

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

REVISED

RESOLUTION NO. 02004

A.P. # 129-032-003-000 and
129-032-004-000

FINDINGS AND DECISION

In the matter of the application of
Fusari Mini Storage (PLN990275)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located on the east side of Prunedale North Road, opposite Countrywide Court and Hardie Road, west of U.S. Highway 101, and south of San Miguel Canyon Road, Prunedale area, came on regularly for hearing before the Planning Commission on January 30, 2002.

WHEREAS: Said proposal includes:

- a. General Development Plan,
- b. A Use Permit for a mini-storage facility in four separate buildings, and
- c. A Use Permit for removal of five Oak trees, including two landmark trees

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The proposed mini-storage facility, including four single-story storage buildings of 3,600 square feet, 8,600 square feet, and 4,800 square feet, and one two-story storage building of 40,396 square feet, for a total of 57,396 square feet, and an office building of 800 square-feet, is consistent with the North County Area Plan which designates the property as "Commercial," and with the policies of the Monterey County General Plan.
EVIDENCE: The Land Use Plan and the text and policies of the North County Area Plan and the Monterey County General Plan were evaluated during the review of the application. No conflict or inconsistencies with the Plan, or with the text or policies, were found. No testimony, either written or oral, was received during the administrative proceedings to indicate that there is any inconsistency with said plans.
2. **FINDING:** The proposed mini-storage facility is consistent and with the "LC" (Light Commercial) zoning of the property.
EVIDENCE: Under Chapter 21.18 of Title 21 (Zoning) of the Monterey County Code, mini storage warehouses facilities are permitted in the "LC" Zoning District with a Use Permit.
EVIDENCE: The limited height and earth tone colors of the proposed buildings, and the existing topography and vegetation on the site will reduce the potential visual impact of the project. Grading will further reduce potential visual impact by lowering the buildings, and the landscaping will provide additional screening.
3. **FINDING:** The tree removal is the minimum required under the circumstances of this project consistent with Section 21.64.260 of Title 21 (Zoning).
EVIDENCE: The Applicant proposes to remove five oak trees, including two landmark trees. The Forest Management Plan for the project concludes that the proposed tree removal is the minimum necessary for the proposed development. It and the Biological Report for the project conclude

that the removal of five Oak trees will not impact wildlife resources on the site; the stream, while having limited riparian habitat, is generally not hospitable for wildlife. The impact of the tree removal would be primarily aesthetic in nature. The two landmark trees proposed for removal are not healthy, and there are adjacent trees with greater height and stature which maintain the quality of the landscape. Condition 25 requires two-for-one replacement of the two landmark trees proposed for removal and one-for-one replacement of the remaining three trees. The Forest Management Plan also makes recommendations for the care of the existing, retained trees on site during construction, and Condition 26 implements that recommendation. Reference "Forest Management Plan," dated September 14, 1999, prepared by Webster and Associates, Capitola, California; and "Biological Report," dated September 20, 1999, prepared by Vernal L. Yadon, Pacific Grove, California.

4. **FINDING:** The removal of five oak trees under this permit will not involve the risk of an adverse environmental impact.
EVIDENCE: Due to the location of the lot, topography and nature of the tree removal, there will not be increases in erosion or significant impacts to water quality and localized ecology resulting from the oak tree removal. The proposed oak tree removal will not result in increased ambient noise levels and will not have a substantial adverse impact on existing biological and ecological systems. The project includes conditions of approval to reduce potential environmental impacts to a level of insignificance. Reference Initial Study and Mitigated Negative Declaration filed for the project on March 12, 2001.

5. **FINDING:** The site is suitable for the proposed use.
EVIDENCE: There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate that the site is not suitable for the proposed use, nor is there other evidence in the record to indicate that the site is not suitable for the project. Reference Initial Study and Mitigated Negative Declaration filed for the project on March 12, 2001; and "Preliminary Geotechnical Investigation," dated September 30, 1999, prepared by Haro, Kasunich & Associates, Watsonville, California.

6. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Mitigated Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 240 Church Street, Salinas California. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert

opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on March 12, 2001, and refiled with the County Clerk on January 9, 2002, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. "Monterey County General Plan," Monterey County, 1982
2. "North County Area Plan," Monterey County, July, 1985
3. "Forest Management Plan for Commercial Parcels--Fusari Mini Storage," Webster and Associates, Capitola, California, September 14, 1999
4. "Biological Report for Development of a Mini Storage Facility at Prunedale, California," Vernal L. Yadon, Pacific Grove, California, September 20, 1999"
5. "Preliminary Geotechnical Investigation for Mini Storage Facility off Prunedale North Road," Haro, Kasunich & Associates, Watsonville, California, September 30, 1999
6. "Prunedale North Road Mini-Storage Traffic Study," Higgins Associates, Gilroy, California, October 4, 1999
7. "Prunedale North Road Mini-Storage Project Letter," Higgins Associates, Gilroy, California, December 13, 2001

7. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to the use of the property, no violations exist on the property, and all zoning abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection records indicated that no violations exist on the subject property.

8. **FINDING:** Adequate sewage disposal and water supply facilities are available on the site.

EVIDENCE: Application, materials, and interdepartmental correspondence located in Project File PLN990275.

9. **FINDING:** Necessary public facilities are available for the proposed use, and the conditions of approval are appropriate.

EVIDENCE: The project has been reviewed by the Planning and Building Inspection Department, Public Works Department, Environmental Health Division, Water Resources Agency, and North County Fire District. The conditions incorporate the concerns and recommendations of these departments and agencies.

10. **FINDING:** For purposes of the Fish and game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which wildlife depends.
- EVIDENCE:** Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The project involves construction of mini-storage buildings with a total of 58,196 square feet, and the removal of five oak trees and various non-protected trees on site. Changes to native and non-native plant life and the soil required to sustain habitat for fish and wildlife would occur as a direct result of the project.
11. **FINDING:** The establishment, maintenance, or operation of the uses and buildings applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and the accompanying materials was reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Environmental Health Division, Water Resources Agency, Parks Department, and the North County Fire District. These departments and 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, or the County in general.

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit is a Combined Development Permit consisting of a General Development Plan, a Use Permit for a mini-storage facility in four separate buildings, and Use Permit for removal of five Oak trees, including two landmark trees. The project is located on the east side of Prunedale North Road, opposite Countrywide Court and Hardie Road, west of U. S. Highway 101 in the Prunedale area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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. (Planning and Building Inspection)

Prior to the Issuance of Grading and/or Building Permits:

2. Prior to the issuance of grading or building permits, the applicant shall contribute a proportionate share of costs for intersection and road improvements on San Miguel Canyon Road between Highway 101 and Castroville Boulevard and at the intersection of San Miguel Canyon Road and Prunedale North Road, and for signals on San Miguel Canyon Road at Moro Road, Langley Canyon Road, Castroville Boulevard and Echo Valley Road, as set forth in the "Prunedale North Road Mini-Storage Traffic Study," prepared by Higgins Associates, Gilroy, California, October 4, 1999, to the satisfaction of the Director of Public Works. The fair share contribution is \$17,579.00, based on 1999 dollars and updated annually in accordance with the ENR Cost Index. (Public Works) [Mitigation Measure 15]

3. The parking layout and internal circulation shall be approved by the Department of Public Works. (Public Works)
4. The applicant shall obtain an encroachment permit from the Department of Public Works and construct vertical curb, gutter, sidewalk and paveout along the frontage of Prunedale North Road where feasible, including one commercial driveway approach. The applicant shall enter into an agreement to construct vertical curb, gutter, sidewalk and paveout along the remaining frontage. (Public Works) [Mitigation Measure 17]
5. Prior to the issuance of grading or building permits, the applicant shall comply with the recommendations regarding project entrance sight distances including removal or trimming-back of vegetation on either side of the project entrance, and standard roadway delineation, in accordance with the "CalTrans Highway Design Manual and Traffic Manual," as set forth in the "Prunedale North Road Mini-Storage Traffic Study," prepared by Higgins Associates, Gilroy, California, October 4, 1999, to the satisfaction of the Director of Planning and Building Inspection and the Director of Public Works. (Planning and Building Inspection) [Mitigation Measure 16]
6. Applicant shall consent to "no parking" along the entire frontage of Prunedale North Road. (Public Works)
7. Prior to the issuance of any building permit, the Countryside Estates Mutual Water Company shall obtain an amended water system permit from the Division of Environmental Health, which will allow connection of the project parcels to the water system. (Environmental Health)
8. Prior to the issuance of any building permit, the applicant shall provide evidence to the Division of Environmental Health that the two project parcels have annexed to the Countryside Estates Mutual Water Company service area. (Environmental Health)
9. Prior to issuance of any building permit, the applicant shall provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that Countryside Estates Mutual Water Company can and will supply sufficient water flow and pressure to comply with both Health Department and fire flow standards. (Environmental Health)
10. Prior to the issuance of any building permit, the applicant shall submit engineered plans to the Division of Environmental Health for review and approval, for modifications and/or additions to the Countryside Estates Mutual Water Company distribution system. (Environmental Health)
11. Prior to the issuance of any grading or building permits, the applicant shall submit a septic disposal system design to the Director of Environmental Health and the Regional Water Quality Control Board for review and approval. The design of the septic system shall comply with Chapter 15.20 of the Monterey County Code, with the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan), and with the requirements of the California Department of Health Services. [Letter from Regional Water Quality Control Board] (Environmental Health; Planning and Building Inspection)
12. Prior to the issuance of demolition, grading and/or building permits, the property owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources)
13. Prior to the issuance of demolition, grading and/or building permits, the lowest floor and attendant utilities of each commercial building shall either: (1) be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water in compliance with Section

