

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: February 28, 2013 Time: 1:30 P.M.	Agenda Item No.: 1
Project Description: Consider a Use Permit and Design Approval for 1) construction of two water tanks 150,000 and 170,000 gallons in size respectively and associated grading (220 cubic yards of cut and 5 cubic yards of fill); 2) construction of a six-foot high chain link fence along the perimeter of the property, a three-foot high concrete retaining wall and a 20-foot wide driveway on Pine Canyon Road; 3) the future development of a hydro pneumatic tank; and 4) removal of four Coast Live Oak trees in excess of six inches in diameter. The project includes the removal six existing 8,000-gallon plastic water tanks and associated piping and concrete foundations; demolition of an existing wooden pump building and concrete foundation; and the destruction of two water wells.	
Project Location: Intersection of Mesa Road and Pine Canyon Road	APN: 415-031-003-000 and 415-031-004-000
Planning File Number: PLN110595	Owner: California Water Service Company Agent: Girlie Jacobson, Engineer
Planning Area: Toro Area Plan	Flagged and staked: No
Zoning Designation: : "LDR/B-6-D" [Low Density Residential, with Building Site and Design Control Overlays]	
CEQA Action: Categorically Exempt per Section 15301 (b) of the CEQA Guidelines	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Find the project exempt from environmental review under CEQA Guidelines Section 15301 (b); and
- 2) Approve a Use Permit and Design Approval for 1) construction of two water tanks 150,000 and 170,000 gallons in size respectively and associated grading (220 cubic yards of cut and 5 cubic yards of fill); 2) construction of a six-foot high chain link fence along the perimeter of the property, a three-foot high concrete retaining wall and a 20-foot wide driveway on Pine Canyon Road; 3) the future development of a hydro pneumatic tank; and 4) removal of five Coast Live Oak trees in excess of six inches in diameter. The project includes the removal six existing 8,000-gallon plastic water tanks and associated piping and concrete foundations; demolition of an existing wooden pump building and concrete foundation; and the destruction of two water wells, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**);

PROJECT OVERVIEW:

The project site is located at the corner of Pine Canyon Road and Mesa Road, approximately one mile east of River Road, River Road Area, within the boundaries of the Toro Area Plan. The site consists of two separate lots and is located in Alta Vista Subdivision No. 1. The lots contain two water wells, pumping equipment and six, 8,000-gallon plastic water storage tanks; these facilities are used as part of the Buena Vista Water System for the provision of potable water to the properties within the Alta Vista Subdivision and other properties within the approved service area of the system. The proposed project includes the demolition of all existing facilities on the property and the construction of two water storage tanks one on each of the two lots, surrounded by an asphalt access and drainage apron. A chain-link fence with slats is proposed on the perimeter of the property.

Water for the site is provided by the California Water Service Company and will be used to provide a more reliable potable water source for properties already receiving this service and added capacity for fire suppression in the area. The proposed project does not include any changes in the amount of water use or number of water connections in the Buena Vista Water System which are already regulated and approved by the California Department of Public Health (CDPH) under existing permits for the utility. Any additional water production or increase in the number of connections would be subject to review and approval of by the CDPH.

The project includes the removal of four Coast Live Oak exceeding six inches in diameter and the removal of an additional number of Coast Live Oak trees less than six inches in diameter. The trees proposed for removal exceeding six inches in diameter are identified as Tree Nos. 15 (18-inch diameter), 16 (14-inch diameter), 20 (24-inch diameter) and 21 (20-inch diameter) in the project plans. An Arborist Report (LIB 120380) prepared for the project rated the condition of these trees as follows:

Tree Number	Rating/Condition
Tree No. 15	65/Fair Vigor
Tree No. 16	35/Poor Vigor
Tree No. 20	40/Poor Vigor – Almost Dead
Tree No. 21	45/Poor Vigor – Nearly Dead

Note: Ratings are based on a scale from 1-100 (Very Poor to Excellent Condition)

Staff believes that minor adjustments can be made to the Site Plan to avoid the removal of one of the larger trees proposed for removal (Tree No. 15 on the Site Plan). Planting or replacement of the other trees larger than six inches in diameter is required as a condition of project approval. In addition, in consultation with the project Arborist, staff determined that the replanting on the site of the eight oak trees less than six inches in diameter is a preferable option than their removal consistent with the provisions of Policy T-3.7 of the Toro Area Plan. The replanting is also consistent with the provisions of Section 21.64.260 D 4 of the Zoning Ordinance which requires potential relocation/replanting of trees as a consideration of project approval. A condition of approval (Condition No. 10) has been applied to the project which requires the preparation of a tree replanting and replacement plan to identify replanting locations and monitoring actions to assure the long-term survivability of the replanted trees.

The tanks would be consistent with the development standards, i.e. site coverage, height, of the low density residential zoning district. The colors of the tanks blend well with the natural condition of the site and surrounding areas. Landscaping is required as a condition of project approval to buffer the visibility of the tanks from the street and neighboring properties.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

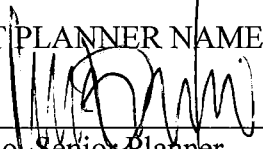
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey County Regional Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by these agencies have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the Draft Resolution (**Exhibit B**).

