

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

RESOLUTION NO. 08032

A. P. # 133-172-013-000

In the matter of the application of
RE VX-173 LLC (dba Moss Landing Commercial Park)
(PLN060559)

FINDINGS AND DECISION

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a **Combined Development Permit**, consisting of: 1) a General Development Plan for industrially designated property totaling 189 acres (the former National Refractories site) to establish historical uses to be allowed as part of a business park (including warehouse, industrial shops, bio-diesel research and development, etc.); 2) a Coastal Development Permit to allow the construction of a 70,000 square foot industrial warehouse to replace facilities demolished under PLN040363; and 3) a Design Approval. The property is located at 7697 Highway 1 - at the southeast corner of Dolan Road and Highway 1, Moss Landing Community Plan and North County Coastal Land Use Plan, and came on regularly for hearing before the Planning Commission on July 30, 2008.

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Moss Landing Community Plan, North County Coastal Land Use Plan (LUP), the Monterey County Zoning Ordinance Part 1 (Title 20), and the Monterey County Zoning Ordinance Part 2 (Coastal Implementation Plan for the North County LUP Area), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. As proposed, revised, and conditioned, 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 7697 Highway 1 (Assessor's Parcel Number 133-172-013-000), Moss Landing Community Plan. The parcel is zoned Heavy Industrial and Resource Conservation ("HI" and "RC"). The HI zoned area of the property allows warehouses as a conditional use (section 20.28..060.G). Therefore, the proposed development is consistent with the zoning for the property.
 - (c) The project planner conducted site inspections on May 2 and June 4, 2008, to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) General Development Plan: See Finding #3.
 - (e) Visual Resources: The project is consistent with the applicable visual resource policies. Based on historical photographs, Planning File No. PLN040363, and an on-site inspection by the project planner on May 2, 2008, it is determined that the new warehouse will reduce impacts to the public viewshed compared to the structure it is replacing and is consistent with current regulations. In addition, the proposed design and materials are

- consistent with the Moss Landing Community Plan design criteria, and have been reviewed and recommended by the North County Coastal Land Use Advisory Committee.
- (f) Environmentally Sensitive Habitat (ESHA): The project is consistent with the applicable policies dealing with protection of environmentally sensitive habitats. Review of County resource maps, and on-site inspection by the project planner on May 2 and June 4, 2008, determined there are no biological resources that would be impacted by the proposed project. The project is located on a previously disturbed site in an industrially zoned area. No development or uses are proposed on the portion of the property zoned Resource Conservation. The project site is not located within 100 feet of ESHA.
 - (g) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC). At its meeting on January 22, 2008, the LUAC unanimously recommended approval with one condition by a vote of 4-0. During discussion of the project, the LUAC addressed concerns related to traffic, wastewater, and historical uses. These issues were discussed by the LUAC and the applicant. The applicant assured the committee that traffic volume would be less than historical usage when the site was owned and operated by National Refractories. He also informed the committee that the site's septic system had been upgraded. In addition, the applicant agreed to the committee's condition that refractory production not be included as a historical or future use in the General Development Plan.
 - (h) 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 PLN060559.

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, North County Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Technical reports by outside geological, historical, and traffic 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 concurs. The following reports have been prepared:
 - i. "Geological Report" (LIB070189) prepared by Cap Rock Geology, Inc., Salinas, California, March 5, 2007.
 - ii. "Historical Trip Generation Data Analysis Update" (LIB070190) prepared by Higgins Associates, Gilroy, California, March 5, 2007.
 - iii. "Historical and Architectural Evaluation" (LIB070067) prepared by Kent Seavey, Preservation Consultant, Pacific Grove, California, July 1, 2004.
 - (c) Staff conducted site inspections on May 2 and June 4, 2008, to verify that the site is suitable for this use.
 - (d) Materials in Project File PLN060559.

3. FINDING: GENERAL DEVELOPMENT PLAN – The Monterey County Zoning Ordinance, Section 20.28.030.A requires a General Development Plan (GDP) prior to the establishment of any development in a Heavy Industrial district if there is no prior approved GDP, and if: 1) the lot is in excess of one acre; or, 2) the development proposed includes more than one use; or, 3) the

development includes any form of subdivision. The proposed project meets the size and number of uses criteria; therefore, a GDP is required to be approved by the Planning Commission prior to new development, changes in use, expansion of use, or physical improvement of the site.

- EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by the Planning Department, North County Fire Protection District, Parks Department, Public Works Department, Environmental Health Division, Sheriff, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
- (b) Staff conducted site inspections on May 2 and June 4, 2008, to verify that the proposed GDP and project are consistent with allowed uses for a heavy industrial site and historical uses identified.
- (c) Materials in Planning File No. PLN060559.

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

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1) categorically exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and Section 15302 (Class 2) categorically exempts the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structures replaced and will have substantially the same purpose and capacity as the structure replaced. The proposed structure will be located on the same site as the previously demolished structures and equipment, and will have a continuing industrial purpose.
- (b) No adverse environmental effects were identified during staff review of the development application during site visits on May 2 and June 4, 2008.
- (c) See Finding 1; Evidences a, c, e, and f.
- (d) See Finding 2, Evidences a, b, c, and d.

- 5. 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 active violations exist on the property. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any active violations existing on subject property.
- (b) The subject property had a recent violation (CE070406), related to the unpermitted importation and depositing of fill. The County approved a restoration plan to restore the property to its pre-violation state (PLN070611). Primary corrective measures have been completed, and the only remaining corrective action is a five year monitoring plan to confirm the success of the restoration plan. Applicable conditions (Condition #9) have been included to ensure tracking and compliance. No further code enforcement actions have been deemed necessary at this time.

6. **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: See Findings 1, 2, and 4; and supporting evidence.

7. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformity with the public access policies of Chapters 5 and 6 of the North County Coastal Land Use Plan, and Sections 20.144.150 and 20.144.160.B of the Monterey County Zoning Ordinance (Part 2 - Coastal Implementation Plan).

EVIDENCE: (a) Figure 4 (Public Access and Recreation) and Figure 6 (Shoreline Access/Trails) of the North County Coastal LUP do not identify the area of this property for existing or proposed public access. No public access points or trails are located on the parcel.

(b) Materials in Project File PLN060559.

(c) Site visits by the project planner on May 2 and June 4, 2008.

8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors - and the California Coastal Commission.

EVIDENCE: (a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20).

(b) California Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 30th day of **July, 2008**, by the following vote:

AYES: Brown, Pessagno, Rochester, Isakson, Salazar, Ottone, Sanchez, Pdilla, Vandevere

NOES: None

ABSENT: Diehl


MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **AUG - 7 2008**

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **AUG 17 2008**

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 RMA - Planning and RMA - Building Services Department offices in Salinas.

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

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| | | 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) | | | |
| 2. | | PD002 – NOTICE - PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 08032) was approved by the Planning Commission for Assessor's Parcel Number 133-172-013-000, located at 7697 Highway 1, on July 30, 2008. The permit was granted subject to twenty one (21) 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) | Proof of recordation of this notice shall be furnished to the RMA - Planning Department. | Owner/ Applicant | Prior to the issuance of grading and building permits or commencement of use. |
| 3. | | PD003(A) – CULTURAL RESOURCES – HIGH ARCHAEOLOGICAL SENSITIVITY (NON-STANDARD) Excavation shall be limited to only those areas approved for construction. 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 Society of Professional Archaeologists) shall be immediately contacted by the responsible individual | The applicant shall provide a Construction Management Plan to the RMA-Planning Department for review and approval. The plan shall include designated staging areas for vehicles and materials. | Owner / Applicant | Prior to the issuance of grading or building permits. |

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| | | 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 the discovery. (RMA - Planning Department) | 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. | Owner / Applicant / Archaeologist | Ongoing | |
| 4. | | PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the 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. 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 the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly | Submit 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. | Owner/ Applicant | Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable | |

