

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 30, 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 located outside the existing 6,000 square foot warehouse. The tanks will store motor oil (72,000 gallons), unleaded gasoline (12,000 gallons) and diesel (32,000 gallons). The existing warehouse will store approximately 11,000 gallons of motor oil in totes. Associated improvements include two new oil/water separators, berming and fencing modifications.		
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: Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

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

- 1) Adopt a Negative Declaration;
- 2) Approve the Use Permit (PLN110426), based on the findings and evidence and subject to the conditions of approval (**Exhibit C**);

PROJECT BACKGROUND:

The project includes the installation of seven (7) above-ground holding tanks placed outside of an existing 6,000 square foot warehouse on parcels zoned heavy commercial. The structure will be used to store motor oil in totes.

The project was originally heard by the Planning Commission on January 25, 2012 and was continued on March 14 and April 19, 2012 in order to allow staff to complete and circulate an Initial Study (see **Exhibit B** for further discussion). Attached is the completed Initial Study that was prepared as a Negative Declaration for the project (**Exhibit E**)

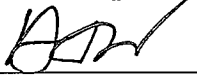
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

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

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Public Works, Environmental Health, Water Resources and Fire Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was not referred to the Boronda Citizens Advisory Committee (CAC) for review. The CAC meetings have ceased and the CAC has been disbanded, so no review was able to take place.

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



Dan Lister – Assistant Planner
(831) 759-6617, listerdm@co.monterey.ca.us
May 7, 2012

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; 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
Exhibit E Negative Declaration

This report was reviewed by Bob Schubert, Senior Planner and Wanda Hickman, Planning Services Manager.

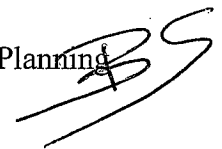


EXHIBIT A
Project Information for PLN110426

Project Title: Bastogne Holdings LLC	Primary APN: 261-052-002M
Location: 1083 Madison Lane, Salinas	Coastal Zone: No
Applicable Plan: Greater Salinas AP	Zoning: HC-UR
Permit Type: Use Permit	Plan Designation: Heavy Commercial
Environmental Status: Negative Declaration	Final Action Deadline: 6/18/2012
Advisory Committee: N/A	

Project Site Data:

Lot Size: 1.667

Existing Structures (sf): 6,000sf
Proposed Structures (sf): 0

Total Square Feet: 6,000sf

Coverage Allowed: 50%
Coverage Proposed: 12%

Resource Zones and Reports:

Environmentally Sensitive Habitat: Near Wetlands	Erosion Hazard Zone: Low
Botanical Report #: LIB120052	Soils/Geo. Report #: N/A
Forest Mgt. Report #: N/A	Geologic Hazard Zone: II-IV
	Geologic Report #: N/A
Archaeological Sensitivity Zone: High	
Archaeological Report #: Waived 11/16/11	Traffic Report #: LIB110453
Fire Hazard Zone: Low	

Other Information:

Water Source: Public Water	Sewage Disposal: Public Sewage
Water District/Company: Cal Water Service	Sewer District Name: City of Salinas Wastewater
Fire District: Mo. Co. Regional FPD	Grading (cubic yds): None
Tree Removal (Count/Type): None	

EXHIBIT B DISCUSSION

Project Description

The project includes the installation of seven (7) above-ground holding tanks placed next to an existing 6,000 square foot warehouse structure on parcels zoned heavy commercial. Associated improvements to the existing properties include a concrete containment wall near the proposed tanks, an oil/water separator which will be connected to the existing drainage to catch and filter contaminants before draining into the adjacent wetlands (Markley Swamp) and improvements to direct drainage with berms and fence modifications.

The seven (7) above-ground holding tanks include six (6) 12,000 gallon tanks and one (1) 20,000 gallon tank which will house different petroleum products. Four of the 12,000 gallon tanks will contain motor oil, one 12,000 gallon tank will contain unleaded gasoline, one 12,000 gallon tank will contain clear diesel, and the 20,000 gallon tank will contain red-dyed diesel. Up to 11,400 gallons of motor oil will also be housed within the existing warehouse in 275-gallon totes and a variety of smaller containers (quarts, gallons, and 5-gallon jugs).

The owner, Bastogne Holdings LLC (aka, Valley Pacific Petroleum) currently operates a petroleum storage and distribution business two miles from the proposed project site. The current site is located at 220 Commission Street, Salinas (Assessor's Parcel Number 002-202-013-000) which currently stores 63,000 gallons of gasoline and 52,000 gallons of diesel in underground tanks. The business has been established on that site since 2007 and is using land, tanks, and structures that have been used for the same type of operations since 1925. Due to current issues with existing structures not meeting current Spill Prevention and Countermeasure Control (SPCC) standards, the Environmental Protection Agency (EPA) is mandating that the business either renovate the existing site or move elsewhere.

According to County Records, the proposed project site and warehouse have been used previously for many other heavy commercial/industrial uses. The warehouse was constructed in 1974 for a cabinet making business. The cabinet shop operated on the property until at least 1985. From 1990 to 1995 a hang-glider manufacturer operated on the site and from 1996 to 2011 an auto repair and towing business occupied the property. The auto repair/towing business had many code violations during the time it occupied the properties. Since early 2011, the property and existing warehouse have been vacant.

Environmental Review

The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department (PLN110426). The Initial Study provides substantial evidence that the project would not have a significant effect on the environment. Staff prepared a Negative Declaration in accordance with CEQA and circulated for public review from April 27, 2012 through May 26, 2012.

The Initial Study addresses the following potential impacts:

- **Biological Resources** - Based on the database search for special-status wildlife and habitat suitability the species that have the potential to occur within the project area include: northern harrier, white-tailed kite, burrowing owl, short-eared owl, and other nesting migratory birds and raptors. The required Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Countermeasures (SPCC) plans, as well as conditions by the Monterey County Regional Fire District and Environmental Health Bureau for handling of flammable substances, will eliminate to the degree practicable the

potential for accidental discharge of fuel or contaminated storm-water to impact the Markley Swamp.

- Hazards/Hazardous Materials - The proposed project is located within a Heavy Commercial zoning district with a project site that has had multiple heavy commercial uses. The proposed storage of petroleum products will be either stored in above-ground tanks or within the existing warehouse. All tanks and storage containment inside the warehouse will meet all fire and health safety standards, as conditioned, to ensure safety is maintained at all times.
- Hydrology/Water Quality - According to County Resource Maps, the project site is adjacent to a wetland area known as Markley Swamp. The swamp is classified as Palustrine Emergent Marsh which is seasonally flooded and farmed (PEMCF). This land receives stormwater runoff from the project site and surrounding neighborhoods. Based on the current conditions of the project site, on-site drainage does not filter out contaminants, nor are there berms or improvements for on-site run-off. Using County Resource Maps, which provide aerial photos dated back to 2007, the previous auto repair and towing business, which ended in early 2011, placed dismantled cars along the drainage areas and near the banks of the swamp. The proposed project will improve the site by adding berms and two oil/water separators at the end of the drainage areas so all contaminants are removed before being drained into the basin. Since there will be no changes to the existing site, besides the installation of tanks and drainage improvements, water quantity draining into the swamp will remain as existing, but the water will be filtered of contaminants prior to being drained into the swamp. The project is conditioned to provide a Spill Containment and Management Plan, as well as a Stormwater Protection Plan for review and approval prior to the commencement of use.
- Transportation/Traffic - The proposed project identifies 35-45 daily truck trips required for the petroleum distribution list (depending on the season). According to a Trip Generation Study prepared by Keith Higgins of Hatch Mott MacDonald, the truck trips would not affect the Level of Service (LOS) at the intersections of Boronda Road and Madison Lane, and Boronda Road and Calle Del Abode. Also, based on the Trip Generation Study regarding vehicles to be used during operation, which consist of three truck and trailer units (80,000 lbs), three bobtail trucks (50,000 lbs), one flatbed pickup truck, and nine employee vehicles, new impacts will not be created to the existing pavement and roads along Madison Lane. The RMA – Public Works Department has applied standard conditions to the project which requires the proposed project to pay its fair contribution to road and traffic improvements along Madison Lane and Highway.

Through proposed project improvements and conditions applied to the approval of the project (see Condition Compliance, Exhibit C), potential impacts have been minimized to less-than-significant. No comments were received during the ND circulation period.

**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) Adopting a Negative Declaration and
- 2) Approving a Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall located outside the existing 6,000 square foot warehouse. The tanks will store motor oil (72,000 gallons), unleaded gasoline (12,000 gallons) and diesel (32,000 gallons). The existing warehouse will store approximately 11,000 gallons of motor oil in totes. Associated improvements include two new oil/water separators, berming and fencing modifications.