The proposed project was not referred to any advisory committee. The project consists of improvements to existing facilities on the site that are related to an already established and approved water system and it does not raise any significant land use issues.

Note: The decision on this project is appealable to the Planning Commission.

/S/ PROJECT PLANNER NAME


Luis A. Osorio, Senior Planner
(831) 755-5177; osoriol@co.monterey.ca.us
February 8, 2013

cc: Front Counter Copy; Zoning Administrator; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Luis A. Osorio, Project Planner; California Water Service Company, Owner; Girlie Jacobson, Engineer/Agent; The Open Monterey Project; Landwatch; Planning File PLN110595

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Draft Resolution, including:
		• Conditions of Approval;
		• Site Plan, Floor Plan and Elevations,
	Exhibit C	Vicinity Map

This report was reviewed by Wanda Hickman, Planning Services Manager. *wah*

EXHIBIT A

Project Information for PLN110595

Project Information:

Project Name:	CALIFORNIA WATER SERVICE CO	
Location:	INTERSECTION OF MESA RD & PINE CYN RD SALINAS	
Permit Type:	Use Permit	
Environmental Status:	Exempt	Final Action Deadline (884): 1/4/2013
Existing Structures (sf):	0	Coverage Allowed: 25%
Proposed Structures (sf):	1520	Coverage Proposed: 23%
Total Sq. Ft.:	1520	Height Allowed: 30'
Tree Removal:	3 Coast Live Oaks	Height Proposed: 19'
Water Source:	Public Utility	FAR Allowed: N/A
Water Purveyor:	Cal. Water Service Co.	FAR Proposed: N/A
Sewage Disposal (method):	N/A	Lot Size: 13000
Sewer District:	N/A	Grading (cubic yds.): 220

Parcel Information:

Primary APN:	415-031-003-000	Seismic Hazard Zone:	IV - Moderate
Applicable Plan:	Toro Area Plan	Erosion Hazard Zone:	Low
Advisory Committee:	Toro LUAC	Fire Hazard Zone:	Moderate
Zoning:	LDR/B-6-D	Flood Hazard Zone:	None
Land Use Designation:	Low Density Residential 1-5	Archaeological Sensitivity:	Low
Coastal Zone:	No	Viewshed:	Visually Sensitive Area
Fire District:	Monterey Regional FPD	Special Setbacks on Parcel:	None

Reports on Project Parcel:

Soils Report #:	N/A
Biological Report #:	LIB120381
Geologic Report #:	LIB120382
Forest Management Rpt. #:	LIB120381
Archaeological Report #:	N/A
Traffic Report #:	N/A

EXHIBIT B
DRAFT RESOLUTION

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

California Water Service Company (PLN110595)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project exempt from environmental review under Section 15301 (b) of the CEQA Guidelines; and
- 2) Approving a Use Permit and Design Approval for 1) construction of two water tanks 150,000 and 170,000 gallons in size respectively and associated grading (220 cubic yards of cut and 5 cubic yards of fill); 2) construction of a six-foot high chain link fence along the perimeter of the property, a three-foot high concrete retaining wall and a 20-foot wide driveway on Pine Canyon Road; 3) the future development of a hydro pneumatic tank; and 4) removal of three Coast Live Oak trees in excess of six inches in diameter. The project includes the removal six existing 8,000-gallon plastic water tanks and associated piping and concrete foundations; demolition of an existing wooden pump building and concrete foundation; and the destruction of two water wells.

[PLN110595, California Water Service Company, Intersection of Mesa Road and Pine Canyon Road, Toro Area Plan (APN: 415-031-003-000 and 415-031-004-000)]

The California Water Service Company application (PLN110595) came on for public hearing before the Monterey County Zoning Administrator on February 28, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator 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;
- the Toro 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 properties are located at the intersection of Mesa Road and Pine Canyon Road (Assessor's Parcel Numbers 415-031-003-000 and 415-031-004-000) Toro Area Plan. The parcels are zoned "LDR/B-6-D" (Low Density Residential with the Site Plan and Design Control Overlay Districts). The regulations of the Low Density Residential Zoning District allow construction of water system facilities with a Use Permit, including water storage tanks such as the ones proposed. Therefore, the project is an allowed land use for this site. The subject project is consistent with the Development Standards of the "LDR" Zoning District and the "B-6" Overlay District.
- c) The proposed project, as conditioned, is consistent with the provisions of the "D" or Design Control Overlay District. The project site consists of two parcels one of which is already developed with facilities ancillary to the Buena Vista Water System. Facilities for the provision of potable water, including water tanks, are part of residential neighborhoods as they are needed utilities. Impacts from water tanks such as the proposed are addressed through the application of standards conditions regarding landscaping, colors and lighting. The colors of the tanks would blend well with the condition of the site and surrounding areas. Buffering landscaping and lighting plans are required as a condition of project approval.
- d) The project planner conducted a site inspection on November 14, 2012 and January 25, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- e) The project was not referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did/did not warrant referral to the LUAC because the project does not raise any significant land use issues that necessitated review prior to a public hearing by the Appropriate Authority. The proposed project consists of improvements to existing facilities on the site that are related to an already established and approved water system. The Zoning Administrator has applied appropriate conditions of approval that make the project consistent with applicable requirements of the Zoning Ordinance and address the project's relationship to the immediate surroundings.
- f) 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 PLN110595.