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| | | 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) | | | | |
| 5. | | PD012(H) - LANDSCAPING PLAN - NORTH COUNTY COASTAL NATIVE The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (<i>Suggested Native Species Landscaping List - North County Coastal Zone</i>) from the RMA - Planning Department. (RMA - Planning Department) | Submit landscape plans and contractor's estimate to RMA - Planning Department for review and approval. | Owner/ Applicant/ Licensed Landscape | Prior to issuance of building permits. | |
| | | | 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. | Owner / Applicant | Ongoing | |
| 6. | | PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN 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) | 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. | Owner / Applicant | Prior to the issuance of building permits. | |
| | | | The lighting shall be installed and maintained in accordance with the approved plan. | Owner / Applicant | Prior to occupancy / Ongoing | |

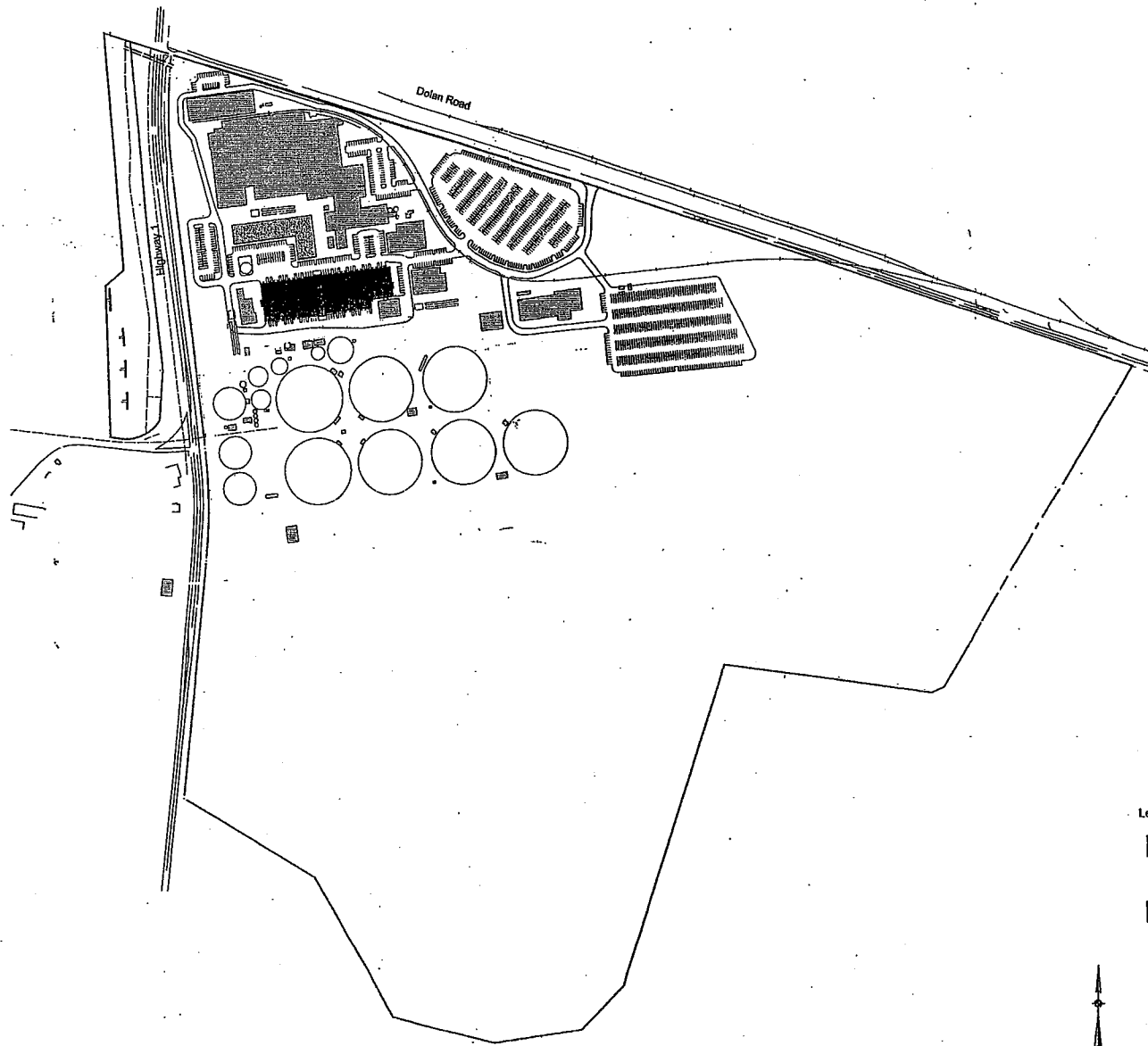
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| 7. | | PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A General Development Plan has been prepared and adopted for this parcel (Planning Commission Resolution No. 08032). All uses and development on the property must conform to the approved General Development Plan which is on file with the Monterey County RMA – Planning Department (PLN060559)." (RMA – Planning Department) | Proof of recordation of this notice shall be furnished to the RMA - Planning Department. | Owner / Applicant | Prior to the issuance of grading and building permits. | |
| 8. | | PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works) | Install and maintain utility and distribution lines underground. | Owner / Applicant | Ongoing | |
| 9. | | PDSP001 – ANNUAL REPORT (NON STANDARD) Copies of the annual reports related to Monterey County Planning File No. PLN040363 shall be submitted to the Planning Department from the monitoring agency by May first of each year. This monitoring period shall be four years, shall begin at completion of fill removal, and shall be in accordance with the recommendations of the Restoration Plan. (RMA - Planning Department) | Submit a copy of the annual report from the biologist indicating the status of the wetland area shall be submitted to the RMA – Planning Department. | Owner / Applicant/ Qualified Biologist | Annually for a period of four years on the first day of each May ending 5/01/2012 | |
| 10. | | FIRE011 - ADDRESSES FOR BUILDINGS 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 | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Owner / Applicant | Prior to issuance of building permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection. | Owner / Applicant | Prior to final building inspection | |