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

The Bastogne Holdings LLC application (PLN110426) came on for public hearing before the Monterey County Planning Commission on May 30, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Greater Salinas Area Plan;
 - Monterey County Zoning Ordinance (Title 21);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 1083 Madison lane, Salinas (Assessor's Parcel Number 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan. The parcel is zoned Heavy Commercial with an Urban Reserve overlay [HC-UR], which allows a broad range of heavy commercial uses, such as warehousing, storage facilities, and fabrication shops. The proposed petroleum storage use is allowed with a discretionary permit (21.20.060.O Zoning Ordinance). The Urban Reserve overlay identifies that there is an incorporated city near the project that shall provide review and input regarding the project. The City of Salinas reviewed the project on December 12, 2011 with no conditions or concerns. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on August 24, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) The project was not referred to the Boronda Citizens Advisory Committee (CAC) for review. The CAC has been disbanded, so no review was able to take place.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110426.

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

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

Department for the proposed development found in Project File PLN110426.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by Monterey County Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, Water Resources Agency, and the City of Salinas. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are already available. Water is provided by the California Water Company. Wastewater is provided by City of Salinas Wastewater Services.
 - c) Preceding findings and supporting evidence for PLN110426.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on August 24, 2011 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110426.
5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN110426).
 - c) The Initial Study provides substantial evidence based upon the record as

a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.

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

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

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

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

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

DECISION

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

1. Adopt a Negative Declaration; and
2. Approve a Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall located outside the existing 6,000 square foot warehouse. The tanks will store motor oil (72,000 gallons), unleaded gasoline (12,000 gallons) and diesel (32,000 gallons). The existing warehouse will store approximately 11,000 gallons of motor oil in totes. Associated improvements include two new oil/water separators, berming and fencing modifications, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of May, 2012 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Director of Planning

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 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 located outside the existing 6,000 square foot warehouse. The tanks will store motor oil (72,000 gallons), unleaded gasoline (12,000 gallons) and diesel (32,000 gallons). The existing warehouse will store approximately 11,000 gallons of motor oil in totes. Associated improvements include two new oil/water separator, berming and fencing modifications. The property is located at 1083 Madison Lane, Salinas (Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan.. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a notice which states: "A Use Permit (Resolution _____) 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 May 30, 2012. The permit was granted subject to 26 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 May 30, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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

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

Responsible Department: Planning Department

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

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

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

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

Responsible Department: Planning Department

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

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

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

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

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

Responsible Department: Planning Department

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

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

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

9. PDSP001 - MADISON LANE IMPROVEMENT PROJECT

Responsible Department: Planning Department

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

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. NON-STANDARD CONDITION - ROAD ACCESS

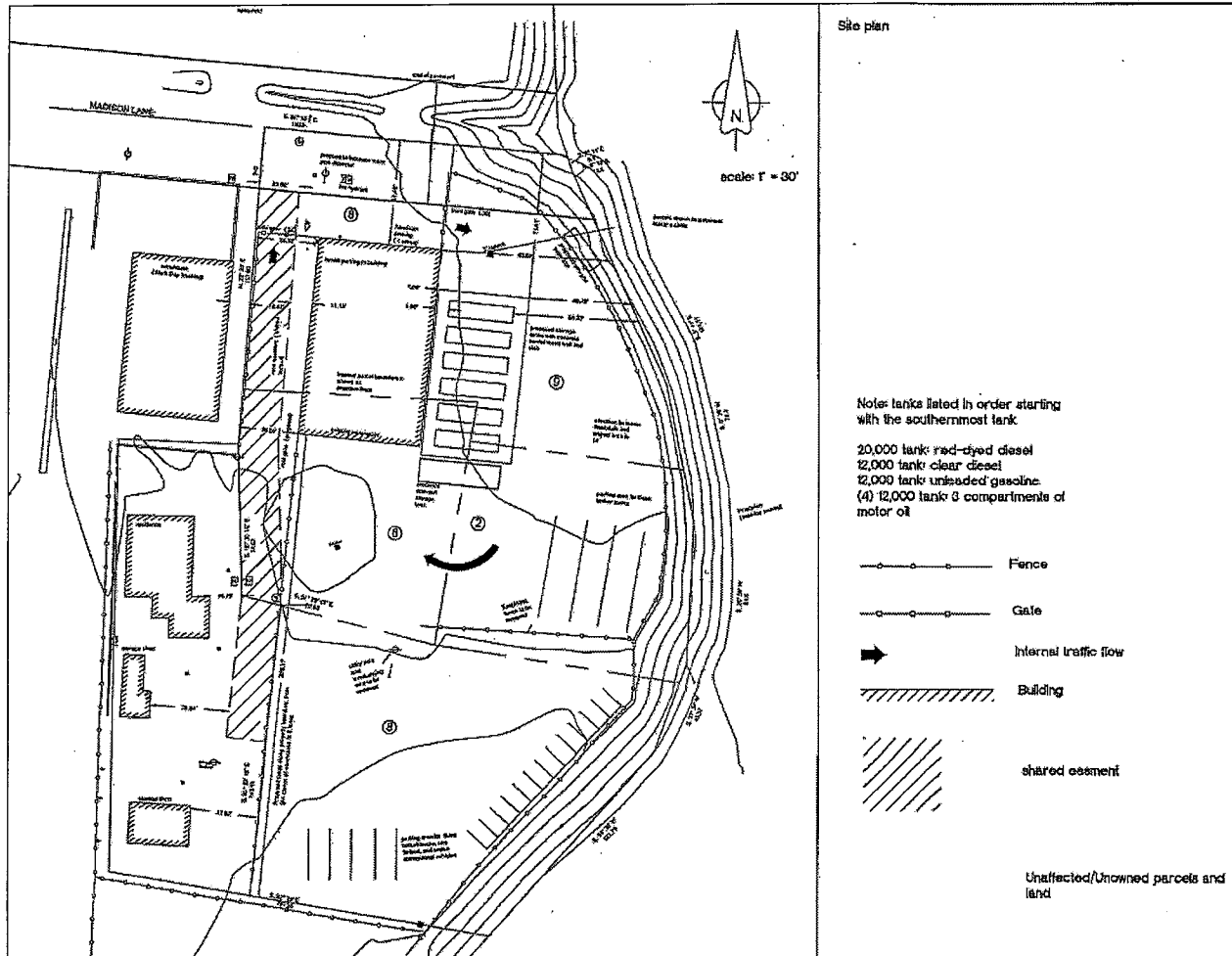
Responsible Department: Fire

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

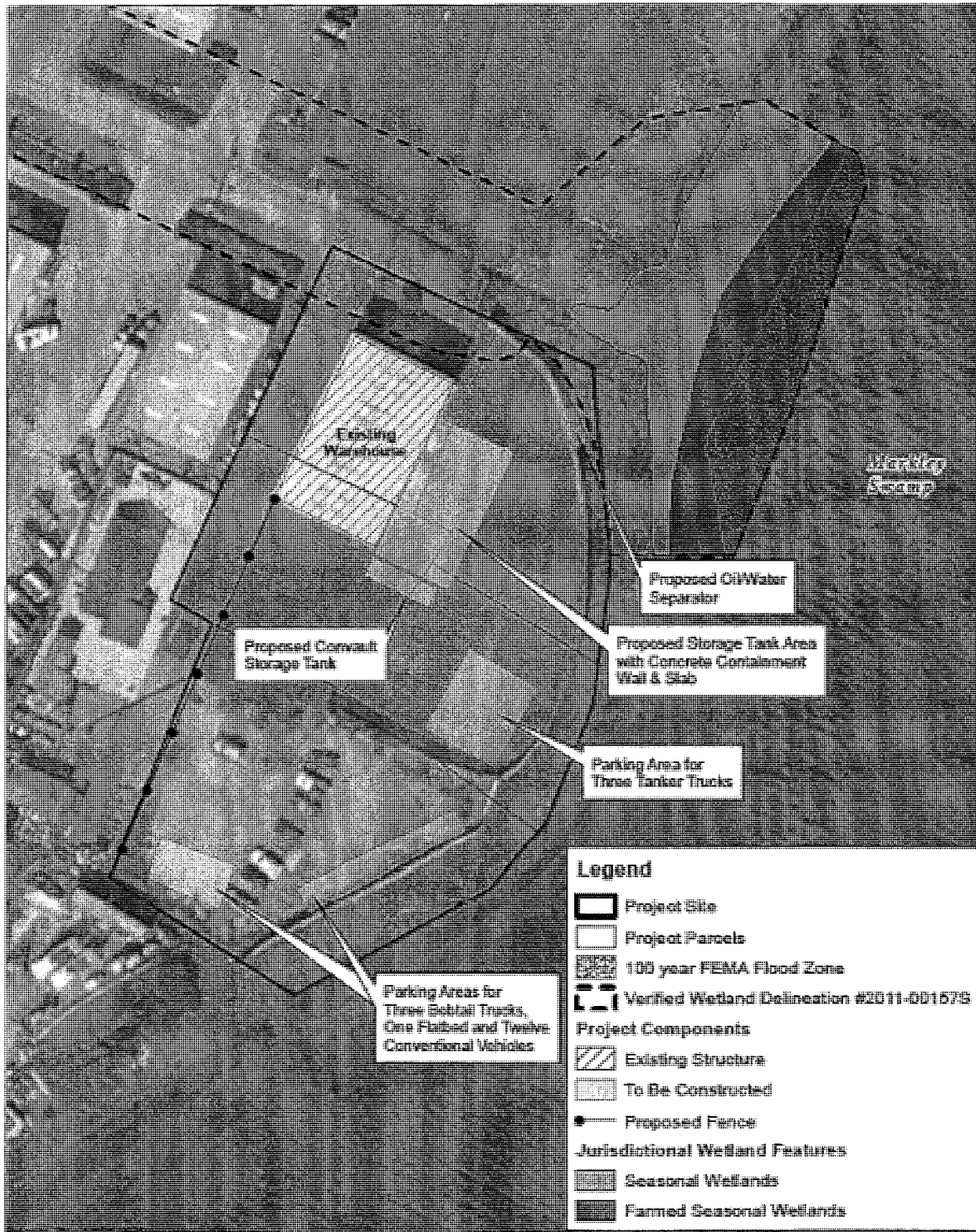
**Compliance or
Monitoring
Action to be Performed:** 1) Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as "Fire Department Notes" on plans.

