp will remain as existing, but the water will be filtered of contaminants prior to being drained into the swamp. The

project is conditioned to provide a Spill Containment and Management Plan, as well as a Stormwater Protection Plan for review and approval prior to the commencement of use.

- j) Transportation/Traffic: The proposed project identifies 35-45 daily truck trips required for the petroleum distribution list (depending on the season). According to a Trip Generation Study prepared by Keith Higgins of Hatch Mott MacDonald, the truck trips would not affect the Level of Service (LOS) at the intersections of Boronda Road and Madison Lane, and Boronda Road and Calle Del Abode. Also, based on the Trip Generation Study regarding vehicles to be used during operation, which consist of three truck and trailer units (80,000 lbs), three bobtail trucks (50,000 lbs), one flatbed pickup truck, and nine employee vehicles, new impacts will not be created to the existing pavement and roads along Madison Lane. The RMA – Public Works Department has applied standard conditions to the project which requires the proposed project to pay its fair contribution to road and traffic improvements along Madison Lane and Highway.
- k) Evidence that has been received and considered includes: the application, information drafted for the future Madison Lane Improvement Project prepared by the former County Housing and Redevelopment Agency, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN110426) and are hereby incorporated herein by reference.
- l) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
The site is adjacent to a wetland (Markley Swamp) which may potentially be a nesting area for migratory birds and raptors. The State Department of Fish and Game reviewed the ND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- m) No comments from the public were received.
- n) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: a) Section 21.80.040.C of the Monterey County Zoning Ordinance (Board of Supervisors).


DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Adopt a Negative Declaration; and
2. Approve a Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall located outside the existing 6,000 square foot warehouse. The tanks will store motor oil (48,000 gallons), unleaded gasoline (12,000 gallons) and diesel (32,000 gallons). The existing warehouse will store approximately 11,000 gallons of motor oil in totes. Associated improvements include two new oil/water separators, berming and fencing modifications, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of June, 2012 upon motion of Commissioner Padilla, seconded by Commissioner Getzelman, by the following vote:

AYES: Vandevere, Getzelman, Roberts, Diehl, Padilla, Hert
NOES: None
ABSENT: Brown, Rochester, Salazar, Mendez
ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUN 29 2012**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JUL 09 2012**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department
Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110426

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Use Permit (PLN110426) allows the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall located outside the existing 6,000 square foot warehouse. The tanks will store motor oil (48,000 gallons), unleaded gasoline (12,000 gallons) and diesel (32,000 gallons). The existing warehouse will store approximately 11,000 gallons of motor oil in totes. Associated improvements include two new oil/water separator, berming and fencing modifications. The property is located at 1083 Madison Lane, Salinas (Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan.. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a notice which states: "A Use Permit (Resolution 12-025) was approved by the Planning Commission for Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000 on June 13, 2012. The permit was granted subject to 35 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on June 13, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

6. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

7. PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the Building Permit final, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to building permit final. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: 1) Prior to the issuance of a Building Permit for the seven (7) above-ground holding-tanks, submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf, and low-flow, water conserving irrigation fixtures."

2) Prior to Building Final for the seven (7) above-ground holding-tanks, the landscaping shall be installed and inspected.

3) On an on-going basis, all landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

8. PD014(A) - LIGHTING: EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed:

- 1) Prior to Building Permit Issuance for the seven (7) above-ground holding-tanks, submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.
- 2) Prior to Building Final for the seven (7) above-ground holding-tanks, the lighting shall be installed and maintained in accordance with the approved plan.

9. PDSP001 - MADISON LANE IMPROVEMENT PROJECT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner shall participate in the pro-rata funding of a future project to reconstruct Madison Lane to County industrial standards, consisting of improving pedestrian circulation, drainage, new pavement, sidewalks, installation of curbs and gutters, and new striping and signage. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: As an on-going condition, the property owner shall participate in the pro-rata funding of a future project to reconstruct Madison Lane to County industrial standards, consisting of improving pedestrian circulation, drainage, new pavement, sidewalks, installation of curbs and gutters, and new striping and signage.

10. PDSP002 - AIR DISTRICT PERMIT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The owner must obtain a permit from the Monterey Bay Unified Air Pollution Control District, pursuant to Air District Rules 200, 418, 419, and 1000. The permit requires the owner to submit documentation identifying vapro control measures, volatile organic compound (VOC) emissions, and operational activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permit, the owner must obtain a permit from the Monterey Bay Unified Air Pollution Control District.