2. **FINDING:** **TREE REMOVAL** - The proposed project is consistent with the provisions of Policy T-3.7 of the Toro Area Plan which states that the removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. The project is also consistent with the provisions of Chapter 21. 64.260 (Preservation of Oak and Other Protected Trees) of the Zoning Ordinance.
- EVIDENCE:** a) The original project proposal included the removal of four Coast Live Oak trees greater than six inches in diameter as well as the removal of eight Coast Live Oaks less than six inches in diameter. Through the review of the application staff recommended and the Zoning Administrator required that minor adjustments be made to the Site Plan to avoid the removal of one of the larger trees proposed for removal (Tree No. 15 on the Site Plan). Planting of replacement trees is required as a condition of project approval.
- b) Through the review of the application, in consultation with the project Arborist, it was determined that the replanting on the site of the eight oak trees less than six inches in diameter is a preferable option than their removal consistent with the provisions of Policy T-3.7 of the Toro Area Plan. The replanting is also consistent with the provisions of Section 21.64.260 D 4 of the Zoning Ordinance which requires potential relocation/replanting of trees as a consideration of project approval. A condition of approval (Condition No. 10) has been applied to the project which requires the preparation of a tree replanting plan to identify replanting locations and monitoring actions to assure the long-term survivability of the replanted trees.
3. **FINDING:** **VISUAL RESOURCES** – The proposed project would be consistent with the provisions of Policy T-3.1 of the Toro Area Plan which require that within areas designated as “visually sensitive” in the Toro Scenic Highway Corridors and Visual Sensitivity Map, landscaping or new development may be permitted if development is located and designed in such a manner that will enhance the scenic value of the area.
- EVIDENCE:** a) The subject site consists of two separate lots located at the intersection of Mesa Road and Pine Canyon Road within an area designated as “visually sensitive” in the Toro Scenic Highway Corridors and Visual Sensitivity Map. The site is buffered by sizeable Coast Live Oak trees on both street sides. One of the parcels is already developed with facilities (water tanks) similar to the proposed project in terms of bulk and therefore development on this parcel would not result in additional visual impacts. The second tank would be located on a vacant parcel blending with the natural state and visual character of the site. A condition of approval is required to provide substantial additional landscape buffering which would reduce the visibility of both tanks from the public viewing areas (streets). Therefore, the project would not result in significant visual impact on the visual resources of the site or surroundings.
- b) The project site is located almost at the end of a dead-end road, with limited vehicular traffic and therefore limited visibility to the general public. The site is not located on a ridgeline.
4. **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 Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated into the project design and will also be implemented as conditions of approval.
 - b) The following reports have been prepared for the project:
 - “Geotechnical Investigation” (LIB120382) prepared by Cotton, Shires and Associates, Inc., Los Gatos, CA, May, 2012.
 - “Biological Assessment – Station 70 Rebuild, Proposed Tanks 4 and 5, Pine Canyon Road, Monterey County” (LIB120381) prepared by Bryan Mori Biological Consulting Services, Watsonville, CA, June 26, 2012.
 - “Arborist Report” (LIB120380) prepared by Kielty Arborist Services, San Mateo, CA, May 7, 2012.The above-mentioned 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 has independently reviewed these reports and concurs with their conclusions.
 - c) Staff conducted a site inspection on November 14, 2012 and January 25, 2013 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 PLN110595.

5. **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 the RMA - Planning Department, Monterey County Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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) The proposed project is related to an existing utility approved and regulated by the California Department of Public Health (CDPH). Water for the site is provided by the California Water Service Company and will be used to provide a more reliable potable water source for properties already receiving this service and added capacity for fire

suppression in the area. The proposed project does not include any changes in the amount of water use or number of water connections which are already regulated and approved by the CDPH under existing permits for the utility. Staff from the Environmental Health Bureau has contacted the CDPH regarding the proposed project; per e-mail communication from the CDPH dated 10/31/2012, "the storage tanks have to meet the requirements of the California Waterworks Standards in Title 22 of the California Code of Regulations" and the applicant "will need to apply for an amendment to their water system permit." A condition of approval has been applied to the project (Condition No. 11) which requires the applicant to provide evidence of compliance with California Waterworks Standards for the construction of the tanks and compliance with CEQA environmental review requirements for any permit amendments required by the CDPH.

- c) Staff conducted a site inspection on November 14, 2012 and January 25, 2013 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 PLN110595.