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

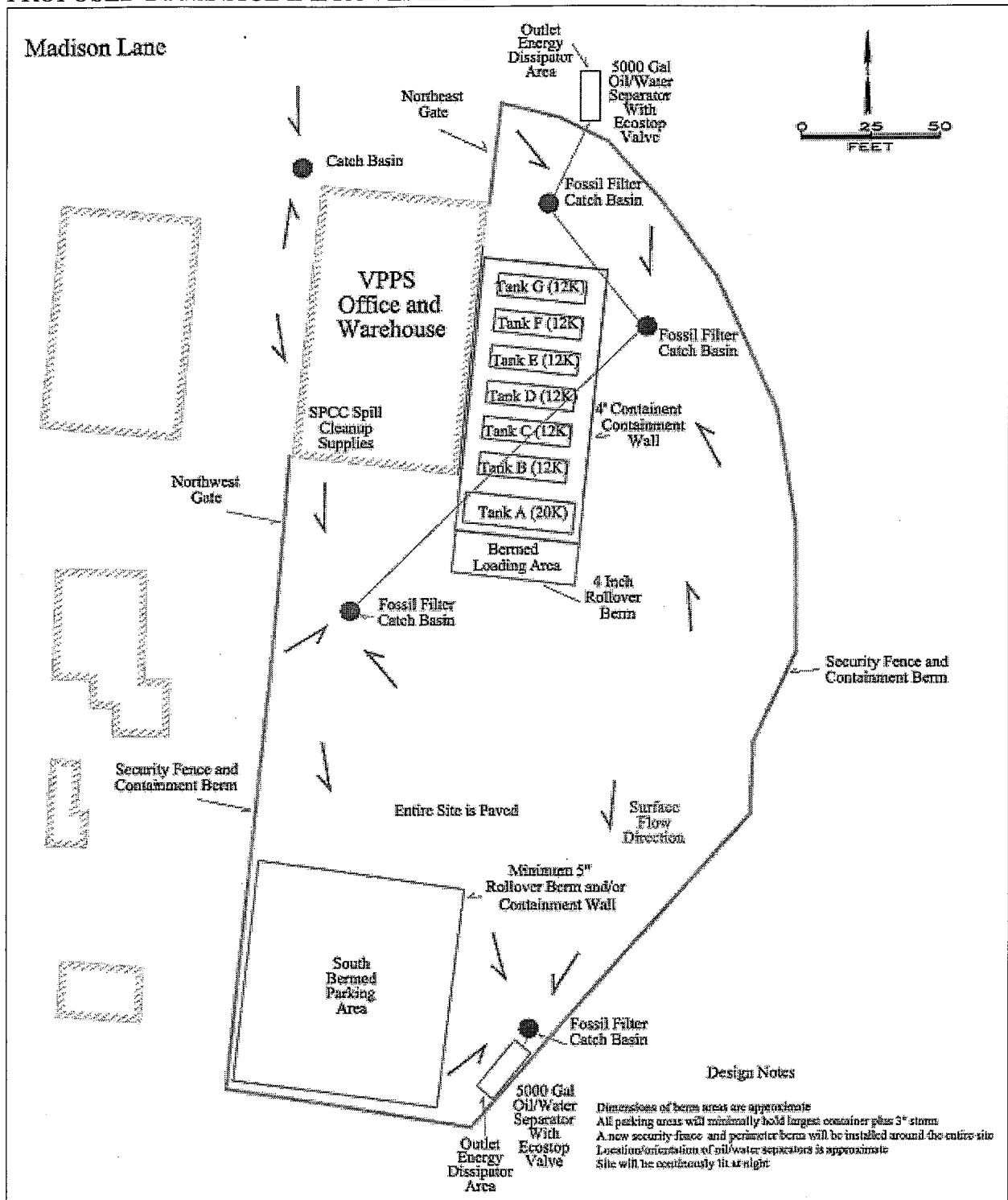
SITE PLAN



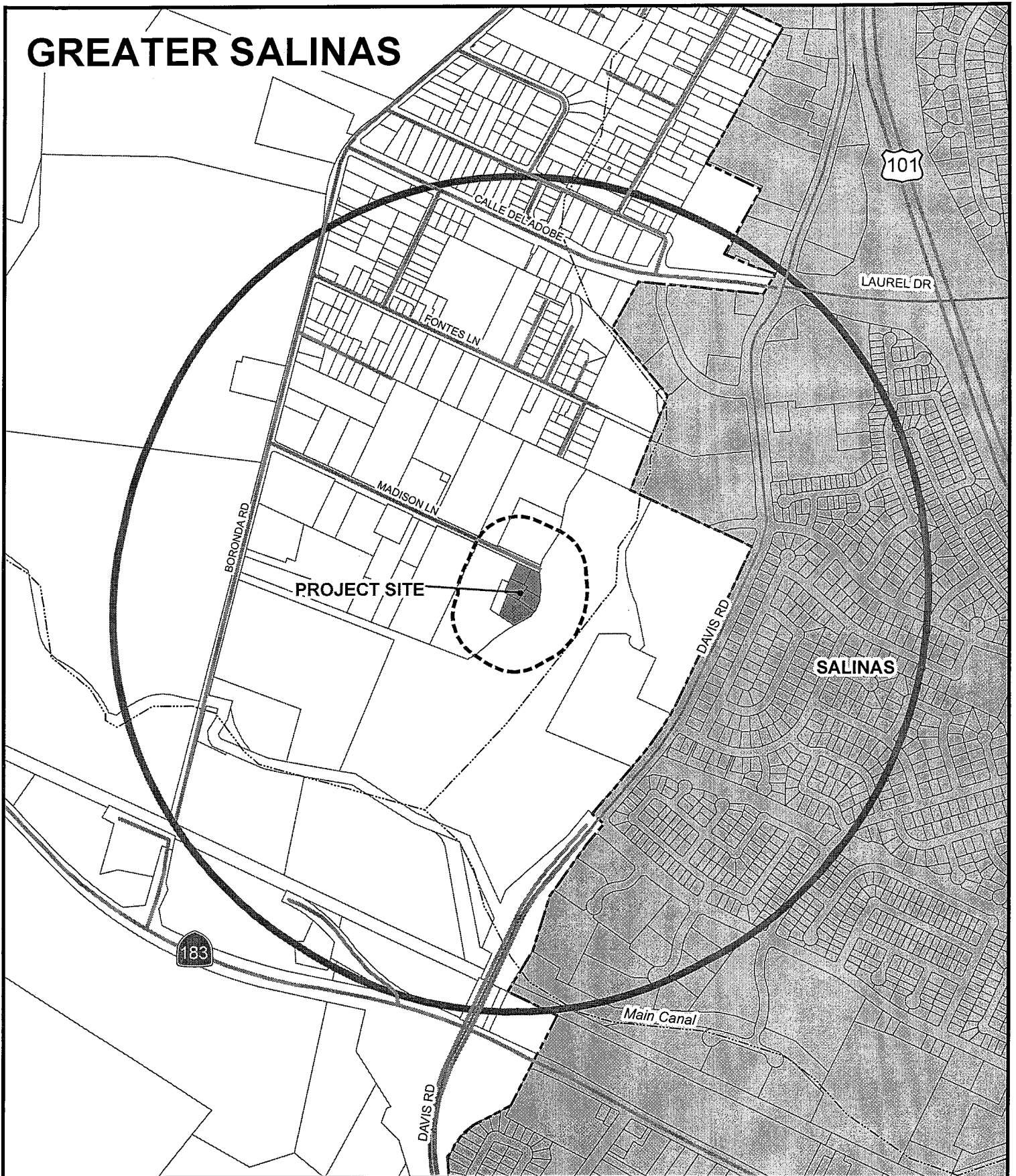
PROJECT COMPONENTS AND BIOLOGICAL RESOURCES



PROPOSED DRAINAGE IMPROVEMENTS



GREATER SALINAS

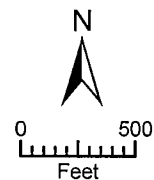


APPLICANT: BASTOGNE HOLDINGS, LLC

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

FILE # PLN110426

Water 2500' Limit 300' Limit City Limits



PLANNER: LISTER

Exhibit D

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Bastogne Holdings, LLC

Lead Agency: Monterey County RMA - Planning Department Contact Person: Dan Lister - Assistant Planner
 Mailing Address: 168 W. Alisal St. 2nd Floor Phone: (831) 759-6617
 City: Salinas Zip: 93901 County: Monterey

Project Location: County: Monterey City/Nearest Community: Salinas / Boronda Community
 Cross Streets: Madison Lane/Boronda Road Zip Code: 93907
 Longitude/Latitude (degrees, minutes and seconds): _____ " N / _____ " W Total Acres: 1.667 acres
 Assessor's Parcel No.: 261-052-002M Section: _____ Twp.: _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: Highway 101 Waterways: _____
 Airports: _____ Railways: _____ Schools: Boronda Meadows

Document Type:

- CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI

Local Action Type:

- General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

- Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____
 Commercial: Sq.ft. 6,000 Acres 1.667 Employees 9
 Industrial: Sq.ft. _____ Acres _____ Employees _____
 Educational: _____
 Recreational: _____
 Water Facilities: Type _____ MGD _____
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type _____ MW _____
 Waste Treatment: Type _____ MGD _____
 Hazardous Waste: Type _____
 Other: Petroleum Storage/Distribution

Project Issues Discussed in Document:

- Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

Heavy Commercial ("HC")

Project Description: *(please use a separate page if necessary)*
 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 which will store approximately 11,000 gallons of petroleum products. Associated improvements include two new oil/water separator, berming and fencing modifications. The property is located at 1083 Madison Lane, Salinas (Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in. Revised 2008

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

- Air Resources Board
- Boating & Waterways, Department of
- California Highway Patrol
- Caltrans District # _____
- Caltrans Division of Aeronautics
- Caltrans Planning
- Central Valley Flood Protection Board
- Coachella Valley Mtns. Conservancy
- Coastal Commission
- Colorado River Board
- Conservation, Department of
- Corrections, Department of
- Delta Protection Commission
- Education, Department of
- Energy Commission
- Fish & Game Region #4 _____
- Food & Agriculture, Department of
- Forestry and Fire Protection, Department of
- General Services, Department of
- Health Services, Department of
- Housing & Community Development
- Integrated Waste Management Board
- Native American Heritage Commission

- Office of Emergency Services
- Office of Historic Preservation
- Office of Public School Construction
- Parks & Recreation, Department of
- Pesticide Regulation, Department of
- Public Utilities Commission
- Regional WQCB # _____
- Resources Agency
- S.F. Bay Conservation & Development Comm.
- San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
- San Joaquin River Conservancy
- Santa Monica Mtns. Conservancy
- State Lands Commission
- SWRCB: Clean Water Grants
- SWRCB: Water Quality
- SWRCB: Water Rights
- Tahoe Regional Planning Agency
- Toxic Substances Control, Department of
- Water Resources, Department of
- Other: _____
- Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date April 27, 2012 Ending Date May 26, 2012

Lead Agency (Complete if applicable):

Consulting Firm: RMA - Planning Department
 Address: 168 W. Alisal St. 2nd Floor
 City/State/Zip: Salinas, CA 93901
 Contact: Dan Lister - Assistant Planner
 Phone: (831) 759-6617

Applicant: Nathan Crum (Valley Pacific Petroleum Services)
 Address: 152 Frank West Cir. Suite 100
 City/State/Zip: Stockton CA 95206
 Phone: (209) 609-9139

Signature of Lead Agency Representative:  Date: 04/25/2012

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

County of Monterey
 State of California
NEGATIVE DECLARATION

FILED

APR 26 2012

STEPHEN L. VAGNINI
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	Bastogne Holdings LLC
File Number:	PLN110426
Owner:	Bastogne Holdings LLC
Project Location:	1083 Madison Lane, Salinas