11. COS001 - STORMWATER DEVELOPMENT STANDARDS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The project must comply with the 2008 Stormwater Development Standards required by the City of Salinas. Prior to the commencement of use, the owner must submit a Stormwater Development Plan and Stormwater Pollution Prevention Plan pursuant to the 2008 Stormwater Development Standards to the City of Salinas for review and approval.

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the owner must submit a Stormwater Development Plan and Stormwater Pollution Prevention Plan pursuant to the 2008 Stormwater Development Standards to the City of Salinas for review and approval.

12. NON- STANDARD CONDITION - CITY OF SALINAS TRAFFIC FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the City of Salinas (City) Traffic Fee Ordinance (TFO) program. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

13. NON- STANDARD CONDITION- ROAD MAINTENANCE AGREEMENT

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Applicant shall enter into a road maintenance agreement with the Department of Public Works to pay a proportionate share of the maintenance costs of Madison Lane and Boronda Road. (Public Works).

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance Owner/Applicant shall submit executed agreement to DPW. DPW can prepare agreement. Improvements shall be constructed upon demand of DPW. Failure to construct can result in a lien placed on the property.

14. PW0004 - AGREEMENT (CURB, ETC...)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Enter into an agreement with the County of Monterey to install curb, gutter, sidewalk and pave-out along the frontage of Madison Lane. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance Owner/Applicant shall submit executed agreement to DPW. DPW can prepare agreement. Improvements shall be constructed upon demand of DPW. Failure to construct can result in a lien placed on the property.

15. PW0007 - PARKING STANDARDS

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance the Applicant's engineer or architect shall prepare a parking plan, Owner/Applicant/Engineer to submit plans for review and approval.

16. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

17. PW0003 - ENCROACHMENT (CURB, ETC)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain and encroachment permit from the Department of Public Works and construct curb, gutter, sidewalk and pave-out along the frontage of Madison Lane. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permit Issuance Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

18. PW0010 - SEWER CONNECTION

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain a sewer connection permit from the Department of Public Works and pay all applicable fees. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Owner/Applicant shall apply for permit with Department of Public Works, obtain the permit, and pay applicable fees.

19. EHSP01 - HAZARDOUS MATERIALS BUSINESS RESPONSE PLAN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory). (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to grading and building permits the owner/applicant shall submit the signed Business Response Plan & Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operation. Once approved, the applicant shall maintain an up-to-date Business Response Plan.

20. EHSP02 - HAZARDOUS WASTE CONTROL (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The facility shall comply with the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Chapter 6.50 for the proper handling, storage and disposal of Hazardous Waste as approved by the Environmental Health Bureau (EHB). (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to commencement of operations the owner/applicant shall register the facility with Hazardous Materials Management Services of EHB. Comply with all conditions of the Hazardous Materials permit.

21. EHSP03 - HAZARDOUS MATERIALS - SPILL PREVENTION AND COUNTERMEASURE CONTROL PLAN (SPCC) (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Above ground storage tanks for petroleum products (i.e. diesel, oil, and gasoline) with greater than 1320-gallons of capacity or for cumulative storage of more than 1320-gallons shall meet the standards as found in the California Health and Safety Code, Section 25270 et seq. and of the Code of Federal Regulations, Part 112 (commencing with Section 112.1) of Subchapter D of Chapter 1 of Title 40. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to commencement of operations the owner/applicant shall submit a Spill Prevention Countermeasure Control (SPCC) Plan to Hazardous Materials Management Services of the Environmental Health Bureau and the Regional Water Quality Control Board for review and approval. Once approved, the applicant shall maintain an up-to-date SPCC Plan for this site.

22. EHSP04 & REQUIREMENT FOR OIL / WATER SEPARATOR(S) AND PERIMETER BERMING OF THE PROPERTY (NON-STA

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Install oil/water separator(s) on the property in appropriate locations as determined by a registered civil engineer. The areas shall be properly graded, paved and bermed for surface drainage to the approved oil/water separator(s). Perimeter berming of the property is required. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to commencement of operations, a registered civil engineer shall provide specifications of the oil/water separator(s) to the Environmental Health Bureau for review and approval. The oil/water separator(s) shall be properly sized and the location(s) shall be determined by a registered civil engineer. The oil/water separator(s) will be installed with inlet shutoff valves that close off the drainage system when a spill is detected. In addition, fossil filters will be installed and maintained in the drain inlets upslope of the separators.