6. **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 November 14, 2012 and January 25, 2013 and researched County records to assess if any violation exists on the subject property.
 - c) 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 PLN110595.

7. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (b) categorically exempts the operation, repair maintenance and minor alteration of existing facilities providing public utility services. The proposed project includes demolition, replacement and expansion of facilities which are part of an existing public utility (Buena Vista Water System) regulated and permitted by the State of California. The project is proposed on two separate parcels owned by the applicant and used as part of the infrastructure of the water system. One parcel (APN 415-031-003-000) has historically been used as a Well and Tank Lot with related ancillary facilities and the proposed development on it would be equivalent in terms of land disturbance. The second parcel (APN 415-

031-004-000) would be developed with a new 170,000-gallon water storage tank which would be equivalent to the development of a single-family dwelling on the property in terms of lot coverage, height, etc., and which is an allowed use exempt from environmental review under the residential zoning of the property.

- b) The proposed project does not include any changes in the amount of water use or number of water connections in the Buena Vista Water System which are already regulated and approved by the California Department of Public Health (CDPH) under existing permits for the utility. Any additional water production or increase in the number of connections would be subject to review and approval of by the CDPH.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on November 14, 2012 and January 25, 2013.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project site does not contain any environmental resource of hazardous or critical concern mapped or officially adopted by federal state or local agencies. The proposed project would not result in cumulative impacts from potential successive projects on the site as the site would be built out after the completion of the project. Staff has reviewed the project and has identified potential issues which have been analyzed and addressed per technical background prepared by outside consultants reports (See Finding No. 3 above). Those reports contain technical recommendations which are applied as conditions of project approval; those reports have not identified any unusual circumstances on the site and therefore there is no reasonable possibility that the proposed project would have a significant effect on the environment due to unusual circumstances. The project site is not located within a designated state scenic highway. The project site is not included in any hazardous waste site pursuant to Section 65962.5 of the Government Code. There are no designated historical resources on the site.
- e) Staff conducted a site inspection on November 14, 2012 and January 25, 2013 to verify that the site is suitable for this use.
- f) 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 PLN110187.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** Section 21.80.040 (B) of the Monterey County Zoning Ordinance states that the Planning Commission is the Appeal Authority to consider appeals from the discretionary actions of the Zoning Administrator.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project exempt from environmental review under CEQA Guidelines Section 15301 (e) (1);
2. Approve a Use Permit and Design Approval for 1) construction of two water tanks 150,000 and 170,000 gallons in size respectively and associated grading (220 cubic yards of cut and 5 cubic yards of fill); 2) construction of a six-foot high chain link fence along the perimeter of the property, a three-foot high concrete retaining wall and a 20-foot wide driveway on Pine Canyon Road; 3) the future development of a hydro pneumatic tank; and 4) removal of three Coast Live Oak trees in excess of six inches in diameter. The project includes the removal six existing 8,000-gallon plastic water tanks and associated piping and concrete foundations; demolition of an existing wooden pump building and concrete foundation; and the destruction of two water wells, as generally reflected in the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 28 day of February, 2013.

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN110595

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit includes a Use Permit and Design Approval for 1) construction of two water tanks 150,000 and 170,000 gallons in size respectively and associated grading (220 cubic yards of cut and 5 cubic yards of fill); 2) construction of a six-foot high chain link fence along the perimeter of the property, a three-foot high concrete retaining wall and a 20-foot wide driveway on Pine Canyon Road; 3) the future development of a hydro pneumatic tank; and 4) removal of three Coast Live Oak trees in excess of six inches in diameter. The project includes the removal six existing 8,000-gallon plastic water tanks and associated piping and concrete foundations; demolition of an existing wooden pump building and concrete foundation; and the destruction of two water wells. The permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 Permit Approval Notice. This notice shall state: "A Use Permit and Design Approval (Resolution Number _____) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Numbers 415-031-003-000 and 415-031-004-000 on February 28, 2013. The permit was granted subject to 13 conditions 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 issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. 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: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, 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.

4. 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.

5. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption.

Compliance or Monitoring The Planning Department shall prepare the Notice of Exemption for recordation.

Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department for the recordation of the Notice.

6. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A grading permit is required for development of the project. The grading permit shall include a erosion control plan and measures and the development of the project shall incorporate those measures throughout its development. The Erosion Control Plan shall be reviewed by the Director of RMA - Planning and Director of Building Services prior to issuance of the grading permit. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Prior to issuance of building and grading permits, the Owner/Applicant shall submit a Grading Permit application/Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval. The grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

7. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

8. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, 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 include buffering plant species along Mesa and Pine Canyon Roads and along the northwestern boundary of the property to buffer the visibility of the water tanks. The plan shall include the replanting of eight Coast Live Oak trees originally proposed for removal; those trees are identified as Tree Numbers 3, 4, 5, 6, 7, 13, 14 and 22 on the Tree Survey prepared for the project and contained in the project file. The plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits a landscaping plan shall be prepared by a Licensed Landscape Architect and submitted with a contractor's estimate for the installation to the RMA - Planning Department for review and approval. Landscaping plans shall include buffering plant species along Mesa and Pine Canyon Roads and along the northwestern boundary of the property to buffer the visibility of the water tanks. The plan shall include the replanting of eight Coast Live Oak trees originally proposed for removal; those trees are identified as Tree Numbers 3, 4, 5, 6, 7, 13, 14 and 22 on the Tree Survey prepared for the project. 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."

