

MONTEREY COUNTY PLANNING COMMISSION

Meeting: January 25, 2012 Time: 9:00 A.M.		Agenda Item No.: 2
Project Description: Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall near the existing 6,000 square foot building. Associated improvements include a new oil/water separator and fencing modifications. The property is located at 1083 Madison Lane, Salinas (Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan.		
Project Location: 1083 Madison Lane, Salinas		APN: 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000
Planning File Number: PLN110426		Owner: Bastogne Holdings, LLC Agent: Nathan Crum
Planning Area: Greater Salinas Area Plan		Flagged and staked: No
Zoning Designation: : HC-UR [Heavy Commercial with an Urban Reserve Overlay]		
CEQA Action: Categorically Exempt per Section 15301		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorically Exempt per CEQA section 15301; and
- 2) Approve PLN110426, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**);

PROJECT OVERVIEW:

The project proposes the use of an existing heavy commercial property and structure for the purposes of storage and distribution of petroleum. The use includes the installation of seven above-ground petroleum holding tanks with concrete containment wall, a new oil/water separator and fence improvements. The property is zoned HC-UR [Heavy Commercial with an Urban Reserve Overlay] which allows the proposed use through a Use Permit. The property was originally approved for furniture manufacturing, and has since been used for many different types of businesses, including auto wrecking and dismantling.

The project was reviewed for potential impacts to traffic, floodplain, and site suitability. All involved agencies concur that the project poses minimal impacts that can be addressed through standard conditions of approval (**Exhibit C**). See **Exhibit B** for further discussion.

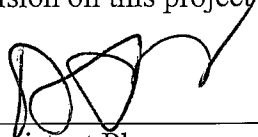
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey County Regional Fire Protection District
- √ RMA - Office of Redevelopment and Housing
- √ City of Salinas
- √ Monterey County Sheriff's Department

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by each agency have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

Since the Greater Salinas Area does not have a Land Use Advisory Committee (LUAC), the project was not referred to a LUAC. Since the Boronda Community Plan has yet to be adopted, there is no policy or direction to refer the project to the Boronda Citizen's Advisory Committee.

Note: The decision on this project is appealable to the Board of Supervisors.



Dan Lister – Assistant Planner
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December 21, 2011

cc: Front Counter Copy; Planning Commission; Monterey Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; City of Salinas; RMA – Office of Redevelopment and Housing, Monterey County Sheriff's Department; Wanda Hickman, Planning Services Manager; Dan Lister, Project Planner; Carol Allen, Senior Secretary; Bastogne Holdings LLC, Owner; Nathan Crum, Agent; The Open Monterey Project; LandWatch; Planning File PLN110426

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

This report was reviewed by Bob Schubert, Senior Planner 

EXHIBIT A
PROJECT INFORMATION FOR PLN110426

Project Information:

Project Name: Bastogne Holdings, LLC
Location: 1083 MADISON LANE, SALINAS
Permit Type: Use Permit

Environmental Status: Categorically Exempt	Final Action Deadline (884): 2/19/2012
Existing Structures (sf): 6,000	Coverage Allowed: 36,307
Proposed Structures (sf): 2,000	Coverage Proposed: 8,000
Total Sq. Ft.: 8,000	Height Allowed: 35
Tree Removal: None	Height Proposed: 35
Water Source: Water Service	FAR Allowed: N/A
Water Purveyor: California Water Service	FAR Proposed: N/A
Sewage Disposal (method): Sewage Service	Lot Size: 72,614
Sewer District: City of Salinas	Grading (cubic yds.): 70

Parcel Information:

Primary APN: 261-052-002-000	Seismic Hazard Zone: II
Applicable Plan: Greater Salinas	Erosion Hazard Zone: Low
Advisory Committee: N/A	Fire Hazard Zone: No
Zoning: HC-UR	Flood Hazard Zone: No
Land Use Designation: General Commercial	Archaeological Sensitivity: high
Coastal Zone: No	Viewshed: No
Fire District: Monterey County Regional	Special Setbacks on Parcel: N

Reports on Project Parcel:

Traffic Report #: LIB110453

EXHIBIT B DISCUSSION

Project Description

The project entails the use of an existing heavy commercial property and structure for the purposes of storage and distribution of petroleum. The use includes the installation of seven above-ground petroleum holding tanks with concrete containment wall, a new oil/water separator and fence improvements. The property is zoned HC-UR [Heavy Commercial with an Urban Reserve Overlay] which allows the proposed use through a Use Permit. The property was originally approved for furniture manufacturing, and has since been used for many different types of businesses, including auto wrecking and dismantling.

The property is located at 1083 Madison Lane in Salinas (Assessor's Parcel Numbers: 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000). The site is located at the very end of Madison Lane west of Markley's Swamp and east of an existing trucking operation, and across the street from BFI Waste Services and an existing multi-use industrial warehouse.