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| | | <p>material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible 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. (North County Fire Protection District)</p> | | | | |
| 11. | | <p>FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. (North County Fire Protection District)</p> | <p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> | Owner / Applicant | Prior to issuance of building permit. | |
| | | | <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p> | Owner / Applicant | Prior to final building inspection | |

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| 12. | <p>FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. 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. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (North County Fire Protection District)</p> | <p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> | Owner / Applicant | Prior to issuance of grading and/or building permit. | |
| | | <p>Applicant shall schedule fire dept. clearance inspection.</p> | Owner / Applicant | Prior to final building inspection | |
| 13. | <p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior</p> | <p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> | Owner / Applicant | Prior to issuance of building permit. | |
| | | <p>Applicant shall schedule fire dept. rough sprinkler inspection.</p> | Owner / Applicant | Prior to framing inspection | |

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| | | to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (North County Fire Protection District) | Applicant shall schedule fire dept. final sprinkler inspection. | Owner / Applicant | Prior to final building inspection | |
| 14. | | FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) 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. (North County Fire Protection District) | Applicant shall enumerate as "Fire Dept. Notes" on plans. | Owner / Applicant | Prior to issuance of building permit. | |
| | | | Applicant shall submit fire alarm plans and obtain approval. | Owner / Applicant | Prior to rough sprinkler or framing inspection | |
| | | | Applicant shall schedule fire alarm system acceptance test. | Owner / Applicant | Prior to final building inspection | |
| 15. | | PARKSSP001 - HISTORIC PRESERVATION (NON STANDARD) The applicant/owner shall implement the recommendations contained in the Historic and Architectural Evaluation prepared by Kent Seavey (July 1, 2004). (RMA - Planning Department) | 1) Applicant shall retain the following structures as recommended: a) 1942-46 Administration/Laboratory Building b) Kiln Feed Building c) One of the Thickener Units 2) The applicant shall list the three (3) resources above on the Monterey County Local Register. 3) The applicant shall have a professionally designed public interpretive exhibit installed in the | Owner / Applicant | Prior to final building inspection , or within one year after project approval, whichever occurs first. Ongoing. | |