- 16.16.050C3(a)(b)(c) of the Monterey County Floodplain Ordinance (non-residential construction); or (2) be elevated at least one foot (1 ft.) above the Base Flood Elevation (BFE=100-year flooding elevation of the adjacent stream) in compliance Section 16.16.050C1 (residential construction). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to the start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. (Water Resources) [Mitigation Measure 13]
14. Prior to issuance of demolition, grading or building permits, plans shall show a proposed development setback at least 50 feet from top of bank, as defined in County Floodplain Ordinance No. 3272, unless it can be proven to the satisfaction of the Water Resources Agency that "A" and "B" below are satisfied. Any request for variance to this setback requirement will require a statement from a registered geotechnical engineer stating that:
- a. The proposed development will not significantly reduce the capacity of existing rivers or watercourses or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow; and
 - b. The proposed new development will be safe from flow-related erosion hazards and will not cause flow-related erosion hazards or otherwise aggravate flow-related erosion hazards. (Water Resources) [Mitigation Measure 10]
15. Prior to the issuance of demolition, grading and/or building permits, the applicant shall provide stream bank erosion protection plans prepared by a registered civil engineer. (Water Resources) [Mitigation Measure 6]
16. Prior to issuance of demolition, grading or building permits, a plan for channel improvement and clearing shall be prepared by a registered civil engineer, and a maintenance plan shall be approved before use of the facility is allowed. The plan shall contain specific goals and objectives to enhance and improve the riparian habitat of the channel. The channel improvement plan, including the culvert bridge, and channel maintenance plan, shall be approved by the California Department of Fish and Game. The plan shall also include input from, and be approved by, the Project Biologist (Vern Yadon or his designee). If determined necessary by the Project Biologist, in consultation with the Department of Fish and Game, an annual report on the condition of the channel and the need for repair and/or maintenance shall be prepared by a registered civil engineer and submitted to the Monterey County Water Resources Agency for approval for a period of five years. (Planning and Building Inspection) [Mitigation Measure 7]
17. Prior to the issuance of demolition, grading and/or building permits, the applicant shall provide drainage improvement plans prepared by a registered civil engineer. The plans shall address on-site and off-site impacts, and shall include the design of stormwater detention/sediment facilities with oil-grease/water separator(s) for runoff from paved areas. Stormwater runoff from paved areas must pass through oil-grease/water separation device(s) prior to the release of any runoff to San Miguel Canyon Creek. An annual report on the condition of the drainage facilities, including the separators, and the need for repair and/or maintenance shall be prepared by a registered civil engineer and submitted to the Monterey County Resources Agency for approval. (Water Resources) [Mitigation Measure 11]
18. Prior to the issuance of demolition, grading and/or building permits, the proposed culvert in the San Miguel Canyon Creek channel shall be designed to meet flow requirements for the FEMA Floodway characteristics of the stream in this area. Any structure, either bridge or culvert, across the FEMA designated Floodway shall require a flood analysis to prove "no rise" in flooding elevations. Flood analysis data shall be submitted to FEMA, and a FEMA Conditional Letter of Map Revision (CLOMR), if required, must be issued before the

Monterey County Water Resources Agency will approve the crossing design. (Water Resources) [Mitigation Measure 14]