Potential Impacts and Concerns

The project was reviewed for potential impacts to traffic, floodplain, and site suitability. Potential impacts were reviewed by Monterey County Regional Fire Protection Department, Environmental Health Bureau, RMA - Public Works Department, Water Resources Agency, RMA - Office of Redeployment and Housing, City of Salinas, and Monterey County Sheriff's Department. All involved agencies concur that the project poses minimal impacts that can be addressed through standard conditions of approval (**Exhibit C**)

Traffic

Pacific Valley Petroleum distributes gas and oil to farmers and other businesses around Monterey County. Because tanker trucks will be entering and exiting the site many times on a daily basis, a Trip Generation Study was required to identify impacts between existing use traffic and proposed use traffic. The report, prepared by Keith Higgins at Hatch Mott MacDonald, identifies a total of 35 additional trips generated by the proposed use. According to the RMA - Public Works Department, the 35 additional trips are considered a negligible impact. Standard conditions have been applied to the project which will require the property owner to make improvements and contribute their fair-share regarding the maintenance of the property and Madison Lane.

Floodplain

The property is located next to Markley's Swamp which is a known 100-year floodplain. According to the Water Resources Agency, the property is elevated 10 feet above the Markley's Swamp area and is located outside the floodplain area. Based on the location of the existing structure and improvements proposed by the project, Water Resources Agency deemed the project complete with no conditions.

Site Suitability

The project proposes the storage and distribution of petroleum which includes the installment of seven above-ground tanks on an existing commercial property. According to County records, the subject property has been used as an auto dismantling facility and furniture fabrication. According to the plans submitted, besides the installation of the petroleum storage tanks and

safety improvements required for such uses, the project shows the structure and site is to remain as it exists.

According to the 2010 General Plan and Monterey County Zoning Ordinance, the property is zoned "Heavy Commercial". The purpose of the zoning area is to accommodate heavy commercial uses, such as warehousing, storage facilities, trade centers, repair facilities and fabrication shops, in areas suitable for such uses. Per section 21.20.060.O of the Monterey County Zoning Ordinance, the storage and distribution of petroleum is allowed with a Use Permit. According to the RMA – Office of Redevelopment and Housing, the proposed use will be consistent with the Boronda Community Plan which is currently being drafted and will be conditioned to contribute to the Madison Lane Storm-Drain/Street Improvement project which is currently in the process of being approved.

The project was reviewed by all involved agencies including Monterey County Regional Fire Protection Department and the Hazardous Materials Division of the Environmental Health Bureau for health and safety requirements. They also concur that the site is suitable for the proposed use and have added conditions to ensure the safe storage of the petroleum, proper emergency access for emergency vehicles, and proper management of spilled materials.

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:

Bastogne Holdings, LLC (PLN110426)

RESOLUTION NO. _____

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorical Exempt per CEQA section 15301; and
- 2) Approving a Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall near the existing 6,000 square foot building. Associated improvements include a new oil/water separator and fencing modifications

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

The Use Permit application (PLN110426) came on for public hearing before the Monterey County Planning Commission on January 25, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

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

Overlay], which allows heavy commercial uses, such as warehousing, storage facilities, trade centers, repair facilities and fabrication shops with review by the nearest incorporated city. Per section 21.20.060.O of the Monterey County Zoning Ordinance, the storage and distribution of petroleum is allowed with a Use Permit. The project is within the City of Salinas sphere of influence and has been review by the City. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on August 24, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) The Greater Salinas Area does not have a Land Use Advisory Committee (LUAC); therefore the project was not referred to a LUAC. The project was not referred to the Boronda Citizen's Advisory Committee because the project is consistent with the zoning and surrounding uses.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110426.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey 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.
 - b) The project site is adjacent to Markley's Swamp, an identified 100-year floodplain. According to the Water Resources Agency, the project site is outside of the floodplain, and that the existing facility with proposed improvements is setback an acceptable distance away from the adjacent swamp.
 - c) Staff identified potential impacts to Traffic. County staff independently reviewed the report and concurs with its conclusions. The following report was prepared:
 - "Madison Lane Trip Generation Study" (LIB110453) prepared by Keith Higgins of Hatch Mott MacDonald, Gilroy, CA, prepared October 7, 2011; amended December 13, 2011.
 - d) Staff conducted a site inspection on August 24, 2011 to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110426.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals,

comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, Monterey County Sheriff's Department, City of Salinas, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The property has an existing connection to California Water Service and City of Salinas Wastewater Service. Monterey Regional Fire has reviewed and finds that the California Water Service fire hydrant flow analysis is efficient for the project area.
 - c) Preceding findings and supporting evidence for PLN110426.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and found a history of code violations. All previous code violation have been cleared and closed.
 - b) Staff conducted a site inspection on August 24, 2011 and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110426.
5. **FINDING:** **CEQA (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 categorically exempts minor alterations and additions to existing uses and facilities.
 - b) The project is using an existing heavy commercial property and facility for the storage and distribution of petroleum. The project proposes improvements that include the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall, a new oil/water separator and fencing modifications. Based on the prior uses of the property (furniture fabrication and auto wrecking and dismantling), the subject project proposes very minor alterations that is consistent with the intent of section 15301.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 24, 2011.
 - d) See preceding and following findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 21.80.040.D Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