Prior to issuance of a final building permit, the Owner/Applicant shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.

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

9. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A(n) [the Name of the report] (Library No. LIB***), was prepared by [report preparer Name] on [Date of the report] and is on file in the Monterey County RMA - Planning Department. All development shall be in accordance with this report."
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning Department.

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall relocate/replant on the property the Coast Live Oak trees identified on the Tree Survey as Tree Nos. 3, 4, 5, 6, 7, 13, 14, and 22.

Compliance or Monitoring Action to be Performed: The project arborist shall recommend the appropriate locations for the relocation/replanting of the trees. The relocated/replanted trees shall be included in the landscaping plan.

The Owner/Applicant shall submit a statement by the project arborist and photographs to the RMA-Planning Department for review and approval demonstrating that the trees have been relocated/replanted as recommended by the arborist.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit a statement prepared by the project arborist addressing the state of the replanted trees. The statement shall contain a statement the overall health and growing condition of the replacement trees and whether or not the tree replacement was successful or if follow-up remediation measures are necessary to assure their survival.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by the tree arborist or another County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

11. EHSP01 - CDPH Permit Amendment (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant (Cal-AM) shall submit a permit amendment application to California Department of Public Health (CDPH) including plans and specifications demonstrating compliance with California Waterworks Standards and documentation on CEQA compliance. CDPH must review plans before issuance of building permits.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit
- Submit a permit amendment application including plans and specifications to CDPH.
- Obtain CDPH approval of construction plans
- Submit proof of CDPH review to Environmental Health Bureau

12. EHSP02 - Well Destruction Permit (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain well destruction permits for the two wells to be destroyed. Destroy the wells which according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of a building permit:
A CA licensed well drilling contractor shall obtain a well destruction permit from the Environmental Health Bureau.
Complete well destruction according to the well destruction permit.
After destruction the CA licensed well drilling contractor shall submit the Well Drillers Report to the Environmental Health Bureau

13. FIRES01 - NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRES01 - NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW- Hydrants for fire protection shall be provided at locations approved by the fire code official and shall conform to the following requirements:

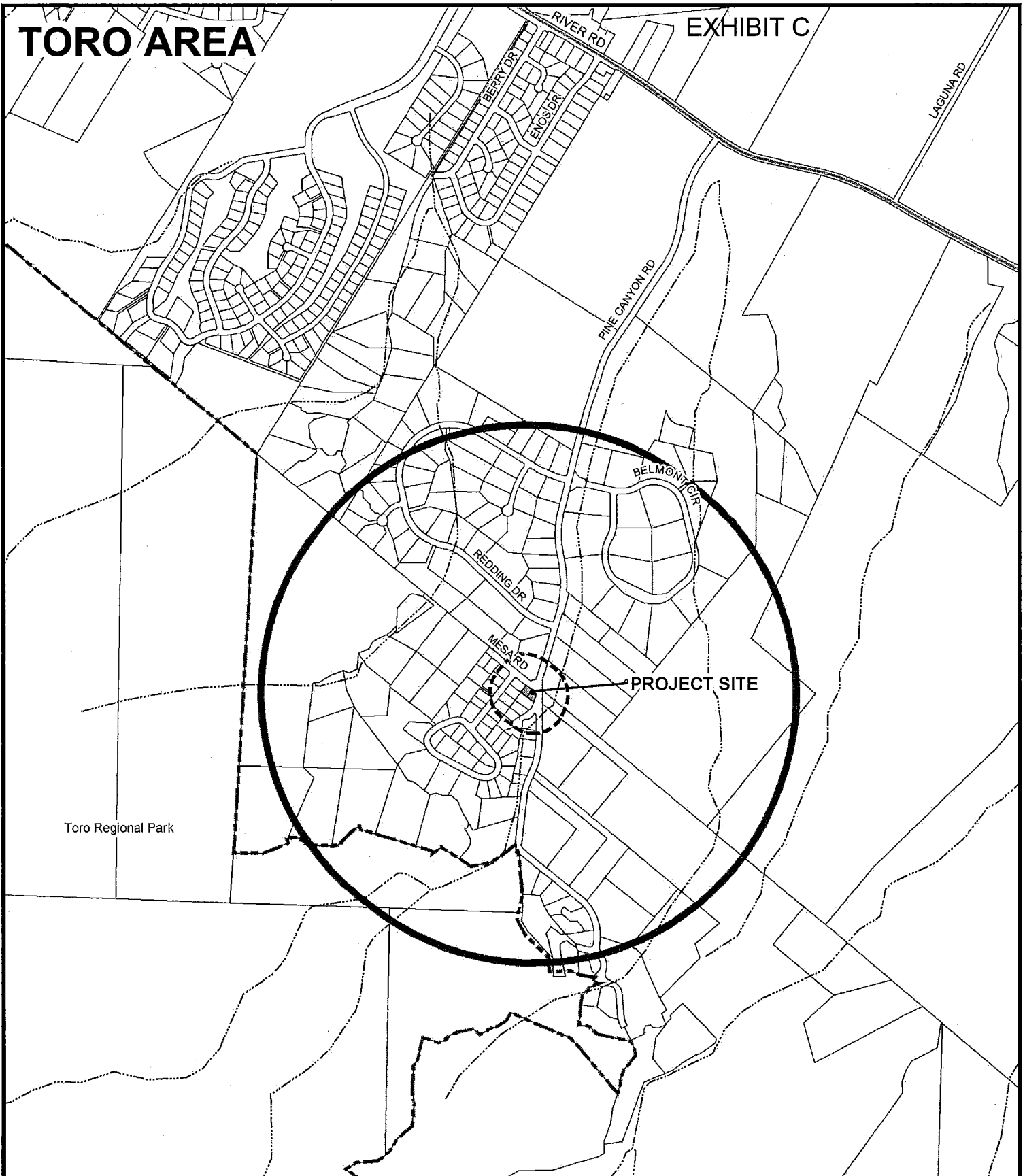
- a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow requirement for residential neighborhoods where any residential occupancies are not protected with a residential fire sprinkler system is 1,000 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of two (2) hours.
- b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
- c. HYDRANT/FIRE VALVE (EXISTING) - Existing hydrants shall be placed into service and maintained.
- d. 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.
(Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit(s), Applicant shall print the text of this condition on the building permit construction plans and shall provide engineered calculations demonstrating that the proposed water system will provide the minimum fire flow required at all hydrants served by this project.