19. Prior to the issuance of demolition, grading and/or building permits, the applicant shall provide certification to the County Water Resources Agency that applications have been submitted for all required local, State and Federal permits. (Water Resources)
20. All structures shall be protected with automatic fire sprinklers. (North County Fire District)
21. On-site hydrants are required. The applicant shall submit plans for approval by the North County Fire District. (North County Fire District)
22. Prior to the issuance of Grading or Building Permits, the applicant shall submit to the Director of Planning and Building Inspection, a plan setting out measures to be taken to control air pollution during construction; such measures shall include the following:
 - a. All active construction sites shall be watered at least twice daily; the frequency to depend on the type of operation, soil, and wind exposure;
 - b. All grading shall be prohibited during high wind;
 - c. All trucks hauling dirt, sand or loose materials shall be covered; and
 - d. Bare soil shall be stabilized by covering with straw or by re-vegetation to reduce the potential for air pollution and erosion.

A report demonstrating compliance with the above six measures shall be submitted to the Director of Planning and Building every six months during construction, and at the conclusion of construction. (Planning and Building Inspection) [Mitigation Measure 1]

23. Prior to the issuance of building or grading permits, tires and other debris which impede the stream channel shall be removed from the site to the satisfaction of the Director of Planning and Building Inspection. (Planning and Building Inspection) [Mitigation Measure 3]
24. Prior to the issuance of grading or building permits, the applicant shall submit to the Director of Planning and Building Inspection a plan setting forth measures to be taken to protect the remaining oak trees during construction; such measures shall include the following:
 - a. Trees and root systems in or near development areas shall be protected by placing barrier logs around tree driplines and by wrapping tree trunks; grading and other development activity within or near tree drip lines shall be avoided;
 - b. Care shall be exercised in removing trees slated for removal to avoid impact on the root systems of remaining trees; and
 - c. Ongoing monitoring of the health of the remaining trees which may be impacted by development activity, including those trees adjacent to impervious surfaces, shall be conducted.

A report demonstrating compliance with of the above measures shall be submitted to the Director of Planning and Building Inspection every six months during construction and at the conclusion of construction. (Planning

and Building Inspection) [Mitigation Measure 5]

25. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan, dated September 14, 1999, has been prepared for this parcel by Webster and Associates, Capitola, California, and is on record in the Monterey County Planning and Building Inspection Department. All tree removals on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. (Planning and Building Inspection Department)
26. Prior to the issuance of any grading or building permits, the applicant shall provide evidence of compliance with the recommendations set forth in the "Preliminary Geotechnical Investigation for Mini Storage Facility off Prunedale North Road, Monterey County, California," dated October 1999, prepared by Haro, Kasunich & Associates, Inc., Watsonville, California, to the satisfaction of the Director of Planning and Building Inspection. These recommendations address re-compaction of subgrade soils, proper structural design, structural slabs capable of being re-leveled after a seismic event, compacted zone of soil beneath the buildings to create a stable base, a culvert type bridge that can be re-leveled, setback from the creek, and redundant piers on the outboard side of these structures depending on their proximity to the creek (pp. 9-10). The Investigation makes reference to a "design level report (Phase II)" to follow which will give specific geotechnical criteria relative to grading, foundations, retaining walls, and drainage (p. 10). Prior to the issuance of any grading or building permits, the applicant shall also provide evidence of compliance with the recommendations of this design level report to the satisfaction of the Director of Planning and Building Inspection. (Planning and Building Inspection) [Mitigation Measure 9]
27. A notice shall be recorded with the Monterey County Recorder stating that: "A Preliminary Geotechnical Investigation for Mini Storage Facility off Prunedale North Road, dated September 30, 1999, has been prepared for this property by Haro, Kasunich & Associates, Watsonville, California, and is on file in the Monterey County Planning and Building Inspection Department in project File No. PLN990275. The recommendations contained in said report, and in the subsequent design level report (Phase II) by Kasunich & Associates, which will address grading, foundations, retaining walls and drainage, shall be followed in all further development of this property." (Planning and Building Inspection) [Mitigation Measure 8]
28. Prior to the issuance of any grading or building permits, and as necessary, the applicant shall obtain a 401 Certification from the Regional Water Quality Control Board. (Planning and Building Inspection)
29. Prior to the issuance of any grading or building permits, and as necessary, the applicant shall provide evidence that an U. S. Army Corps of Engineers permit has been obtained, or is not required. (Planning and Building Inspection)
30. If required, the applicant shall obtain a streambed alteration permit from the California Department of Fish and Game. (Planning and Building Inspection)
31. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
32. The design of all structures, signs and fences shall be approved by the Director of Planning and Building Inspection. Said designs shall provide for wood or similar fencing along Highway 101 and Prunedale North Road. (Planning and Building Inspection Department)