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

1. Find the project Categorically Exempt per CEQA section 15301; and
2. Approve a Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall near the existing 6,000 square foot building. Associated improvements include a new oil/water separator and fencing modifications, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of January, 2012 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Paul Getzelman, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION / CLERK TO THE BOARD 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 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 Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110426

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

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

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a notice which states: "A Use Permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000 on January 25, 2012. The permit was granted subject to 29 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

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

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

Responsible Department: Planning Department

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

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

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

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

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

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on January 25, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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

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

Responsible Department: Planning Department

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

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

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

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

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

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: 1) Prior to Building Permit Issuance for the seven (7) above-ground holding-tanks, submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

2) Prior to Building Final for the seven (7) above-ground holding-tanks, the lighting shall be installed and maintained in accordance with the approved plan.

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

Responsible Department: Health Department

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

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

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

Responsible Department: Health Department

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

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

10. EHSP03 - HAZARDOUS MATERIALS - SPILL PREVENTION CONTROL COUNTERMEASURE PLAN (NON-STANDARD)

Responsible Department: Health Department

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

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

11. EHSP04 - OIL / WATER SEPARATOR (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Install an oil/water separator on the property in an appropriate location as determined by a registered civil engineer. The area shall be properly graded and bermed for surface drainage to the approved oil/water separator. A revised site plan shall be submitted to EHB, indicating the location of the oil / water separator. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to grading and building permits, a registered civil engineer shall provide specifications of the oil/water separator to the Environmental Health Bureau for review and approval. Additionally, the owner/applicant shall provide a revised site plan to the Environmental Health Bureau for review and approval with the location and size of the oil/water separator properly indicated. The oil/water separator shall be properly sized and the location shall be determined by a registered civil engineer.

12. RESP001 - MADISON LANE IMPROVEMENT PROJECT

Responsible Department: Redevelopment

Condition/Mitigation Monitoring Measure: The Monterey County Redevelopment Agency recommends PLN110426 to be approved subject to the property owner's written and binding concurrence to participate in the pro-rata funding of a future project to reconstruct Madison Lane to County industrial standards, consisting of improving pedestrian circulation, drainage, new pavement, sidewalks, installation of curbs and gutters, and new striping and signage. (Redevelopment & Housing Office)

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the property owner must, enter into a written agreement with County of Monterey to participate in the pro-rata funding of a future project to reconstruct Madison Lane to County industrial standards, consisting of improving pedestrian circulation, drainage, new pavement, sidewalks, installation of curbs and gutters, and new striping and signage.

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

Responsible Department: Public Works Department

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

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

14. NON- STANDARD CONDITION- ROAD MAINTENANCE AGREEMENT

Responsible Department: Public Works Department

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

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

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

Responsible Department: Public Works Department

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

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

16. PW0007 - PARKING STANDARDS

Responsible Department: Public Works Department

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

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

17. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

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

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

18. PW0003 - ENCROACHMENT (CURB, ETC)

Responsible Department: Public Works Department

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

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

19. PW0010 - SEWER CONNECTION

Responsible Department: Public Works Department

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

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

20. FIRE008 - GATES

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed:

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

21. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed:

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

22. FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed:

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

23. FIRE026 - ROOF CONSTRUCTION (STANDARD)

Responsible Department: Fire

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

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

24. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

Responsible Department: Fire

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

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

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

25. NON-STANDARD CONDITION - EXISTING FIRE SPRINKLER SYSTEMS

Responsible Department: Fire

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

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

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

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

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

Responsible Department: Fire

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

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

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

27. NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

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

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

Responsible Land Use Department: Monterey County Regional Fire District

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

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

28. NON-STANDARD CONDITION - PORTABLE FIRE EXTINGUISHERS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

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

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

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

29. NON-STANDARD CONDITION - ROAD ACCESS

Responsible Department: Fire

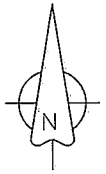
**Condition/Mitigation
Monitoring Measure:**

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

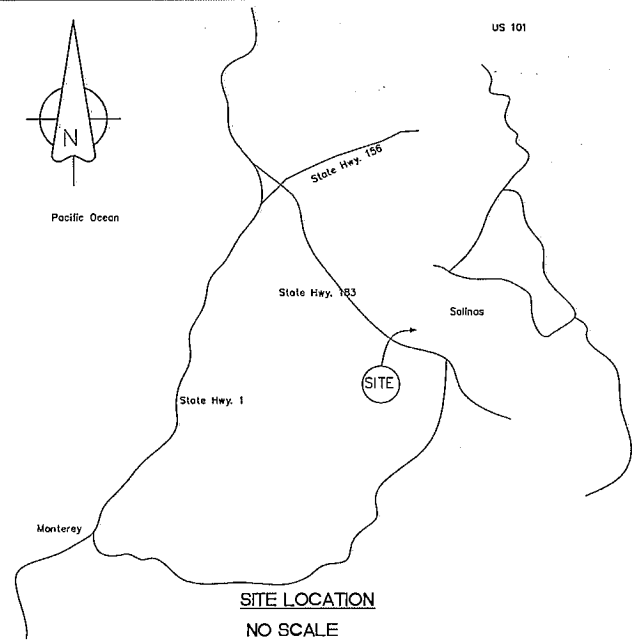
**Compliance or
Monitoring
Action to be Performed:**