Prior to requesting a final building inspection for the proposed water system pump improvements, the Applicant shall obtain fire district approval of the final fire inspection, which will comprise of one or more hydrant flow tests to confirm that the system meets the fire flow requirement.

TORO AREA

EXHIBIT C



APPLICANT: CALIFORNIA WATER SERVICE CO

APN: 415-031-003-000 & 415-031-004-000

FILE # PLN120595

Water 2500' Limit 300' Limit City Limits

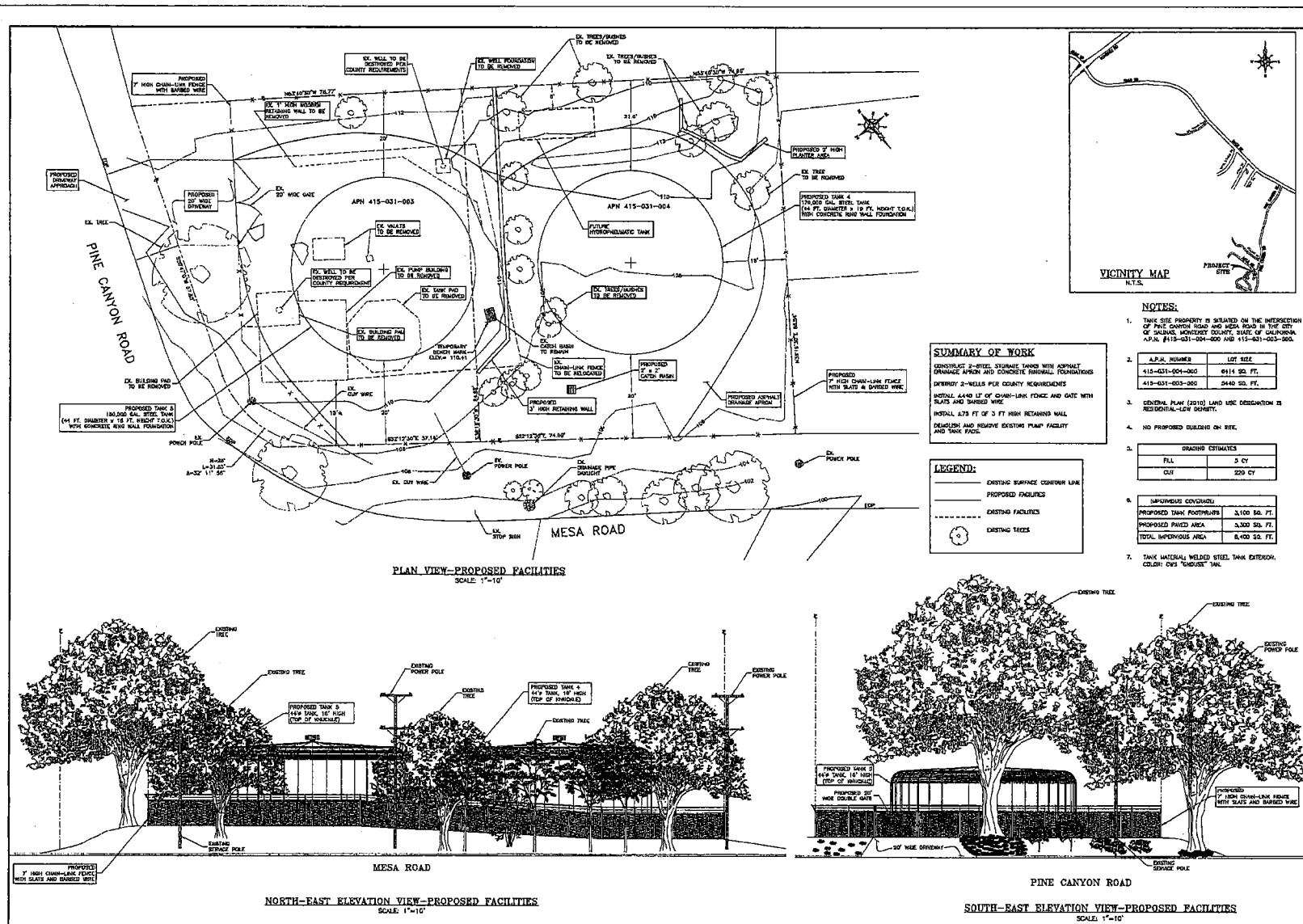


0 1,000
Feet



EXHIBIT C

PLANNER: OSORIO

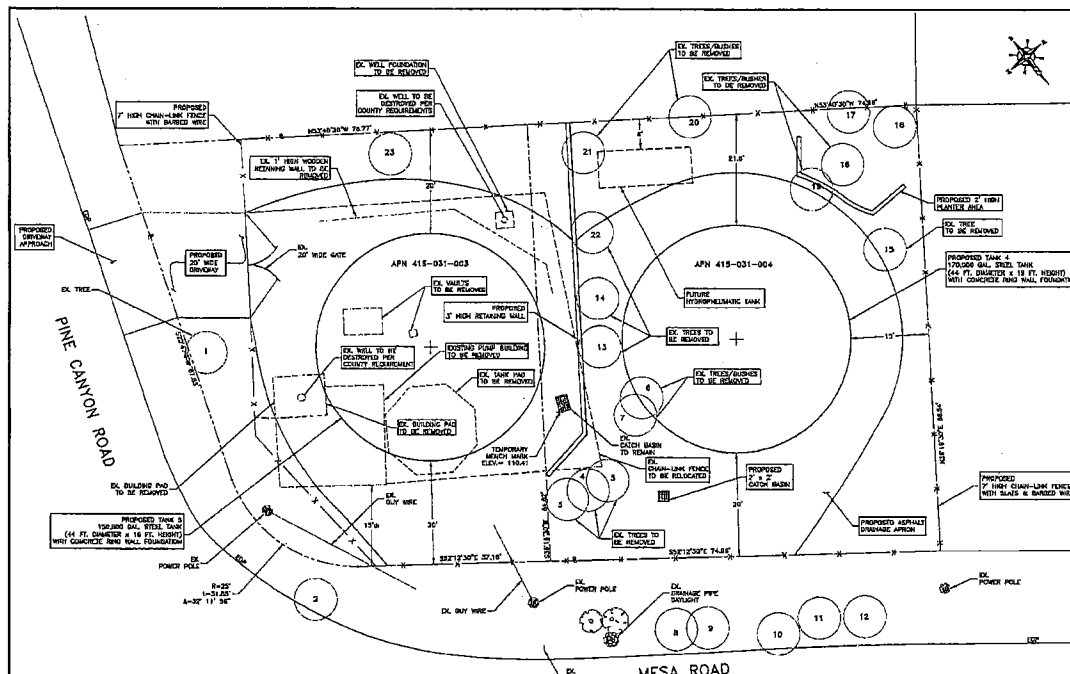


ENGINEERING
CALIFORNIA
WATER SERVICE CO.
DEPARTMENT

AS SHOWN
STATION 70
M. MAHAJAN
G. JACOBSON
DATE: 7/13/2011
BY: M. MAHAJAN

STATION 70 REBUILD