33. The applicant shall record a notice that states: "A permit (Resolution _____) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 219-032-003 and 219-032-004 on January 30, 2002. The permit was granted subject to 41 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

Prior to Final Building Inspection/Occupancy:

34. Non-native trees and vegetation including the silver acacia trees, the eucalyptus tree, and invasive weeds such as Poison Hemlock, shall be removed from the site, and thereafter shall be controlled. An annual report on the removal and control of non-native trees and vegetation shall be submitted to the Director of Planning and Building Inspection for a period of five years. (Planning and Building Inspection) [Mitigation Measure 2]
35. The two landmark Oak trees to be removed shall be replaced on a two-for-one basis, and the three other Oak to be removed shall be replaced on a one-for-one basis to the satisfaction of the Director of Planning and Building Inspection. The applicant shall take care to maintain the replacement trees in a healthy, growing condition. An annual report on the health of the replacement trees shall be submitted to the Director of Planning and Building Inspection for a period of five years. (Planning and Building Inspection) [Mitigation Measure 4]
36. Prior to final building inspection/occupancy, certification that a stormwater detention facility with oil-grease/water separator(s) has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. (Water Resources) [Mitigation Measure 12]
37. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. 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 materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. All proposed plants shall be native, drought tolerant, and fire resistant. 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 Planning and Building Inspection Department. (Planning and Building Inspection)
38. Earth moving activity for the project shall be limited to the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday, and earth moving trucks shall proceed (1) south on Prunedale North Road, west on State Highway 156, and south on State Highway 1 to the Marina landfill facility, or (2) north on Prunedale North Road, north on San Miguel Canyon Road, west on Castroville Boulevard, and south of State Highway 1 to the Marina landfill, as recommended in the traffic letter, dated December 13, 2001, prepared by Higgins and Associates. In connection with its earth moving work, the applicant shall execute an approved traffic management plan (TMP) with the California Department of Transportation (CalTrans). In the event that the earth material removed from the project site is not to be taken to the Marina landfill, the traffic management plan shall also be submitted to and approved by the Director of Public Works prior to the commencement of work. The project manager shall monitor CalTrans construction work in the area through the Department's website or information line, and shall modify project earth moving work if there is potential conflict with CalTrans construction work, or shall postpone project earth moving work if there are CalTrans enforced road closures. (Public Works; Planning and Building Inspection; California Department of Transportation) [Mitigation Measure 18]

Continuous Permit Conditions:

39. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
- a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all showers heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serve such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources)
40. 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. (Planning and Building Inspection Department)
41. The applicant shall comply with the ongoing monitoring requirements of Conditions 16 (channel improvement and clearing), 17 (drainage improvement plans), 22 (air pollution control during construction), 23 (removal and control of non-native trees and vegetation), 25 (monitoring of replacement trees), and 26 (protection of existing trees). (Planning and Building Inspection)

PASSED AND ADOPTED this 30th day of January, 2002 by the following vote:

AYES:	Errea, Hawkins, Parsons, Brennan, Diehl, Hernandez, Lacy, Wilmot
NOES:	None
ABSENT:	Sanchez, Pitt-Derdivanis

DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

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

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 and Building Inspection Department office in Salinas.

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

Monterey County Planning &
Building Inspection
Program for Monitoring or
Reporting* on
Conditions of Approval

<i>Project Name: FUSARI MINI STORAGE FACILITY</i>	
File No:	PLN990275
APN:	129-032-003
	129-032-004
Approval by:	Planning Commission Date: 1/30/2002

LEGEND

PBI	Planning & Building Inspection	WRA	Water Resources Agency	EH	Environmental Health	AG	Ag Commissioner
FPD	Fire Protection District	PW	Public Works	RA	Redevelopment Agency	PKS	Parks Department
CC	County Counsel	MMR	Mitigation Monitoring Reporting Team	CE	Code Enforcement		Other State which agency

***Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.**

Mit. Mon. No.	Final Signoff Date	Mitigation Measures	Orig. Dept. or Agency	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓		Person/Agency responsible for Inspection/Monitoring/Review What is to be reviewed? Who is the preparer?
1		<p>Prior to the issuance of Grading or Building Permits, the applicant shall submit to the Director of Planning and Building Inspection, a plan setting out measures to be taken to control air pollution during construction; such measures shall include the following:</p> <ol style="list-style-type: none"> All active construction sites shall be watered at least twice daily; the frequency to depend on the type of operation, soil, and wind exposure; All grading shall be prohibited during high wind; All trucks hauling dirt, sand or loose materials shall be covered; and Bare soil shall be stabilized by covering with straw or by re-vegetation to reduce the potential for air pollution and erosion. <p>A report demonstrating compliance with the above six measures shall be submitted to the Director of Planning and Building every six months during construction, and at the conclusion of construction. (Planning and Building Inspection) [Condition 22]</p>	PBI	Prior to Issuance of Grading and Building Permits	Semi Annual during construction	<p>Planning and Building Inspection/ Report by Applicant subject to inspection by County staff</p>

Mit. Mon. No.	Final Signoff Date	Mitigation Measures	Orig. Dept. or Agency	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓		Person/Agency responsible for Inspection/Monitoring/Review What is to be reviewed? Who is the preparer?
2		Non-native trees and vegetation including the silver acacia trees, the eucalyptus tree, and invasive weeds such as Poison Hemlock, shall be removed from the site, and thereafter shall be controlled. An annual report on the removal and control of non-native trees and vegetation shall be submitted to the Director of Planning and Building Inspection for a period of five years. (Planning and Building Inspection) [Condition 34]	PBI	Prior to Issuance of Grading and Building Permits	Annual in June for 5 years	Planning and Building Inspection/ Report by qualified forester or biologist
3		Prior to the issuance of building or grading permits, tires and other debris which impede the stream channel shall be removed from the site to the satisfaction of the Director of Planning and Building Inspection. (Planning and Building Inspection) [Condition 24]	PBI	Prior to Issuance of Grading and Building Permits	One time	Planning and Building Inspection/ Report by applicant subject to inspection by County staff
4		The two landmark Oak trees to be removed shall be replaced on a two-for-one basis, and the three other Oak to be removed shall be replaced on a one-for-one basis to the satisfaction of the Director of Planning and Building Inspection. The applicant shall take care to maintain the replacement trees in a healthy, growing condition. An annual report on the health of the replacement trees shall be submitted to the Director of Planning and Building Inspection for a period of five years. (Planning and Building Inspection) [Condition 35]	PBI	Prior to Issuance of Grading and Building Permits	Annual in June for 5 years	Planning and Building Inspection/ Report by qualified forester or biologist

5		<p>Prior to the issuance of grading or building permits, the applicant shall submit to the Director of Planning and Building Inspection a plan setting forth measures to be taken to protect the remaining oak trees during construction; such measures shall include the following:</p> <ol style="list-style-type: none"> Trees and root systems in or near development areas shall be protected by placing barrier logs around tree driplines and by wrapping tree trunks; grading and other development activity within or near tree drip lines shall be avoided; Care shall be exercised in removing trees slated for removal to avoid impact on the root systems of remaining trees; and Ongoing monitoring of the health of the remaining trees which may be impacted by development activity, including those trees adjacent to impervious surfaces, shall be conducted. <p>A report demonstrating compliance with of the above measures shall be submitted to the Director of Planning and Building Inspection every six months during construction and at the conclusion of construction. (Planning and Building Inspection) [Condition 26]</p>	PBI	Prior to Issuance of Grading and Building Permits	Semi Annual during const-ruktion	Planning and Building Inspection/ Report by qualified forester or biologist
6		<p>Prior to the issuance of demolition, grading and/or building permits, the applicant shall provide stream bank erosion protection plans prepared by a registered civil engineer. (Water Resources) [Condition 15]</p>	WRA	Prior to Issuance of Grading and Building Permits	One time	Water Resources/ Plans prepared by registered civil engineer
7		<p>Prior to issuance of demolition, grading or building permits, a plan for channel improvement and clearing shall be prepared by a registered civil engineer, and a maintenance plan shall be approved before use of the facility is allowed. The plan shall contain specific goals and objectives to enhance and improve the pristine riparian habitat of the channel. The channel improvement plan, including the culvert bridge, and channel maintenance plan, shall be approved by the California Department of Fish and Game. The plan shall also include input from, and be approved by, the Project Biologist (Vern Yadon or his designee). If determined necessary by the Project Biologist, in consultation with the Department of Fish and Game, an annual report on the condition of the channel and the need for repair and/or maintenance shall be prepared by a registered civil engineer and submitted to the Monterey County Water Resources Agency for approval for a period of five years. (Planning and Building Inspection) [Condition 16]</p>	PBI	Prior to Issuance of Grading and Building Permits	Upon grading permit final and annual in June for 5 years.	Planning and Building Inspection, Water Resources/ Report prepared by registered civil engineer
8		<p>A notice shall be recorded with the Monterey County Recorder stating that: "A Preliminary Geotechnical Investigation for Mini Storage Facility off Prunedale North Road, dated September 30, 1999, has been prepared for this property by Haro, Kasunich & Associates, Watsonville, California, and is on file in the Monterey County Planning and Building Inspection Department in project File No. PLN990275. The recommendations contained in said report, and in the subsequent design level report (Phase II) by Kasunich & Associates, which will address grading, foundations, retaining walls and drainage, shall be followed in all further development of this property."</p>	PBI	Prior to Issuance of Grading and Building Permits	One time	Planning and Building Inspection/ Document to be recorded