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

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



Pacific Ocean



US 101

Project Data

Lot APN's: 261-052-002
261-052-003
261-052-006
261-052-008
261-052-009

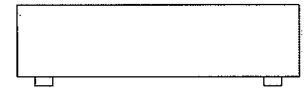
Lot size: 1,667 acres
General Plan Land Use Designation: Bulk storage facility
Zoning Designation: HC-UR
Lot Coverage = (Area of floors/ area of lot) =
(98,46 ft x 60,51 ft) / (1,667 acres x 1 acre per 43560 sq ft) = .082

Grading: No Grading required

Water service: California Water Service
Sewer Service: City of Salinas

weeds to be removed, no other change in vegetation
current drainage sufficient for 100 year storm event

Required and proposed parking count:
3 tanker trucks
3 bobtail trucks
1 flatbed
12 conventional vehicles
1 handicap vehicles



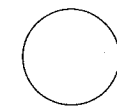
L = 32 ft 12 tanks, steel, gray



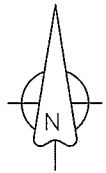
D = 8 ft



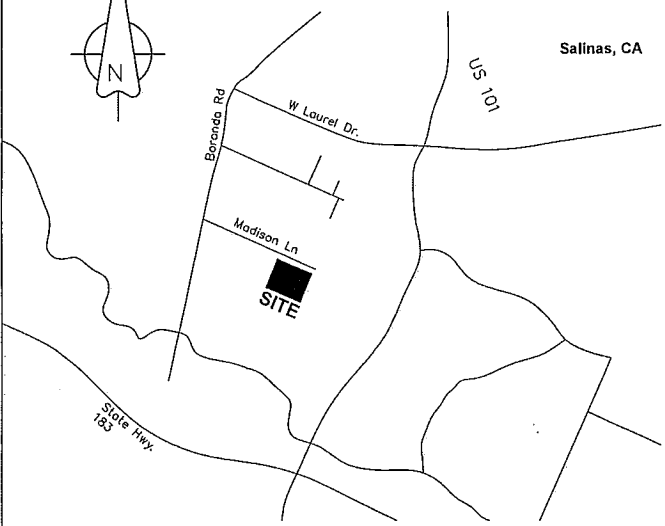
L = 41 ft 1 tank, steel, gray



D = 11 ft

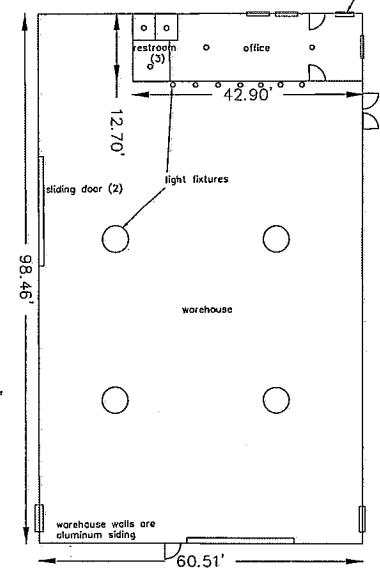


Salinas, CA



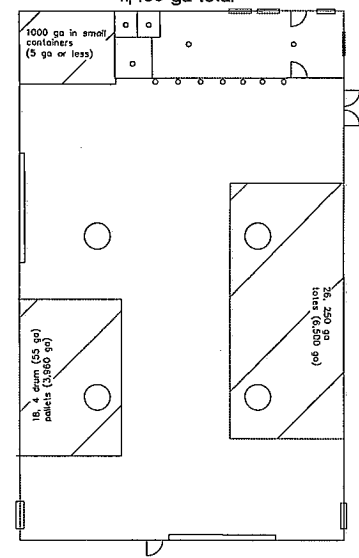
VICINITY MAP
NO SCALE

Warehouse area: 5958 ft
Elevation: 100 ft



floor plan
Scale 3/4" = 1'