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| | | | <p>Administrative/Laboratory Building. The exhibit shall include artifacts, exhibits, and archives of the National Refractories and Mineral Corporation.</p> <p>4) The applicant shall install an exterior interpretive sign identifying the historic function of the Kiln Feed Building and the designated Thickener Unit.</p> | | | |
| 16. | | <p>PW0007 – PARKING STD 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)</p> | <p>Applicant’s engineer or architect shall prepare a parking plan for review and approval.</p> <p>One copy of the proposed parking plan shall also be submitted to the RMA-Planning Department for review and approval of perimeter landscaping. A mix of trees, shrubs, and groundcover shall be provided around the perimeter of each overflow parking area.</p> | Owner / Applicant / Engineer | Prior to issuance of building or grading permits, or occupancy of any of the existing buildings. | |
| 17. | | <p>WR1 - DRAINAGE PLAN The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p> | <p>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p> | Owner / Applicant / Engineer | Prior to issuance of any grading or building permits. | |
| 18. | | <p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of</p> | <p>Compliance to be verified by building inspector at final inspection.</p> | Owner/ Applicant | Prior to final building inspection /Occupancy. | |



- Legend
- New Building (Phase I)
 - Existing Building to Remain



Scale: 1" = 200'

MASTER PLAN

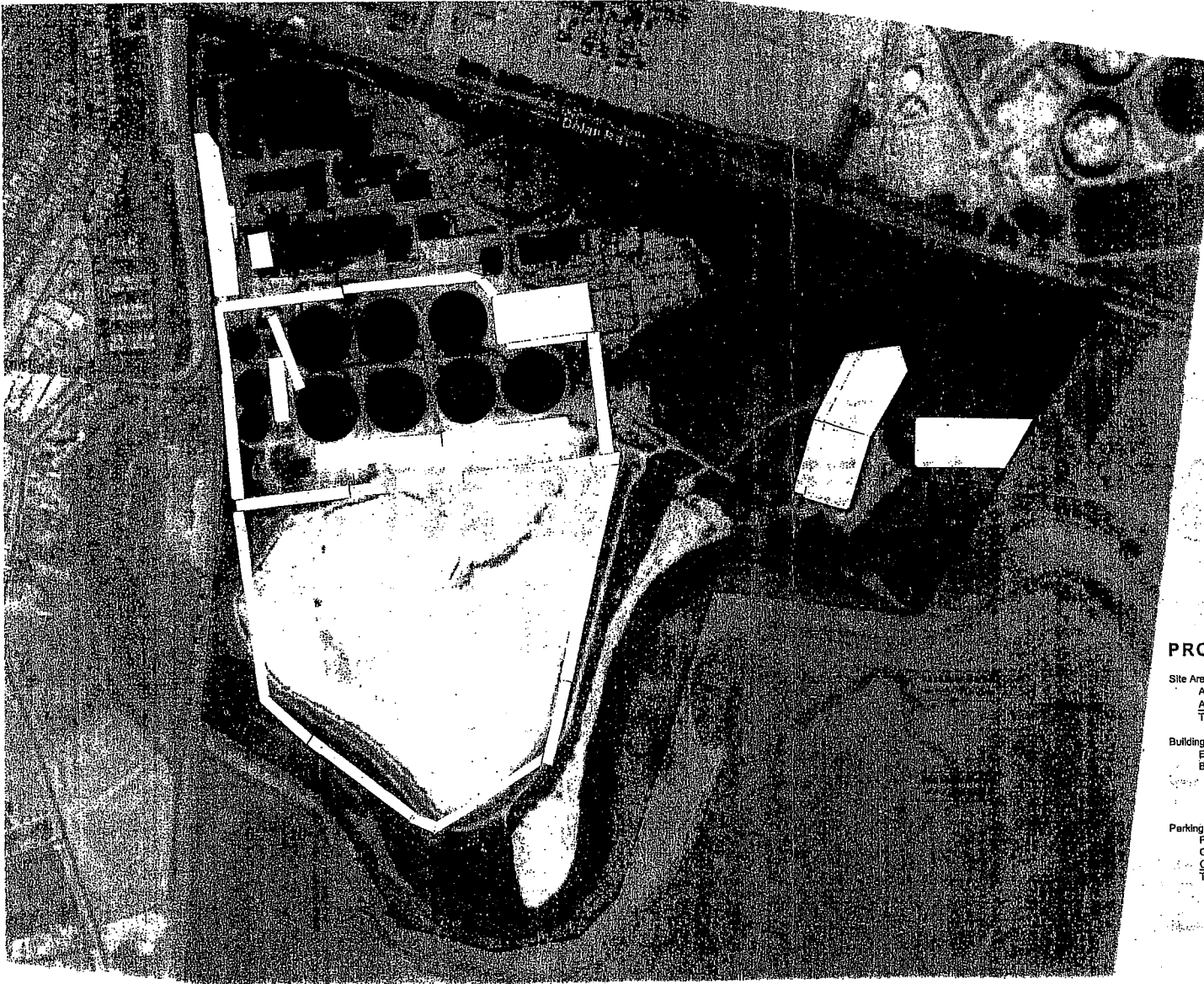
Moss Landing Warehouse/Industrial Park (A-1_a)