		(Planning and Building Inspection) [Condition 29]				
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9		<p>Prior to the issuance of any grading or building permits, the applicant shall provide evidence of compliance with the recommendations set forth in the "Preliminary Geotechnical Investigation for Mini Storage Facility off Prunedale North Road, Monterey County, California," dated October 1999, prepared by Haro, Kasunich & Associates, Inc., Watsonville, California, to the satisfaction of the Director of Planning and Building Inspection. These recommendations address re-compaction of subgrade soils, proper structural design, structural slabs capable of being re-leveled after a seismic event, compacted zone of soil beneath the buildings to create a stable base, a culvert type bridge that can be re-leveled, setback from the creek, and redundant piers on the outboard side of these structures depending on their proximity to the creek (pp. 9-10). The Investigation makes reference to a "design level report (Phase II)" to follow which will give specific geotechnical criteria relative to grading, foundations, retaining walls, and drainage (p. 10). Prior to the issuance of any grading or building permits, the applicant shall also provide evidence of compliance with the recommendations of this design level report to the satisfaction of the Director of Planning and Building Inspection. (Planning and Building Inspection) [Condition 28]</p>	PBI	Prior to Issuance of Grading and Building Permits	One time	<p>Planning and Building Inspection/ Report by registered civil engineer</p>
10		<p>Prior to issuance of demolition, grading or building permits, plans shall show a proposed development setback at least 50 feet from top of bank, as defined in County Floodplain Ordinance No. 3272, unless it can be proven to the satisfaction of the Water Resources Agency" that "A" and "B" below are satisfied. Any request for variance to this setback requirement will require a statement from a registered geotechnical engineer stating that:</p> <p>a. The proposed development will not significantly reduce the capacity of existing rivers or watercourses or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow; and</p> <p>b. The proposed new development will be safe from flow-related erosion hazards and will not cause flow-related erosion hazards or otherwise aggravate flow-related erosion hazards. (Water Resources) [Condition 14]</p>	WRA	Prior to Issuance of Grading and Building Permits	One time	<p>Water Resources/ Plans submitted by project engineer</p>
11		<p>Prior to the issuance of demolition, grading and/or building permits, the applicant shall provide drainage improvement plans prepared by a registered civil engineer. The plans shall address on-site and off-site impacts, and shall include the design of stormwater detention/sediment facilities with oil-grease/water separator(s) for runoff from paved areas. Stormwater runoff from paved areas must pass through oil-grease/water separation device(s) prior to the release of any runoff to San Miguel Canyon Creek. An annual report on the condition of the drainage facilities, including the separators, and the need for repair and/or maintenance shall be prepared by a registered civil engineer and submitted to</p>	WRA	Prior to Issuance of Grading and Building Permits	Annual in June for 5 years	<p>Water Resources/ Report by registered civil engineer</p>

		the Monterey County Resources Agency for approval. (Water Resources) [Condition 17]				
12		Prior to final building inspection/occupancy, certification that a stormwater detention facility with oil-grease/water separator(s) has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. (Water Resources) [Condition 27]	WRA	Prior to final building inspection/occupancy	One time	Water Resources/ Certification by registered civil engineer