storage plan (motor oil)
Scale 3/4" = 1'
11,460 ga total



VPPS

Signed by

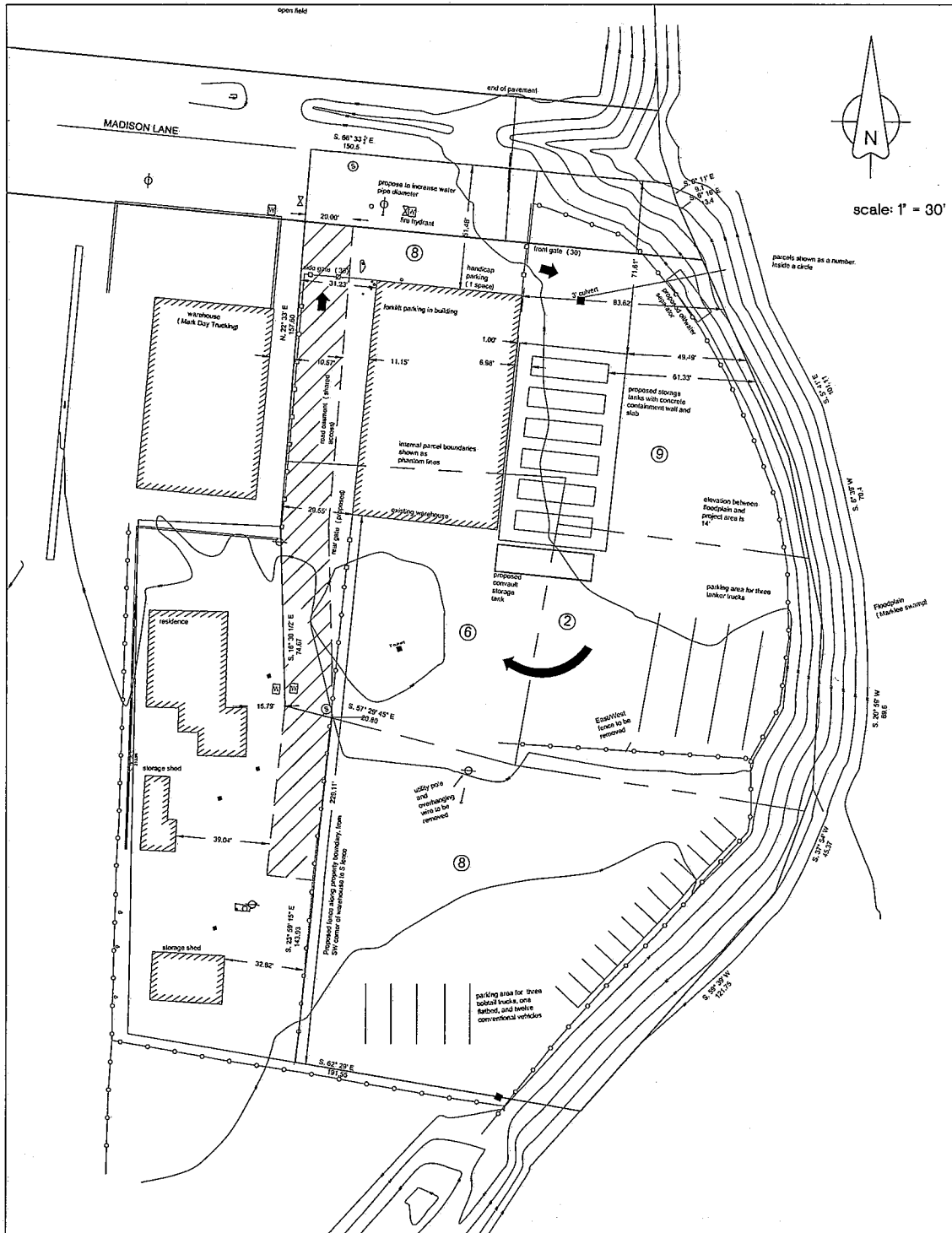
Date Signed

Improvement Plans
1083 Madison
11-8-11

Drawn by: MT

Drawing number

1



Site plan

scale: 1" = 30'

Note: tanks listed in order starting with the southernmost tank

- 20,000 tank: red-dyed diesel
- 12,000 tank: clear diesel
- 12,000 tank: unleaded gasoline
- (4) 12,000 tank: 3 compartments of motor oil