2005096



August 8, 2006

rrm design group
 creating environments people enjoy

300 Park Street, Suite 100 | San Luis Obispo, California 93401
 P: (805) 781-1711 | F: (805) 781-1000 | www.rrmdesign.com
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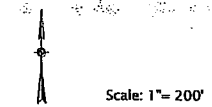


LEGEND

-  Existing Boundary Property Lines
-  Existing Structures (To Remain)

PROJECT STATISTICS

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| Site Area | |
| APN 133-173-004 | = 4.1 |
| APN 133-173-013 | = 182.7 |
| Total | = 186.8 acres |
| Building Area | |
| Existing Warehouse | = 200,000 s.f. |
| Building A, Warehouse/Commercial | = 54,000 s.f. (Loaseble) = 70,060 (Gross Area) |
| Parking | |
| Primary Parking | = 340 |
| Overflow Parking 'A' | = 492 |
| Overflow Parking 'B' | = 586 |
| Total | = 1418 spaces |



MASTER PLAN

Moss Landing Warehouse/Industrial Park

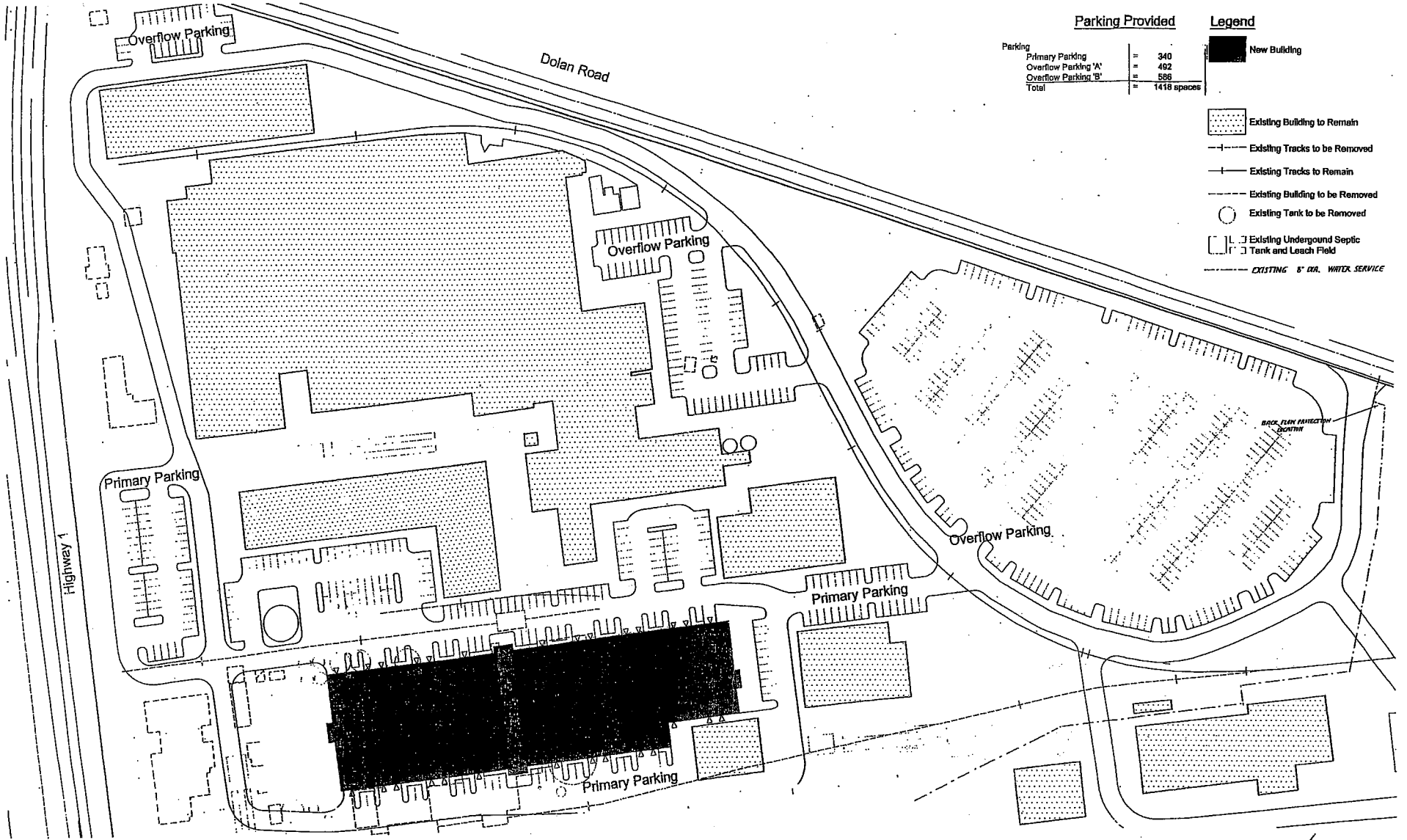
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March 29, 2007