PROPOSED TANKS 4 AND 5
PLOT PLAN AND ELEVATION

REVISIONS
SALINAS
BUREAU VISTA
DATE: 7/13/2011
BY: M. MAHAJAN
000222267
SIN-514081
REV. 2 OF 1



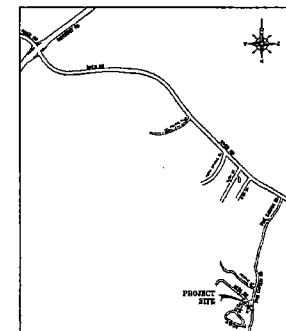
PLAN VIEW
SCALE: 1"=10'

FUEL MANAGEMENT PLAN NOTES:

1. REMOVE 30 FEET IMMEDIATELY SURROUNDING THE TANK STRUCTURE (GREEN ZONE).
2. CUT DRY AND DEAD GRASS TO A MAXIMUM HEIGHT OF 4 INCHES.
3. REMOVE THE TANK ROOF FINE OF LEAVES, BRANES OR OTHER DEAD VEGETATIVE GROWTH.
4. TRIM DEAD PORTION OF TREE LIMBS WITHIN 10 FEET FROM THE GROUND.
5. REMOVE ALL TREE LIMBS WITHIN 6 FEET OF THE GROUND.
6. REMOVE ALL DEAD FALLEN MATERIAL, UNLESS IT IS EMBEDDED IN THE SOIL.
7. REMOVE ALL CUT MATERIAL FROM THE AREA OR CHIP OUT MATERIAL AND SPREAD ON SITE.