—○—○—○— Fence

—□—□—□— Gate

➔ Internal traffic flow

▨ Building

▨ shared easment

Unaffected/Unowned parcels and land

VPSS

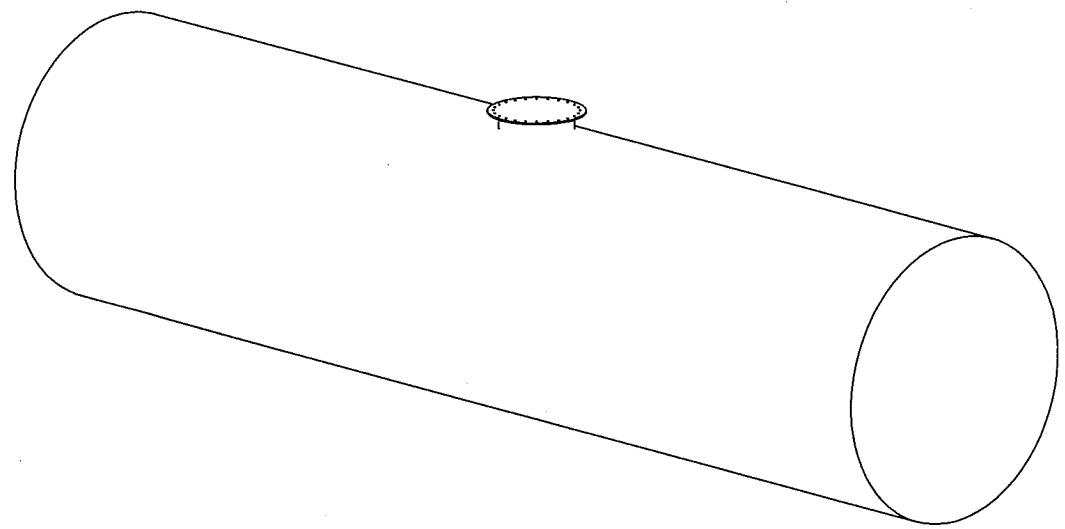
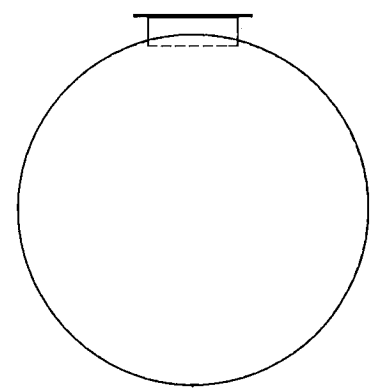
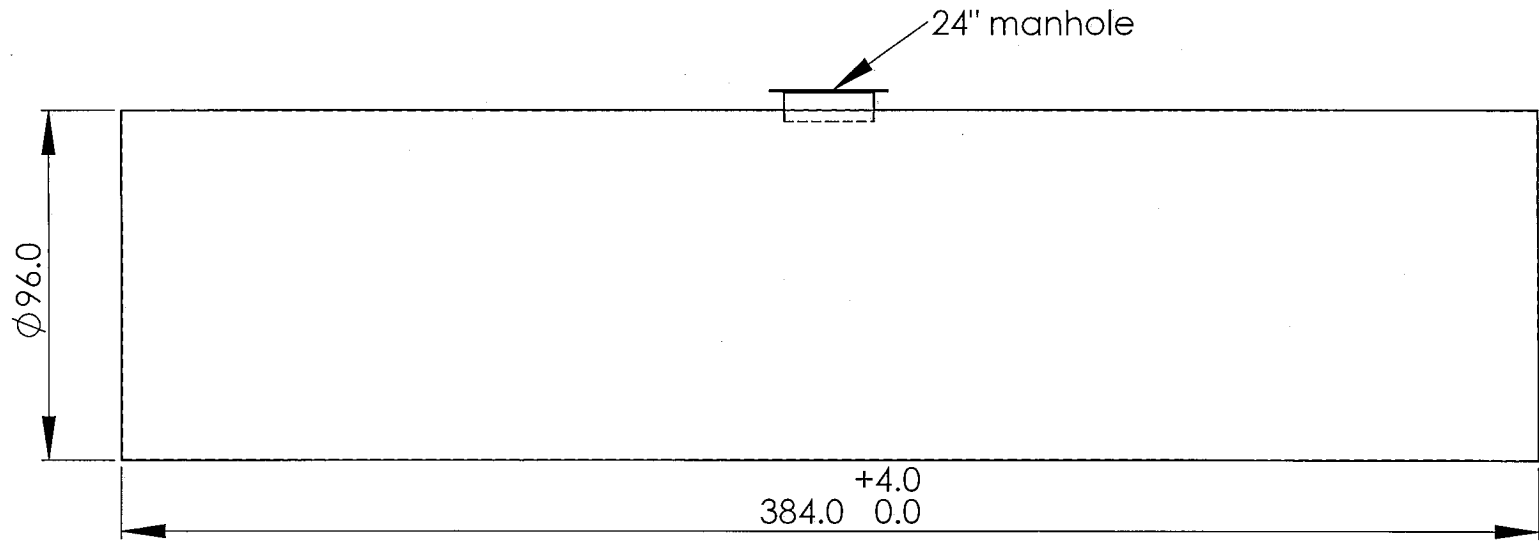
Signed by