APN(s):	261-052-002-000, 261-052-003-000, 261-052-006-000, 261-052-008-000, and 261-052-009-000
Project Planner:	Dan Lister – Assistant Planner
Permit Type:	Use Permit
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 which will store approximately 11,000 gallons of petroleum products. Associated improvements include two new oil/water separator, berming and fencing modifications.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Monterey County Planning Commission
Responsible Agency:	County of Monterey
Review Period Begins:	April 27, 2012
Review Period Ends:	May 26, 2012

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA 93901 (831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT

168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901

(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Use Permit (Bastogne Holdings LLC, PLN110426) at 1083 Madison Lane, Salinas, (APNs 261-052-002-000, 261-052-003-000, 261-052-006-000, 261-052-008-000, and 261-052-009-000) (see description below).

The Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

<http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm>.

The Planning Commission will consider this proposal at a meeting on May 30, 2012 at 9:00 AM in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from April 27, 2012 to May 26, 2012. Comments can also be made during the public hearing.

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 which will store approximately 11,000 gallons of petroleum products. Associated improvements include two new oil/water separator, berming and fencing modifications. The property is located at 1083 Madison Lane, Salinas (Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan. (from Accela)

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: Bastogne Holdings LLC; File Number PLN110426

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- ___ No Comments provided
- ___ Comments noted below
- ___ Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. U.S. Army Corps of Engineers (San Francisco District Office, Attn: Katerina Galacatos or Paula Gill, C/O Regulatory Division, 1455 Market Street 16th Floor, San Francisco, CA 94103-1398)
3. County Clerk's Office
4. Association of Monterey Bay Area Governments
5. Monterey Bay Unified Air Pollution Control District
6. California Water Service Company
7. City of Salinas
8. Monterey County Regional Fire Protection District
9. Monterey County Water Resources Agency
10. Monterey County Public Works Department
11. Monterey County Parks Department
12. Monterey County Environmental Health Bureau
13. Monterey County Sheriff's Office
14. Salinas Libraries (John Steinbeck & El Gabilan Libraries)
15. Bastogne Holdings LLC, Owner
16. Nathan Crum, Agent
17. Boronda Meadows Elementary School District
18. The Open Monterey Project
19. LandWatch
20. Property Owners within 300 feet (Notice of Intent only)

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Bastogne Holdings, LLC (Valley Pacific Petroleum)

File No.: PLN110426

Project Location: 1083 Madison Lane, Salinas

Name of Property Owner: Bastogne Holdings, LLC

Name of Applicant: Nathan Crum

Assessor's Parcel Number(s): 261-052-002-000, 261-052-003-000, 261-052-006-000, 261-052-008-000, and 261-052-009-000

Acreage of Property: 1.667 acres (total)

General Plan Designation: General Commercial

Zoning District: HC-UR [Heavy Commercial with an Urban Reserve overlay]

Lead Agency: RMA – Planning Department

Prepared By: Dan Lister – Assistant Planner

Date Prepared: April 23, 2012

Contact Person: Dan Lister – Assistant Planner

Contact Information: (831) 759-6617 or listerdm@co.monterey.ca.us

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The project entails the use of five existing commercially zoned parcels and one existing structure for the storage and distribution of petroleum products. The project includes the installation of seven (7) above-ground holding tanks placed next to an existing 6,000 square foot warehouse structure. Associated improvements to the existing properties include a concrete containment wall to enclose the tank area, an oil/water separator which will be installed to the existing drainage to catch and filter contaminants before draining into the adjacent wetlands (Markley Swamp) and improvements to directing drainage with berms and fence modifications.

The properties are zoned "HC-UR" [Heavy Commercial with an Urban Reserve Overlay]. The property, Assessor's Parcel Numbers: 261-052-002-000, 261-052-003-000, 261-052-006-000, 261-052-008-000, and 261-052-009-000, is located at 1083 Madison Lane, Salinas.