Prior to commencement of operations that include petroleum tank trucks on the property, a registered civil engineer shall provide the design for the southern area that shall be properly paved/bermed and the perimeter berming of the property. The property perimeter berm shall be installed in such a manner as to retain the maximum tank compartment capacity of the trucks (currently 4,000 gallons) plus a three (3) inch storm event.

23. EHSP05 & REQUIREMENT FOR SECONDARY CONTAINMENT OF THE PETROLEUM TANK FARM (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Construct the secondary containment of the tank farm in compliance with state standards as determined by the Central Coast Regional Water Quality Control Board (Central Coast Water Quality Board). California's Porter-Cologne Water Quality Control Act – Division 7 ("Water Quality") of the State Water Code, establishes the responsibilities and authorities of the nine Regional Water Quality Control Boards. The Porter- Cologne Act names these Boards "... the principal State agencies with primary responsibility for the coordination and control of water quality" (Section 13001). Each Regional Board is directed to "...formulate and adopt water quality control plans for all areas within the region."

The Central Coast Water Board's Water Quality Control Plan for the Central Coast Basin (Basin Plan) establishes Discharge Prohibitions for All Waters (Chapter 5 section IV.A pages V-7 to V-8) that states, "waste discharges shall not contain materials in concentrations which are hazardous to human, plant, animal, or aquatic life. The discharge of oil or any residual products of petroleum to the waters of the State, except in accordance with waste discharge requirements or other provisions of Division 7 of the California Water Code, is prohibited."

Basin Plan Chapter 5 section I.D. Bays And Estuaries Policy places discharge prohibitions on: "5. materials of petroleum origin" (pages V-2 to V-3).

Chapter 4 in the Basin Plan section VI.J. Aboveground Petroleum Storage Tanks (page IV-35) invokes the Above Ground Petroleum Storage Act that became effective as Chapter 6.67 (commencing with Section 25270), Division 20, of the Health and Safety Code and amendment to Section 3106 of the Public Resources Code.

The California Aboveground Petroleum Storage Act (APSA) is contained in Section 25404 of the Health and Safety Code. These requirements are based on federal law 40 CFR 112.7 and 112.8 for the containment to be "sufficiently impervious". Pursuant to section 40 CFR 112.7(c), the entire secondary containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system will not escape containment before cleanup occurs and before the discharge reaches navigable waters and adjoining shorelines. The containment system includes retaining walls or dike/berm, including the walls and floors.

With respect to bulk storage containers at onshore facilities (except production facilities), 40 CFR, Sections 112.8(c)(2) and 112.12(c)(2) state that diked areas must be "sufficiently impervious to contain oil." The purpose of the secondary containment requirement is to prevent discharges to navigable waters or shorelines as described in 40 CFR, Section 112.1(b); therefore, effective secondary containment methods must be able to contain oil until the oil is cleaned up.

Compliance or Monitoring Action to be Performed: Prior to utilizing the petroleum tank farm, (i.e. filling of petroleum tanks) the owner/applicant shall demonstrate the secondary containment of the tank farm has been constructed in compliance with state standards of the Central Coast Regional Water Quality Control Board. Provide evidence of compliance to the Environmental Health Bureau.

24. EHSP06 2 STORMWATER DISCHARGE TO WETLANDS / COMPLIANCE WITH FEDERAL AND STATE STANDARDS (NON-)

Responsible Department: Health Department

**Condition/Mitigation
Monitoring Measure:**

The Clean Water Act (CWA) requires discharge of pollutants to waters of the United States from any point source be effectively prohibited unless the discharge is in compliance with an NPDES permit. Section 402(p) of the CWA establishes a framework for regulating municipal and industrial storm water discharges under the NPDES Program. The regulations require that storm water associated with industrial activity that discharges either directly to surface waters or indirectly through municipal separate storm sewers must be regulated by an NPDES permit. The regulations allow authorized states to issue general permits or individual permits to regulate storm water discharges. California regulates industrial discharges through the State Water Resources Control Board Water Quality Order No. 97-03-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 (Industrial General Permit) Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.