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 creating environments people enjoy









2284 South Stearns Street, Suite 303 | San Jose, CA 95128
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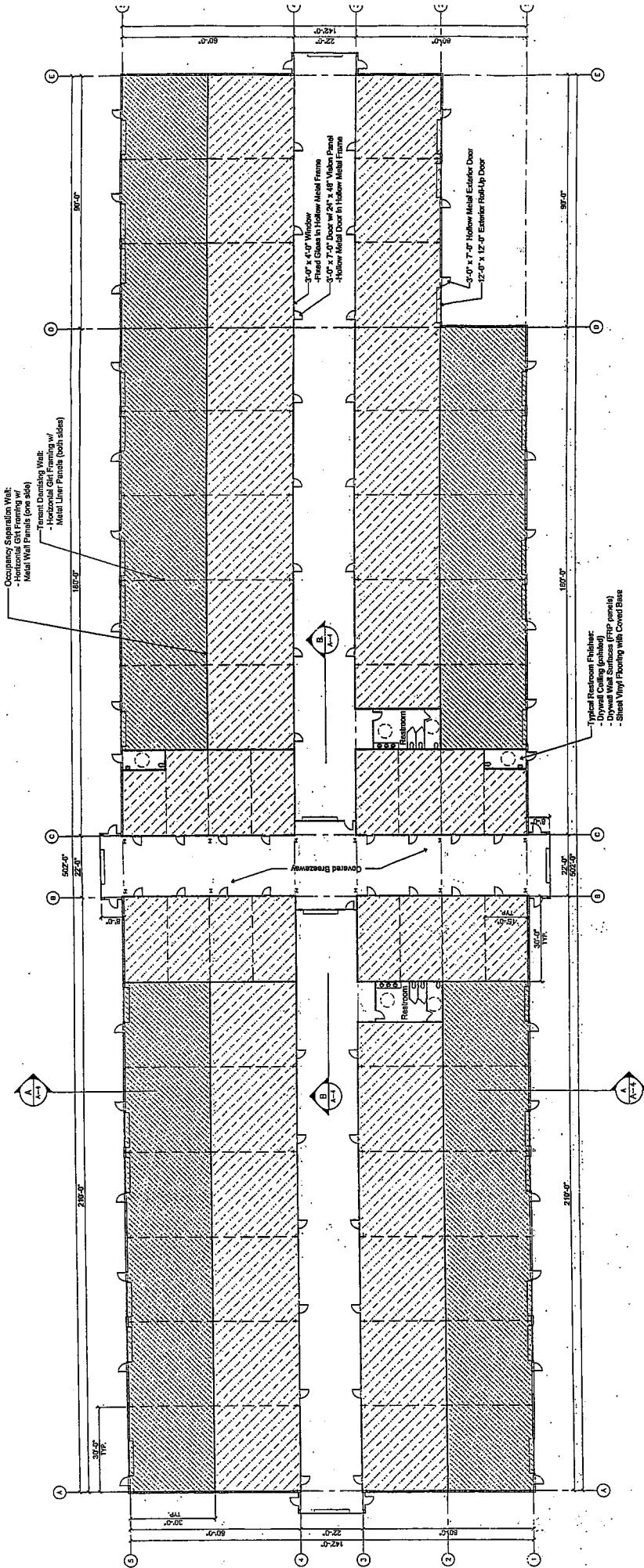