The seven (7) above-ground holding tanks (six (6) 12,000 gallon tanks; one (1) 20,000 gallon tank) will house different petroleum products. Four of the 12,000 gallon tanks will contain motor oil, one 12,000 gallon tank will contain unleaded gasoline, one 12,000 gallon tank will contain clear diesel, and the 20,000 gallon tank will contain red-dyed diesel. Up to 11,460 gallons of motor oil will also be housed within the existing warehouse in 275-gallon totes and a variety of smaller containers (quarts, gallons, and 5-gallon jugs).

The owner, Bastogne Holdings LLC (aka, Valley Pacific Petroleum) currently operates a petroleum storage and distribution business two miles from the proposed project site. The current site is located at 220 Commission Street, Salinas (Assessor's Parcel Number 002-202-013-000) which currently stores 63,000 gallons of gasoline and 52,000 gallons of diesel in tanks underground. The business has been established on the site since 2007 which is using land and structures that have been used for the same type of operations since 1925. Due to current issues with existing structures not meeting current Spill Prevention and Countermeasure Control (SPCC) standards, the Environmental Protection Agency (EPA) is mandating that the business either renovate the existing site or move elsewhere. The landlord has refused to make the necessary renovations, so relocation is the only option.

According to County Records, the proposed project site and warehouse have been used for many other heavy commercial/industrial uses. The warehouse was constructed in 1974 for a cabinet making business. The cabinet shop operated on the property until at least 1985. From 1990 to 1995 a hang-glider manufacturer operated on the site and from 1996 to 2011 an auto repair and towing business occupied the property. The auto repair/towing business had many code violations during the time it occupied the properties. Since early 2011, the properties and existing warehouse have been vacant.

According to County Resource Maps, the project site is adjacent to a wetland area known as Markley Swamp. The swamp is classified as Palustrine Emergent Marsh which is seasonally flooded and farmed (PEMCF). This land receives stormwater runoff from the project site and surrounding neighborhoods. According to a Water Delineation Report prepared for a drainage improvement project on Madison Lane, the swamp may potentially be a nesting area to four bird

species listed in the California Department of Fish and Game. (See Section IV.4 for more information)

B. Surrounding Land Uses and Environmental Setting:

The project site is located at the south-end of Madison Lane within the unincorporated community of Boronda, Monterey County. This location is 13 miles northeast of the City of Monterey, approximately 50 miles south of the City of San Jose, and adjacent to the western boundary of the City of Salinas. The community of Boronda is located adjacent to land in unincorporated Monterey County and the City of Salinas. The project site is bordered by Boronda Road to the west; heavy commercial land uses to the north and south; and Markley Swamp to the east. County resource maps show that the project site is approximately 620 feet from Boronda Meadows School, and 890 to 1,200 feet from residential areas/subdivisions. The project site/area is located within the Greater Salinas Area Plan Planning Area, Boronda Community Plan Area, and the Boronda Redevelopment Project Area.

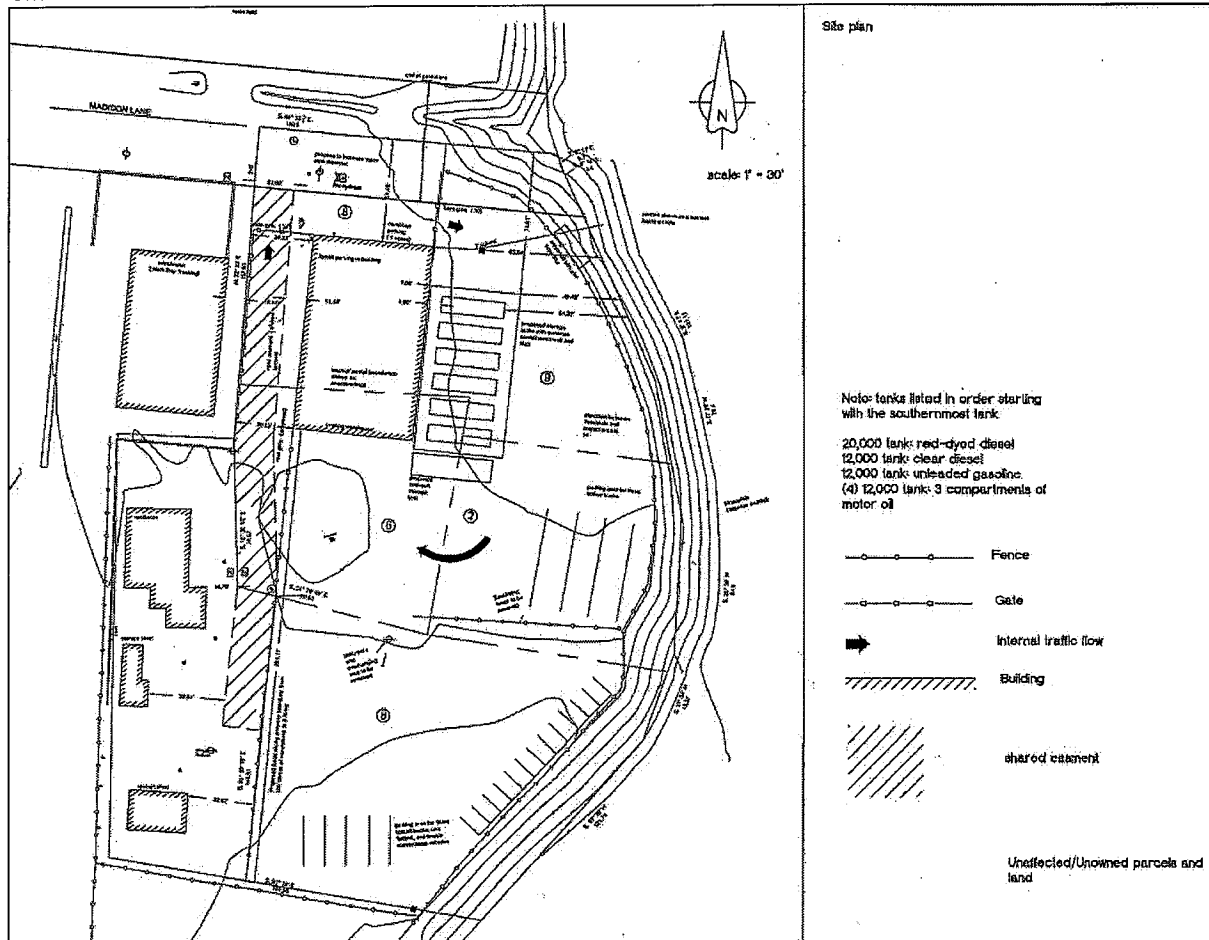
C. Other public agencies whose approval is required:

Due to the uses proposed, the project has been reviewed by Monterey County Regional Fire Department, RMA – Public Works, the Water Resource Agency, City of Salinas, and the Environmental Health Bureau. Each agency has applied conditions to the approval of the project which include a Hazardous Materials Business Response Plan, Hazardous Waste Control, Hazardous Materials Spill Prevention Measures, Oil/Water Separator installation, and the participation for paying a fair contribution to road and maintenance improvements along Madison Lane. All agencies express that the applied conditions will ensure that the uses proposed will be conducted in a safe manner. All information will also be sent to the Department of Fish and Game for review and comments since the project is located next to a wetland and potential habitat area.