Effluent Limitations

NPDES Permits for storm water discharges must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require control of pollutant discharges using best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards. Central Coast Water Board guidance provided to the applicant and implemented in the SPCC and SWPPP meets these BAT/BCT standards.
(Environmental Health)

**Compliance or
Monitoring
Action to be Performed:**

Prior to commencement of operations of industrial activities that could contaminate storm water runoff (e.g., storage of petroleum products in above ground tanks, storage of vehicles transporting petroleum products) the owner/applicant shall provide a copy of the Waste Discharge Requirements (WDRs) for Discharges of Storm Water from the Central Coast Water Board to the Environmental Health Bureau.

25. EHSP07 - INDUSTRIAL STORMWATER POLLUTION PREVENTION (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: To be compliant with the Federal Clean Water Act and National Pollutant Discharge Elimination System (NPDES) requirements, the Central Coast Water Board requires Valley Pacific Petroleum Services (VPPS) to enroll in the State's Industrial General Permit and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). All Industrial General Permit holders are required to implement Best Management Practices (BMPs) to prevent the discharge of polluted stormwater off site. The site specific plan to implement BMPs is called the SWPPP. Under the Industrial General Permit, VPPS is required to sample their storm water runoff during a minimum of two storm events each rainy season. Samples are analyzed for pH, Total Suspended Solids, Specific Conductance, and Oil & Grease or Total Organic Compounds. In addition to these general chemistry analyses, VPPS is required to analyze stormwater for Total Petroleum Hydrocarbons (TPH), Polycyclic Aromatic Hydrocarbons (PAH), and Benzene, Toluene, Ethyl benzene, and Xylene (BTEX) because of the potential sources store on site and proximity to a sensitive waterbody. VPPS is required to conduct monthly visual observations throughout the rainy season and quarterly dry weather observations. The monitoring and sampling results are recorded in an annual report, which is submitted to the Central Coast Water Board on July 1 of each year. Central Coast Water Board staff review the annual reports and evaluate compliance with benchmark parameters, and monitoring and reporting requirements specified in the Industrial General Permit. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to commencement of operations of industrial activities that could contaminate stormwater runoff (e.g., storage of petroleum products in above ground tanks, storage of vehicles transporting petroleum products) the owner/applicant shall enroll in the Industrial General Permit and implement the site specific SWPPP. Provide evidence of compliance from the Central Coast Water Board to the Environmental Health Bureau.

26. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permits, the applicant or owner shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.
2. Prior to requesting a final building inspection, the applicant or owner shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

27. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.
2. Prior to requesting a final building inspection, the applicant or owner shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

28. FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall print the text of this condition on the construction plans.
2. Prior to requesting a framing inspection, the applicant or owner shall obtain fire department approval of the fire alarm system plans.
3. Prior to requesting a final building inspection, the applicant or owner shall complete the installation of the fire alarm system, obtain fire department approval of the fire alarm acceptance test and final fire inspection.

29. FIRE026 - ROOF CONSTRUCTION (STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans

30. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Emergency access key box ("Knox Box") shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys.
Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a final building inspection, Applicant shall install the applicable emergency access device and shall obtain fire department approval of the final fire inspection.

31. NON-STANDARD CONDITION - EXISTING FIRE SPRINKLER SYSTEMS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Existing fire sprinkler systems in buildings undergoing remodeling and/or additions shall be extended or modified to provide protection to the remodeled/added areas. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the edition(s) of which shall be determined by the enforcing jurisdiction. Plans for fire sprinkler system changes must be submitted and approved prior to installation. In the event the remodel/addition project does not require extension or modification of the existing fire sprinkler system, a letter to that effect from the fire sprinkler contractor shall be provided to the Salinas Rural Fire District prior to requesting a framing inspection. Rough-in inspections must be completed prior to requesting a framing inspection.
Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough fire sprinkler inspection.

Prior to requesting a final building inspection, Applicant shall obtain fire department approval of the final fire sprinkler inspection.

32. NON-STANDARD CONDITION - FLAMMABLE AND COMBUSTIBLE LIQUIDS - STORAGE AND BULK DISTRIBUTION

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The facility shall be designed, operated and maintained in accordance with the California Fire Code Chapters 22, 27 and 34, as well as NFPA Standard 30. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, Applicant shall print the text of this condition on the construction plans and shall incorporate the requirements of the applicable code into the design of the facility.

Prior to requesting a final building inspection, Applicant shall obtain fire department approval of the final fire inspection.

33. NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Hydrants for fire protection shall be provided at locations approved by the fire code official and shall conform to the following requirements:

- a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow requirement for 6000 square foot commercial facilities built with Type VB construction is 2000 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Due to the outside storage and bulk distribution of flammable and combustible liquids as well as the inside storage of combustible liquids on site, no reduction of the fire flow rate is granted.
- b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction or installation of storage and distribution equipment.
- c. HYDRANT/FIRE VALVE - Modifications to existing municipal water system pipe lines and/or hydrant(s) shall be made as determined by the fire code official in order to obtain the required fire flow rate and residual pressure.
- d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
- e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix B and in accordance with the following specifications:
- f. HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9.
- g. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the improvement plans and/or construction plans, shall complete the installation of water system improvements and shall obtain fire department approval of the water system acceptance test.

34. NON-STANDARD CONDITION - PORTABLE FIRE EXTINGUISHERS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9 and Title 19 California Code of Regulations. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed:

- 1) Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.
- 2) Prior to requesting a final building inspection, Applicant shall install the applicable portable fire extinguisher(s) and shall obtain fire department approval of the final fire inspection.

35. NON-STANDARD CONDITION - ROAD ACCESS

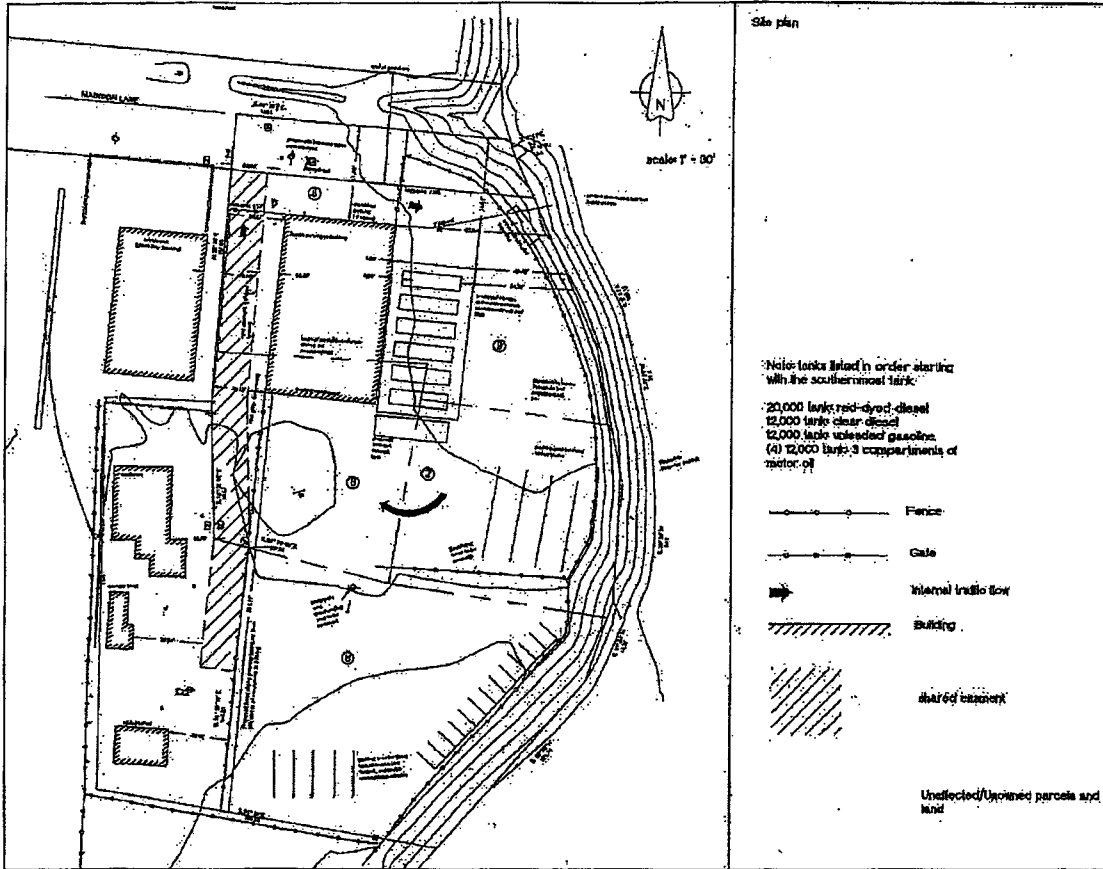
Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum width of 20 feet with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. Responsible Land Use Department: Monterey County Regional Fire District