TREE#	SPECIES	DIAMETER AT 4.5' ABOVE GROUND LEVEL (INCHES)	CONDITION RATING (1-100)	HEIGHT/SPREAD FT/FT	COMMENTS
1	MONTEREY PINE (PINUS MONTEREYANA)	17.5	80	35/60	FAIR VIGOR, FAIR FORM, HEAVY LATERAL LIMB OVER ROAD
2	MONTEREY PINE (PINUS MONTEREYANA)	18.5	45	35/25	FAIR VIGOR, FAIR FORM, LARGE SCAR ON LOWER VERTICAL LIMB
3	COAST LIVE OAK (QUERCUS AGROPHYLLA)	1.5	90	15/10	FAIR VIGOR, FAIR FORM IN GROUP OF 6 TREES
4	COAST LIVE OAK (QUERCUS AGROPHYLLA)	4.5	80	15/10	FAIR VIGOR, FAIR FORM IN GROUP OF 6 TREES
5	COAST LIVE OAK (QUERCUS AGROPHYLLA)	5.1	35	15/10	FAIR VIGOR, FAIR FORM, LEANS OVER EXISTING FENCE
6	COAST LIVE OAK (QUERCUS AGROPHYLLA)	4.8	80	15/10	FAIR VIGOR, FAIR FORM, LARGEST OF 6 TREES
7	COAST LIVE OAK (QUERCUS AGROPHYLLA)	4.3	55	15/10	FAIR VIGOR, FAIR FORM, LEANS NORTHWEST
8	COAST LIVE OAK (QUERCUS AGROPHYLLA)	16.8	55	30/25	FAIR VIGOR, FAIR FORM, GALL WASH ON LEAVES
9	COAST LIVE OAK (QUERCUS AGROPHYLLA)	20.3	35	30/25	POOR VIGOR, FAIR FORM, NEARLY DEAD
10	COAST LIVE OAK (QUERCUS AGROPHYLLA)	8.3	50	30/20	POOR VIGOR, FAIR FORM, TRUNK BENDS
11	COAST LIVE OAK (QUERCUS AGROPHYLLA)	11.5	55	30/25	FAIR VIGOR, FAIR FORM, TRUNK BENDS SOUTHWEST
12	COAST LIVE OAK (QUERCUS AGROPHYLLA)	14.5	50	30/20	POOR VIGOR, FAIR FORM, SOIL SLUMPED @ BASE
13	COAST LIVE OAK (QUERCUS AGROPHYLLA)	4.57	55	15/10	FAIR VIGOR, FAIR FORM, AGAINST FACILITY FENCE
14	COAST LIVE OAK (QUERCUS AGROPHYLLA)	4.57	55	15/10	FAIR VIGOR, FAIR FORM, AGAINST FACILITY FENCE
15	COAST LIVE OAK (QUERCUS AGROPHYLLA)	18.3	85	30/25	FAIR VIGOR, FAIR FORM, COODANAWAT @ 3 FT.
16	COAST LIVE OAK (QUERCUS AGROPHYLLA)	14-14-14	35	30/40	POOR VIGOR, FAIR FORM, WITH LEADER @ 1 FT.
17	SLYAC (SLYAC FLORIDA)	10.57	50	25/15	FAIR VIGOR, FAIR FORM
18	SLYAC (SLYAC FLORIDA)	4-3.87	55	25/20	FAIR VIGOR, FAIR FORM, COODANAWAT @ 2 FT.
19	BLACK LOCUST (ROBINIA PSEACACUM)	3.07	15	20/20	GOOD VIGOR, FAIR FORM, LEAD @ BASE
20	COAST LIVE OAK (QUERCUS AGROPHYLLA)	24.57	40	30/40	POOR VIGOR, FAIR FORM, NEARLY DEAD
21	COAST LIVE OAK (QUERCUS AGROPHYLLA)	20.57	40	30/30	POOR VIGOR, FAIR FORM, NEARLY DEAD
22	COAST LIVE OAK (QUERCUS AGROPHYLLA)	8.4	35	15/10	FAIR VIGOR, FAIR FORM, AGAINST FACILITY FENCE
23	HYDROPHILUM (HYDROPHILUM MONTEREYANA)	8.57	60	20/20	GOOD VIGOR, FAIR FORM

* INDICATES REMOVAL, REBARKED



VICINITY MAP
N.T.S.



DEPARTMENT

ENGINEER

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY

DATE

PROJECT

SCALE

BY

CHECKED BY

APPROVED BY