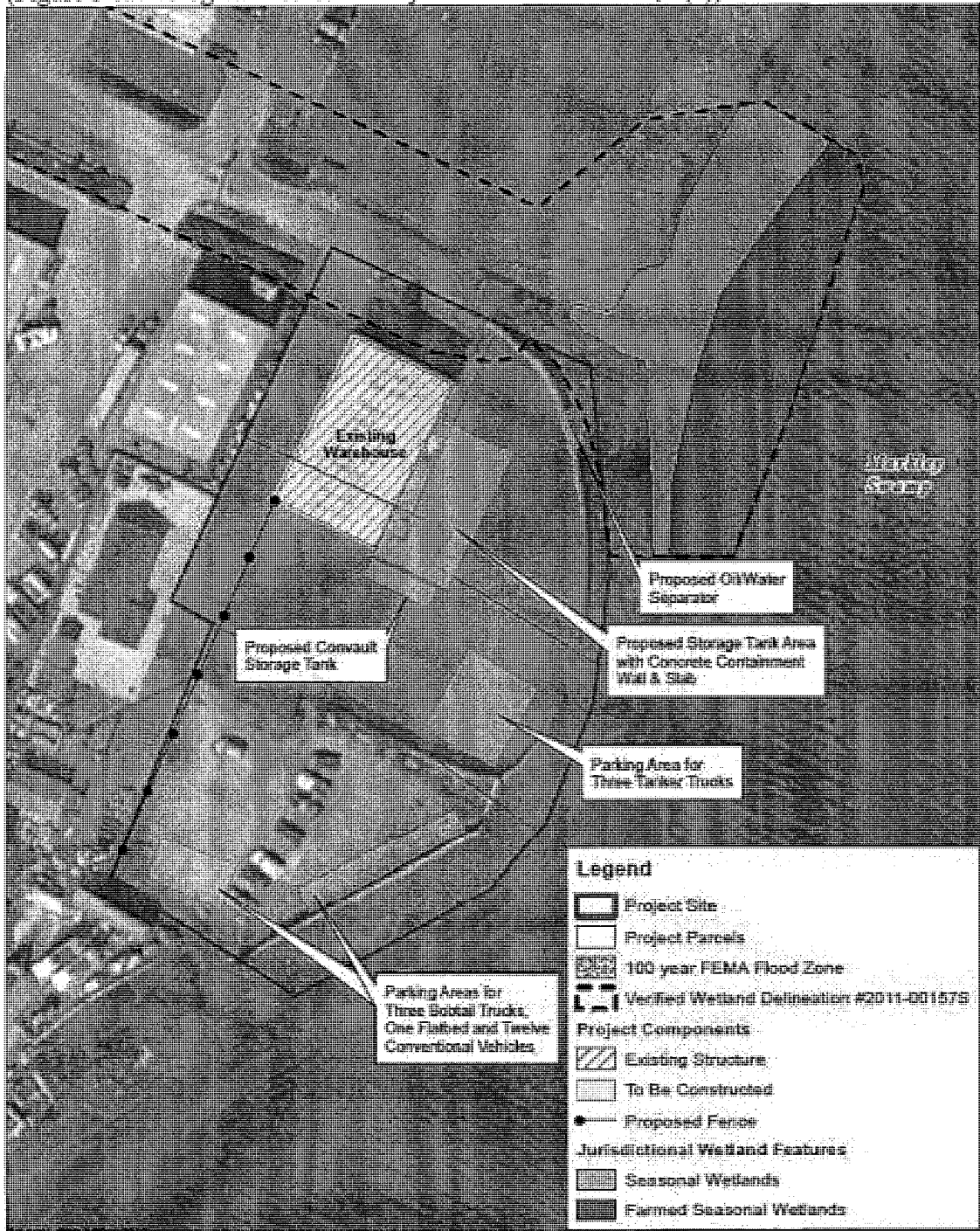
VICINITY MAP



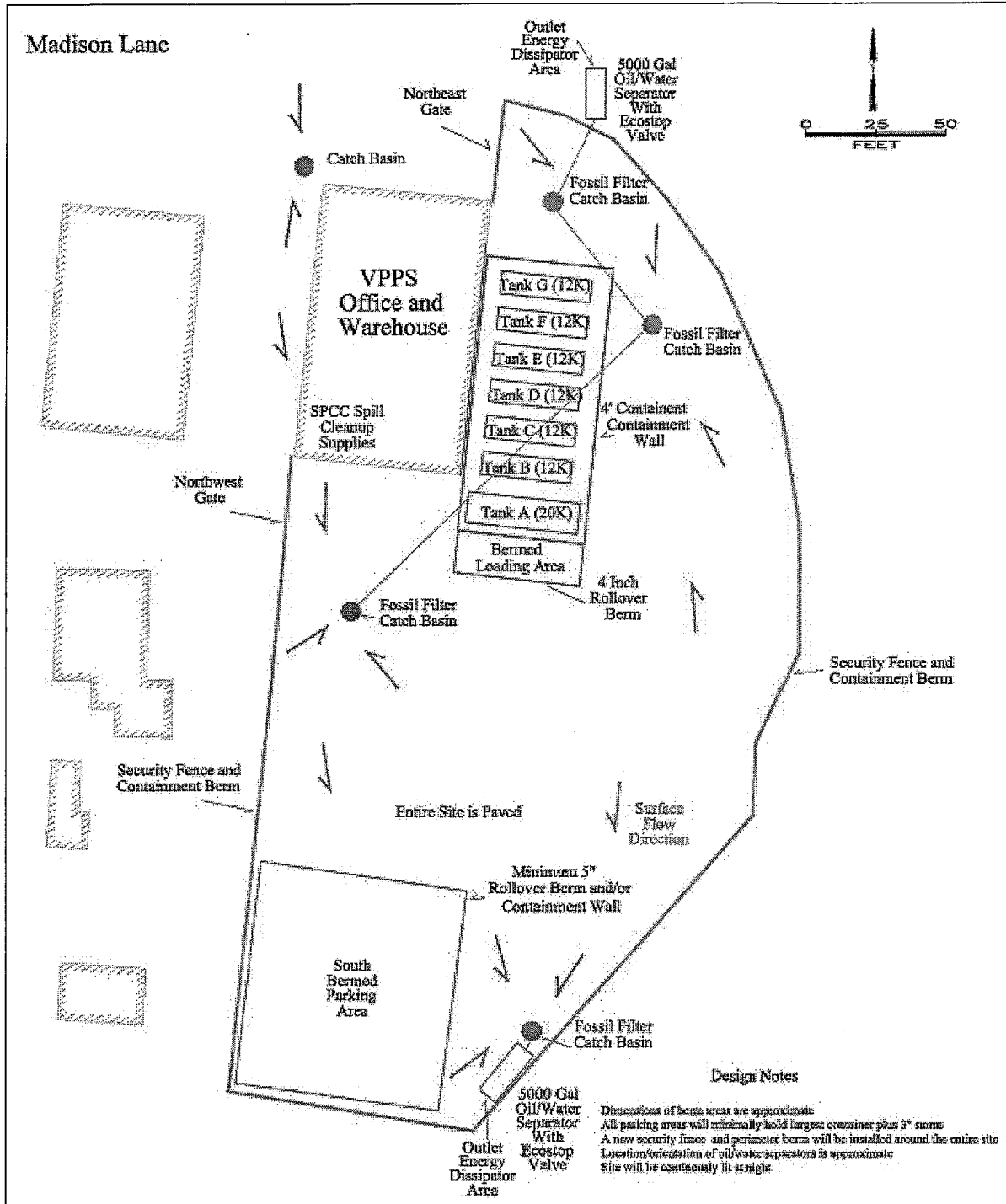
SITE PLAN



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



PROPOSED DRAINAGE IMPROVEMENTS



III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

2010 Monterey County General Plan/Greater Salinas Area Plan: The project is consistent with the 2010 General Plan and Greater Salinas Area Plan policies. The General Plan designates the site with a "Heavy Commercial" (HC) land use designation which accommodates heavy commercial uses, such as fabrication, warehousing/storage and trade centers (LU-4.1.b, General Plan). The proposed project is consistent with allowable uses under this designation. The project also proposes upgrades to existing site drainage in order to better control on-site run-off. A new filtration system will be installed which allows all groundwater to be filtered prior to draining into the adjacent wetlands (S-3.2, General Plan). The project will be conditioned to ensure exterior lighting is unobtrusive and site controlled (LU-1.13, General Plan). Therefore, the project will be consistent with the General Plan. (Reference IX; 2, 3, 4, 5) **CONSISTENT**

Air Quality Management Plan: Emissions from project construction and operation are accommodated in the emission inventories of the Air Quality Management Plan and will not have a significant impact on the attainment or maintenance of Ambient Air Quality Standards (Reference IX; No. 6, page 5-2, through 5-15). **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of |

Significance

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE: Based upon the planner's analysis, many of the above topics on the checklist do not apply. Less than significant impacts or potentially significant impacts are identified for biological resources, hazardous materials, and transportation/traffic. The project will have no quantifiable adverse environmental effects on the categories not checked above as follows:

- 1) Aesthetics: The project site is a developed heavy commercial area. There are no scenic vistas, highway, or resources in the vicinity of the project site. Therefore, the proposed project would have **no impacts** on scenic vistas, scenic resources or scenic highways.

The project also utilizes an existing structure and heavy commercial area which will be improved to meet current health and safety measure. Exterior lighting and landscaping conditions have been added to the approval of the project in order to ensure visual degrading does not occur. Therefore, the proposed project will have **no impacts** in regards to the visual degrading of the existing site. (Reference IX; 1, 2, 3, 5, 7)

- 2) Agricultural and Forest Resources: The project site/area is located in a developed area that is designated for heavy commercial land uses. According to County resource maps, there are no important farmlands or lands under Williamson Contract within the project site. Therefore, the proposed project will have **no impacts** on agricultural resources. (Reference IX; 1, 2, 3, 5, 7)

- 3) Air Quality: The CEQA Air Quality Guidelines for the Monterey Bay Region is prepared by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and addresses the attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin. Operation of the project will be below the thresholds described in the Air Quality Guidelines.