13		Prior to the issuance of demolition, grading and/or building permits, the lowest floor and attendant utilities of each commercial building shall either: (1) be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water in compliance with Section 16.16.050C3(a)(b)(c) of the Monterey County Floodplain Ordinance (non-residential construction); or (2) be elevated at least one foot (1 ft.) above the Base Flood Elevation (BFE=100-year flooding elevation of the adjacent stream) in compliance Section 16.16.050C1 (residential construction). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to the start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. (Water Resources) [Condition 13]	WRA	Prior to Issuance of Grading and Building Permits	One time	Water Resources/ Report and certification by registered civil engineer
14		Prior to the issuance of demolition, grading and/or building permits, the proposed culvert in the San Miguel Canyon Creek channel shall be designed to meet flow requirements for the FEMA Floodway characteristics of the stream in this area. Any structure, either bridge or culvert, across the FEMA designated Floodway shall require a flood analysis to prove "no rise" in flooding elevations. Flood analysis data shall be submitted to FEMA, and a FEMA Conditional Letter of Map Revision (CLOMR), if required, must be issued before the Monterey County Water Resources Agency will approve the crossing design. (Water Resources) [Condition 18]	WRA	Prior to Issuance of Grading and Building Permits	One time	Water Resources/ Report and designs by registered civil engineer
15		Prior to the issuance of grading or building permits, the applicant shall contribute a proportionate share of costs for intersection and road improvements on San Miguel Canyon Road between Highway 101 and Castroville Boulevard and at the intersection of San Miguel Canyon Road and Prunedale North Road, and for signals on San Miguel Canyon Road at Moro Road, Langley Canyon Road, Castroville Boulevard and Echo Valley Road, as set forth in the "Prunedale North Road Mini-Storage Traffic Study," prepared by Higgins Associates, Gilroy, California, October 4, 1999, to the satisfaction of the Director of Public Works. The fair share contribution is \$17,579.00, based on 1999 dollars and updated annually in accordance with the ENR Cost Index. (Public Works) [Condition 2]	PW	Prior to Issuance of Grading and Building Permits	One time	Public Works/ Money contribution
16		Prior to the issuance of grading or building permits, the applicant shall comply with the recommendations regarding project entrance sight distances including removal or trimming-back of vegetation on either side of the project entrance, and standard roadway delineation, in accordance with the "CalTrans Highway Design Manual and Traffic Manual," as set forth in the "Prunedale North Road Mini-Storage Traffic Study," prepared by Higgins Associates, Gilroy, California, October 4, 1999, to the satisfaction of the Director of Planning and Building Inspection and the	PBI	Prior to Issuance of Grading and Building Permits	One time	Planning and Building Inspection, Public Works/ Report by registered civil engineer or architect subject to inspection by County staff

		Director of Public Works. (Planning and Building Inspection) [Condition 5]				
17		The applicant shall obtain an encroachment permit from the Department of Public Works and construct vertical curb, gutter, sidewalk and paveout along the frontage of Prunedale North Road where feasible, including one commercial driveway approach. The applicant shall enter into an agreement to construct vertical curb, gutter, sidewalk and paveout along the remaining frontage. (Public Works) [Condition 4]	PW	Prior to Issuance of Grading and Building Permits	One time	Public Works Agreement signed by applicant

18	<p>Earth moving activity for the project shall be limited to the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday, and earth moving trucks shall proceed (1) south on Prunedale North Road, west on State Highway 156, and south on State Highway 1 to the Marina landfill facility, or (2) north on Prunedale North Road, north on San Miguel Canyon Road, west on Castroville Boulevard, and south on State Highway 1 to the Marina landfill facility, as recommended in the traffic letter, dated December 13, 2001, prepared by Higgins and Associates. In connection with its earth moving work, the applicant shall execute an approved traffic management plan (TMP) with the California Department of Transportation (CalTrans). In the event that the earth material removed from the project site is not to be taken to the Marina landfill, the traffic management plan shall also be submitted to and approved by the Director of Public Works prior to the commencement of work. The project manager shall monitor California Department of Transportation (CalTrans) construction work in the area through the Department's website or information line, and shall modify project earth moving work if there is potential conflict with CalTrans construction work, or shall postpone project earth moving work if there are CalTrans enforced road closures. (Public Works; Planning and Building Inspection; California Department of Transportation) [Condition 38]</p>	PW, PBI	Ongoing during construction	One time	<p>Public Works, Planning and Building Inspection</p> <p>Ongoing monitoring</p>
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