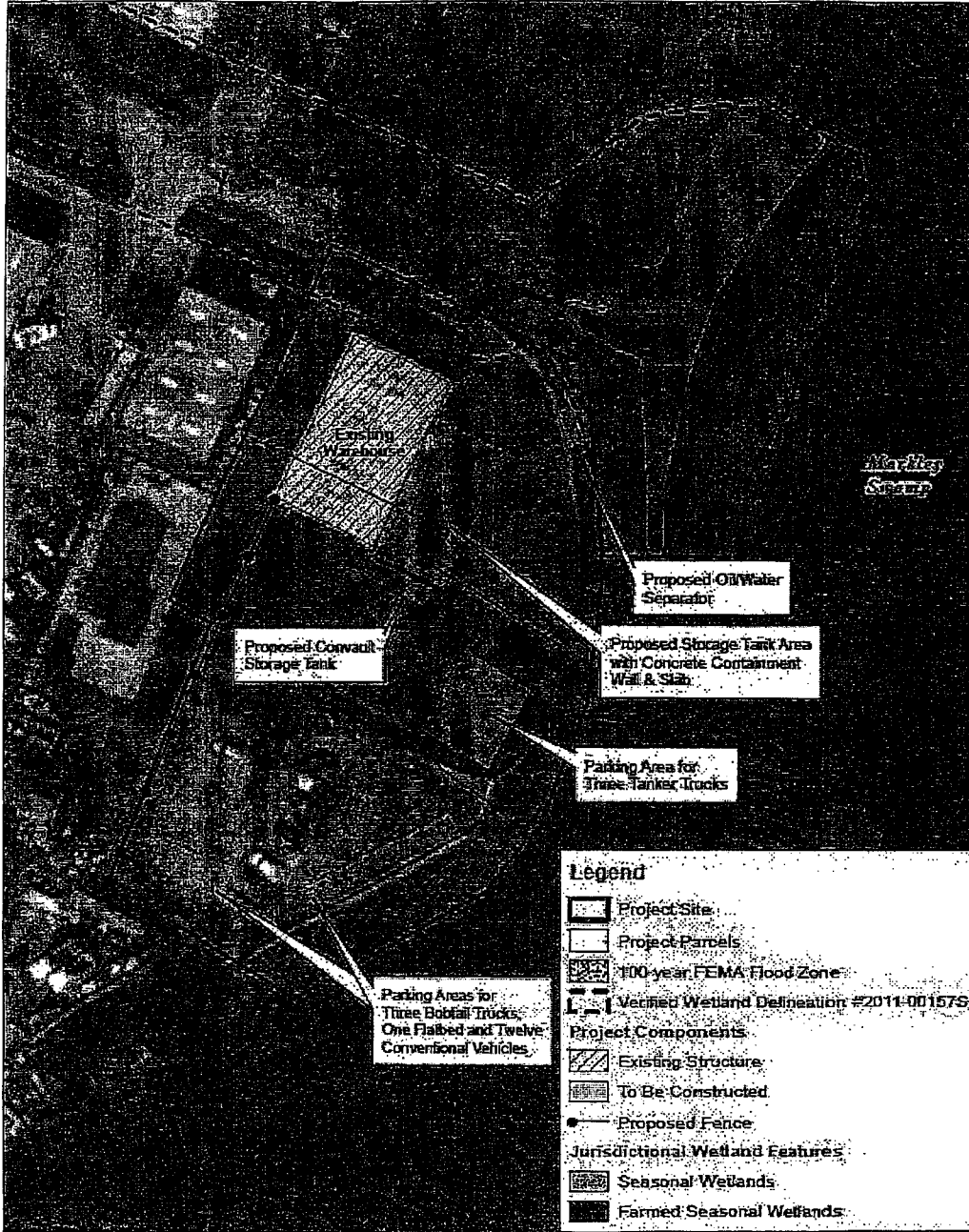
Compliance or Monitoring Action to be Performed: 1) Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as "Fire Department Notes" on plans.

2) Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval the final fire inspection.

SITE PLAN



PROJECT COMPONENTS AND BIOLOGICAL RESOURCES
 (Figure 3 of Biological Assessment by PMC – Reference IX; 8(b))



PROPOSED DRAINAGE IMPROVEMENTS