The proposed project will involve no grading to accommodate the installation of the above-ground petroleum tanks. Therefore, the proposed project will have **no impacts** to air quality (also see Section IV.A (7) for additional information). (Reference IX; 1, 2, 3, 6, 10)

- 4) Biological Resources: See Section VI for detailed analysis.
- 5) Cultural Resources: According to County Resource, the project site is located in a high sensitivity area for cultural resources. Pursuant to 21.66.050.C.5 of the Monterey County Zoning Ordinance (Title 21), an archaeological report is not required if the project site was previously disturbed and the project does not propose further land disturbance. The installment of seven (7) above-ground tanks will not require any grading and will only disturb a portion of the existing asphalt area. Therefore, there would be **no impacts** to cultural resources. (Reference IX; 1, 2, 3, 4, 5, 7)
- 6) Geology/Soils: According to County Resources, the project site is not located near an active fault, the seismic hazard rate is considered moderately-low, and liquefaction is identified as low. Based on the staff's review of the project site, the project area and properties along Madison Lane have been filled and elevated between the properties and Markley's Swamp. The project site currently has two surface drainage areas which drain into Markley Swamp, and with the berm improvements proposed, run-off is considered very low. The installation of the proposed petroleum storage tanks will not require grading, so no modification to soil compaction or impacts will occur. Therefore, the proposed project will have **no impacts** on geology and soils. (Reference IX; 1, 2, 3, 4, 5, 7, 10)
- 7) Greenhouse Gas Emission: Monterey County does not have an adopted plan for the reduction of greenhouse gases. Preparation of such a plan has begun, but is not yet applicable. Instead, the project is considered in terms of the multiple State and Federal laws passed regarding this subject. It is difficult to implement the goals of the various legislations on a small project-level basis such as this project. Rather climate action plans are being developed, and the Office of Planning and Research (OPR) recommend that each jurisdiction establish their own thresholds of significance. Monterey County has not adopted either a climate action plan or thresholds of significance, but it can be inferred from other agencies, including the California Air Resources Board (CARB) whose GHG thresholds generally involve vehicle miles traveled reductions, waste diversions, and technologies such as electric vehicles, and renewable energy sources.

Based on staff's review of the project, the proposed use will not result in any net, new emissions since the proposed use is moving from one site to another. The current site houses 63,000 gallons of gasoline which will be significantly decreased down to one 12,000 gallon gasoline tank which will meet State Vapor Control and approved storage standards. Normally, the existing site only makes 35-45 daily truck trips (depending on the season) which is the same amount for the proposed site, but because of the inefficient conditions of the existing location,

more daily truck trips are required for inventory that cannot be currently kept on-site. At the proposed location, the extra truck trips would be eliminated because the warehouse on the project site will be more efficient. The proposed project will not result in any net, new emissions, if not decrease current GHG emissions. Therefore, the proposed project will have **no impacts** on greenhouse gas emissions. (Reference IX; 1, 2, 5, 6, 7, 8a, 10)

- 8) Hazardous/Hazardous Materials: See Section VI for detailed analysis
- 9) Hydrology/Water Quality: See Section VI for detailed analysis.
- 10) Land Use/Planning: The project, as proposed, will not physically divide an established community, nor will it conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding environmental effect. The project will not conflict with any applicable habitat conservation plan, or natural community plan. Therefore, the proposed project will have **no impacts** on land use/planning. (Reference IX; 1, 2, 3, 4, 5, 7)
- 11) Mineral Resources: According to the 2010 Monterey County General Plan, in conjunction with the Greater Salinas Area Plan, the project site is not located near any mineral resource locations (Salinas River & Gabilan Range). Therefore, the proposed project will have **no impacts** on mineral resources. (Reference IX; 1, 2, 3, 5, 7, 10)
- 12) Noise: According to Table S-2: Community Noise Exposure in the 2010 General Plan, the project site is located in a heavy commercial area which allows some industrial type uses. In this area, noises up to 75dB are considered normally acceptable. The project site is located approximately 700 feet from a Recycling Center, known as a stationary noise generator. The project site is also adjacent to an existing trucking business and city waste services (BFI) which are consistent noise generators.

According to information regarding the current petroleum site uses, the operation is generally quiet except when trucks come and go from the site. The noise level from the trucks will not exceed 75dB. The nearest noise sensitive land use is an elementary school located approximately 620 feet away, which would not be impacted by the proposed daily operations. Therefore, the proposed project will have **no impacts** regarding noise. (Reference IX; 1, 2, 3, 5, 7)
- 13) Population/Housing: The proposed project is located in an area designated for heavy commercial uses. The purpose is to accommodate is not located near or viewable from any scenic vista or protected viewshed. Therefore, the proposed project would result in **no impacts** to population or housing. (Source: 1, 2, 3, 7)
- 14) Public Services: The proposed project will not create the need for new or expanded public services or facilities. The proposed project's heavy commercial use and compatibility with surrounding land uses signify that any potential impact to

public services will be insignificant, given that adequate public services exist to properly serve the area, as evidenced by the County's interdepartmental review of the project. Therefore, the proposed project will have **no impacts** on public services. (Reference IX; 1, 2, 3, 5, 7)

- 15) Recreation: The proposed project is a petroleum product storage and distribution project that would not result in an increased demand for or result in the alteration of recreation facilities. Therefore, the proposed project would result in **no impacts** to recreation. (Reference IX; 1, 2, 3, 7)
- 16) Transportation/Traffic: See Section VI for detailed analysis
- 17) Utilities: The project site will be existing services from California Water Service and the City of Salinas Sanitation Service. These systems are of adequate capacity to serve the project as evidenced by Monterey County's interdepartmental review of this project. Therefore, the proposed project will have **no impacts** on utilities. (Reference IX; 1, 2, 3, 5)

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Dan Lister - Assistant Planner

4/25/12
Date

V. **EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The project site is adjacent to a wetland area known as Markley Swamp. The swamp is classified as Palustrine Emergent Marsh which is seasonally flooded and farmed (PEMCF).

Markley Swamp receives perennial moisture from irrigation drainage from adjacent agricultural fields, as well as seasonal storm runoff from the surrounding watershed. Drainage from a large part of the study area reaches Markley Swamp from an existing culvert under Calle Del Adobe which transports drainage from an area generally located north of Calle del Adobe, west of the Westridge Shopping Center and east of a grade break in the vicinity of Virginia Avenue. Runoff also enters the swamp through pipes located near the eastern terminus of Fontes Lane. In addition, Markley Swamp accepts drainage via 78-inch and 72-inch drain lines from over 1,500 acres located within the City of Salinas, and is designated as an area within the 100-year flood plain.

Based on the database search for special-status wildlife and habitat suitability the species that have the potential to occur within the project area include: northern harrier, white-tailed kite, burrowing owl, short-eared owl, and other nesting migratory birds and raptors.

Less than Significant (a, b & c):

The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, nor will the project have a substantial adverse impact on wetlands by any means. The land adjacent to the project site to the east (Markley Swamp) is classified as

Palustrine Emergent Marsh which is seasonally flooded and farmed (PEMCF). This land receives stormwater runoff from the project site and surrounding neighborhoods.

As required by law for bulk fuel storage facilities (SIC 5171), stormwater discharge from the project site will be regulated under State Water Resources Control Board Water Quality Order No. 97-03-DWQ, NPDES General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Stormwater Associated with Industrial Activities". The permit implements Parts 122, 123 and 124 of Title 40 Code of Federal Regulations. The permit requires the discharger to develop a Storm Water Pollution Prevention Plan (SWPPP), to monitor storm-water for pollutants and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT). BAT and BCT are achieved through a combination of engineering controls and implementation of Best Management Practices (BMP). Compliance with the permit will minimize the potential for pollutants in stormwater runoff. Specific engineering controls for this project include sediment filters at all stormdrain inlets and a 5000 gallon oil/water separator upstream of the point of discharge.

Accidental discharge of fuel to the storm drain system and thus to the Markley Swamp will be prevented by the requirement that the facility comply with the federal Spill Prevention, Control and Countermeasures Rule ("SPCC", 40 CFR Part 112) and the California Aboveground Petroleum Storage Act (APSA, Chapter 6.67 Health and Safety Code). The facility must have an SPCC plan prepared and certified by a licensed engineer and comply with all rules concerning double containment of all areas of the site with the potential for a petroleum discharge. In addition to requiring double containment of 100% of the capacity of the fuel storage and transfer appurtenances, the SPCC rules require discharge and drainage controls, tank inspections and integrity testing, employee training, and countermeasures for discharge discovery, response and cleanup. The required SWPPP and SPCC plans will eliminate to the degree practicable the potential for accidental discharge of fuel or contaminated storm-water to impact the Markley Swamp.