Date Signed

Improvement Plans
1083 Madison
11-8-11

Drawn by: MT
Drawing number

2



Other openings as required

MOSIER BROS
Woodlake, California

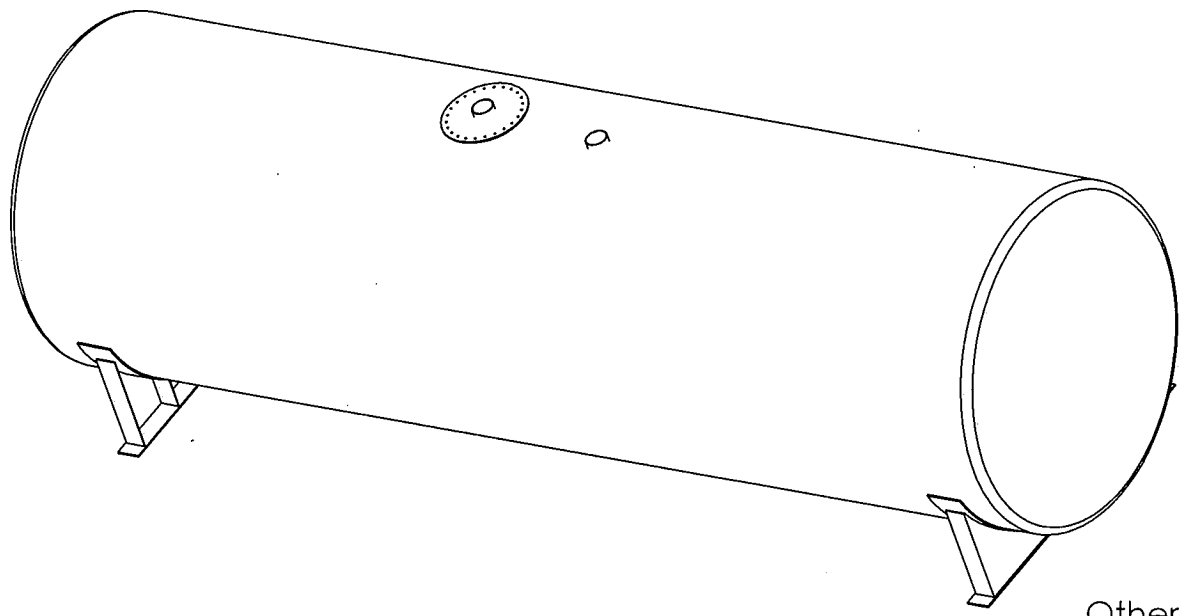
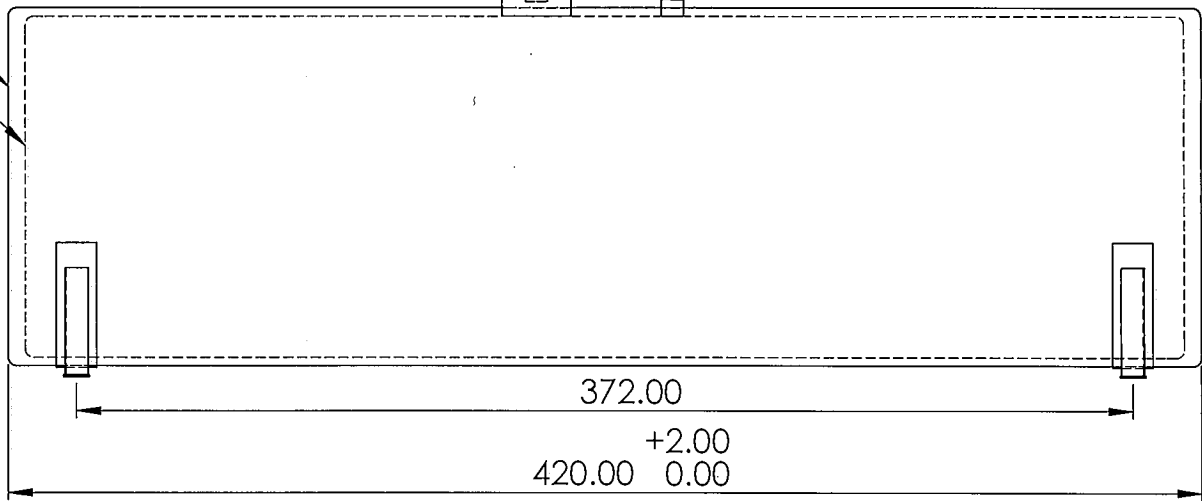
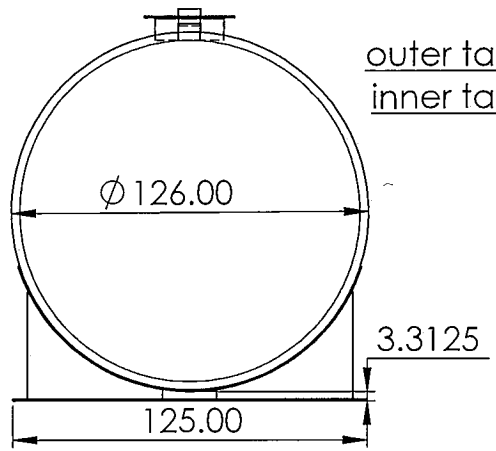
**12000 horizontal single wall
UL 142 listed**

August 30, 2011
DWG # **2152S**

NO SCALE
All openings to be FNTP
Dimensions in inches

PROPRIETARY AND CONFIDENTIAL
THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE
PROPERTY OF MOSIER BROS. ANY REPRODUCTION IN PART OR AS A
WHOLE WITHOUT THE WRITTEN PERMISSION OF MOSIER BROS IS
PROHIBITED.