The project has been conditioned by the Environmental Health Bureau and Monterey County Regional Fire Protection Department to ensure proper measures are reviewed and approved prior to the commencement of use.

No Impact (d, e, & f):

Based on the previous Heavy Commercial uses and conditions of the project site, the proposed project will make improvements that will not interfere with the movement of species. Also, the proposed project will not conflict with County policies or provisions of the Heavy Commercial ("HC") use designation. The project site is a developed heavy industrial property and contains no biological resources; consequently, the project will not conflict with any protective policies.

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 2, 3, 4, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 2, 3, 4, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 2, 3, 4, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 2, 3, 4, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 2, 3, 4, 5, 7, 10) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 2, 3, 4, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 3, 4, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 2, 3, 4, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 2, 3, 4, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 2, 3, 4, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 1, 2, 3, 4, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 2, 3, 4, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

7. GREENHOUSE GAS EMISSIONS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 2, 5, 6, 7, 8a, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 5, 6, 7, 8a, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 2, 3, 5, 7, 8a, 8b, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The project entails the use of five existing commercially zoned parcels and one existing structure for the storage and distribution of petroleum products. The project includes the installation of seven (7) above-ground holding tanks placed next to an existing 6,000 square foot warehouse

structure. The seven (7) above-ground holding tanks (six (6) 12,000 gallon tanks; one (1) 20,000 gallon tank) will house different petroleum products. Four of the 12,000 gallon tanks will contain motor oil, one 12,000 gallon tank will contain unleaded gasoline, one 12,000 gallon tank will contain clear diesel, and the 20,000 gallon tank will contain red-dyed diesel. 11,460 gallons of motor oil will also be housed within the existing warehouse.

According to Section 25532 of the California Health and Safety Code which defines extremely hazardous materials, the petroleum products proposed are not considered as extremely hazardous. Based on the proposed project use and location, there is a potential for a fire hazard and contamination to nearby wetlands.

Less Than Significant (a, b, c):

County resource maps identify that the project site is approximately 620 feet from North Davis Elementary School, and 890 to 1,200 feet from residential areas/subdivisions. Pursuant to CEQA Section 21151.4, any project that might emit hazardous air emission, or will handle extremely hazardous substances within one-quarter mile of any school must properly notify the school and provide the school a chance to review and comment on the environmental review prepared for the project. According to the Hazardous Materials Division of the Environmental Health Bureau, CEQA Section 21151.4 is in conjunction with Section 25532 of the California Health and Safety Code which defines what extremely hazardous materials are. The petroleum products proposed are not considered an extremely hazardous material. Therefore, that section of CEQA does not apply to this project. Petroleum products proposed to be stored on-site will meet State Vapor Control standards.

The project has been conditioned by the Environmental Health Bureau and Monterey County Regional Fire Protection Department to ensure proper measures are reviewed and approved prior to the commencement of use.

No Impact (d, e, f, g, & h):

The proposed project is located within a Heavy Commercial zoning district with a project site that has had multiple heavy commercial uses. The proposed storage of petroleum products will be either stored in above-ground tanks or within the existing warehouse. All tanks and storage containment inside the warehouse will meet all fire and health safety standards and conditioned to ensure safety is maintained at all times. (Reference to Section IV.4, Biological Resources for spill control measures)

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 3, 5, 7, 8b, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

According to County Resource Maps, the project site is adjacent to a wetland area known as Markley Swamp. The swamp is classified as Palustrine Emergent Marsh which is seasonally flooded and farmed (PEMCF). This land receives stormwater runoff from the project site and surrounding neighborhoods. Based on the current conditions of the project site, on-site drainage does not filter out contaminants, nor are there berms or improvements for on-site run-off. Using County Resource Maps, which provide aerial photos dated back to 2007, the previous auto repair and towing business, which ended in early 2011, placed dismantled cars along the drainage areas and near the banks of the swamp.

Less-Than Significant (e & f):

Based on the current conditions of the project site, on-site drainage does not filter out contaminants, nor are there berms or improvements for on-site run-off. Using County Resource Maps, which provide aerial photos dated back to 2007, the previous auto repair and towing business, which ended in early 2011, placed dismantled cars along the drainage areas and near the banks of the swamp.

The proposed project will improve the site by adding berms and two oil/water separators at the end of the drainage areas so all contaminants are removed before being drained into the basin. Since there will be no changes to the existing site, besides the installation of tanks and drainage improvements, water quantity draining into the swamp will remain as existing, but the water will be filtered of contaminants prior to being drained into the swamp. The project will be conditioned to meet all Spill Prevention Measures and all health and safety standards required for the handling of petroleum products (Reference Section VI.4, Biological Resources).

No Impacts (a, b, c, d, g, h, i & j):

Based on the project being located on an existing developed site with minimal improvements being made to the existing site and warehouse, the project will not create substantial erosion, nor will the project create addition run-off contributing to flood levels. Based on the elevation of the existing site, the project site is not in a 100-year flood plan, and is highly unlikely to be affected by flooding.

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2, 3, 4, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 4, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 3, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2, 3, 5, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

13. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

14. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

15. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 2, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 2, 3, 5, 7, 8a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: 1, 2, 3, 5, 7, 8a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: 1, 2, 3, 5, 7, 8a)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 2, 3, 5, 7, 8a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 2, 3, 5, 7, 8a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 2, 3, 5, 7, 8a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The project site is located mostly within the existing Madison Lane roadway right-of-way. Madison Lane begins at its intersection with Boronda Road to the west and extends approximately 0.35 miles southeast, where it terminates at the 100-year floodplain of Markley Swamp. There are no intersections with other roadways besides Boronda Road. Madison Lane is an existing local two-lane roadway line that is approximately 50-foot wide and includes: potholed roadway with no identifiable roadway markings, a drainage channel along portions the shoulders; and utility poles along the southern shoulder. There are no existing sidewalks and the roadway has an existing right-of-way that varies from 40- to 60-foot wide.

Less-Than-Significant (c):

The proposed project identifies 35-45 daily truck trips required for the petroleum distribution list (depending on the season). According to a Trip Generation Study prepared by Keith Higgins of Hatch Mott MacDonald, the truck trips would not affect the Level of Service (LOS) at the intersections of Boronda Road and Madison Lane, and Boronda Road and Calle Del Abode. Also, based the types of vehicles to be used during operation, which consist of three truck and trailer units (80,000 lbs), three bobtail trucks (50,000 lbs), one flatbed pickup truck, and nine employee vehicles, will not create new impacts to the existing pavement and roads along Madison Lane. The RMA – Public Works Department has applied standard conditions to the project which requires the proposed project to pay its fair contribution to road and traffic improvements along Madison Lane and Highway.

No Impacts (a, b, d, e & f):

The proposed project will not conflict with County policies regarding Level of Service (C-1.1, General Plan). The petroleum business proposed at the Madison Lane site has existed since 2007 at 220 Commission Street, Salinas (2 miles away from the proposed site); therefore, will not be contributing additional congestion or hazards to Highway 101.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Less-Than-Significant (a):

(Reference Section VI.4, Biological Resources)

No Impacts (b & c):

(Reference Section IV, and Sections VI.4, 8, 9, & 16)

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game.

Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN110426 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application, Plans, Correspondence, and Materials in File No. PLN110426
2. 2010 Monterey County General Plan
3. Greater Salinas Area Plan
4. Title 21 of the Monterey County Code (Zoning Ordinance)
5. Monterey County Planning Department GIS System: Property Report for Selected Parcels: 261-052-002-000, 261-052-003-000, 261-052-006-000, 261-052-008-000, and 261-052-009-000
6. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008.
7. Site Visit conducted by the project planner on August 24, 2011.
8. Technical Reports:
 - a) “Madison Lane Trip Generation Study” (LIB110453) prepared by Keith Higgins of Hatch Mott MacDonald, Gilroy, CA, prepared on October 7, 2011; amended December 13, 2011.
 - b) “Salinas Facility for Valley Petroleum Services” prepared by PMC, Rancho Cordova, CA, prepared on February 17, 2012.
9. “Preliminary Wetland Delineation Report for the Madison Lane Improvement Project” prepared by PMC, Rancho Cordova, CA. prepared on February 2011.

10. "Draft Mitigated Negative Declaration for the Madison Lane Improvement Project" prepared by Nick Nichols of the Monterey County Redevelopment Agency, Salinas, CA, prepared on April 19, 2011.
11. "Draft Spill Prevention Countermeasure Control Plan for Valley Pacific Petroleum Company" prepared by Ground Zero Analysis, Escalon, CA, prepared on January 24, 2012, and revised April 19, 2012.