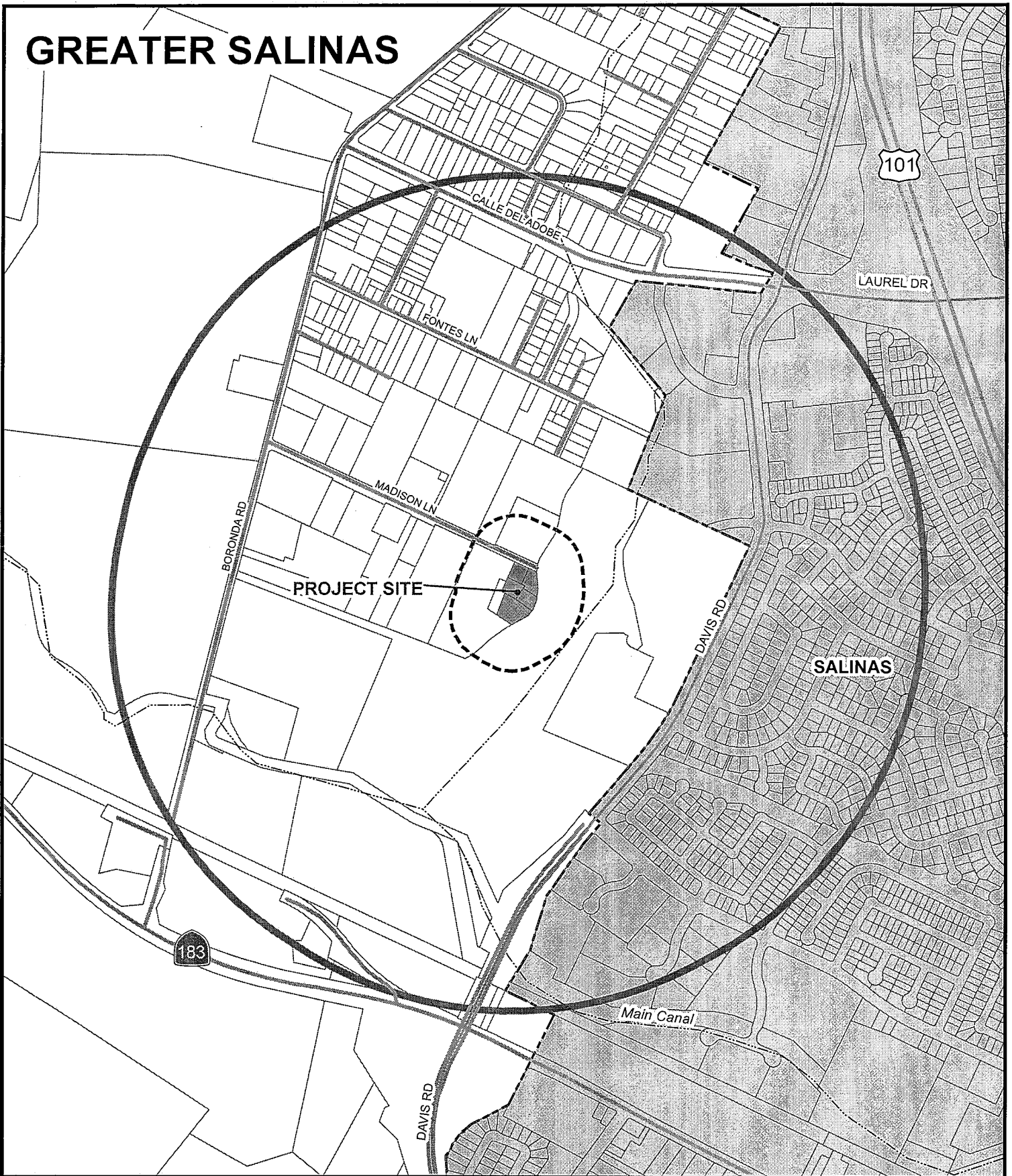
primary and secondary
emergency vents and manhole



Other openings as required

MOSIER BROS Woodlake, California	20000 Fireguard UL 2085 Listed	October 25, 2011	NO SCALE	<small>PROPRIETARY AND CONFIDENTIAL THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF MOSIER BROS. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF MOSIER BROS IS PROHIBITED.</small>
		DWG # 2142FG	<small>All openings to be FNTF</small>	
		<small>Dimensions in inches</small>		

GREATER SALINAS



APPLICANT: HORSLEY

APN: 261-052-008-000, 002, 003, 006, 009

FILE # PLN110426

Water 2500' Limit 300' Limit City Limits

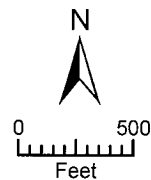


Exhibit D

PLANNER: LISTER