Parking Provided

| | | |
|----------------------|----------|--------------------|
| Parking | | |
| Primary Parking | = | 340 |
| Overflow Parking 'A' | = | 492 |
| Overflow Parking 'B' | = | 586 |
| Total | = | 1418 spaces |

Legend

-  New Building
-  Existing Building to Remain
-  Existing Tracks to be Removed
-  Existing Tracks to Remain
-  Existing Building to be Removed
-  Existing Tank to be Removed
-  Existing Underground Septic Tank and Leach Field
-  EXISTING 8" DIA. WATER SERVICE



BUILDING AREA SUMMARY

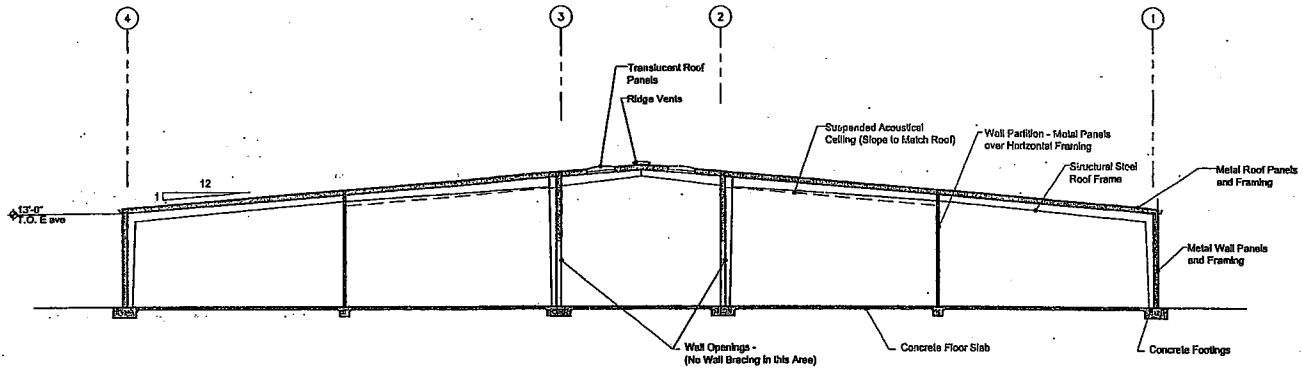
| | |
|--|--|
| Industrial Lease Space 30' x 30' x 25 units | = 22,500 SF |
| Commercial Lease Space 30' x 30' x 26 units 15' x 30' x 18 units | = 23,400 SF = 8,100 SF = 54,000 SF |
| Chiller and Common Space | = 16,050 SF |
| Total Building Area | = 70,050 SF |

- NOTES:**
1. PROVIDE SEPARATE ELECTRICAL SERVICE METER FOR EACH TENANT SPACE
 2. PROVIDE OVERHEAD WATER LINE WITH SUB-METER FOR EACH TENANT SPACE
 3. PROVIDE SANITARY SEWER UNDER SLAB WITH STRIP-OUT TO EACH TENANT SPACE
 4. INSULATION NOTES:
- ROOF CEILING - R16
- INTERIOR TENANT WALLS - ACoustical Batts
 5. FIRE PROTECTION: PROVIDE AUTOMATIC FIRE SPRINKLER SYSTEM THROUGHOUT

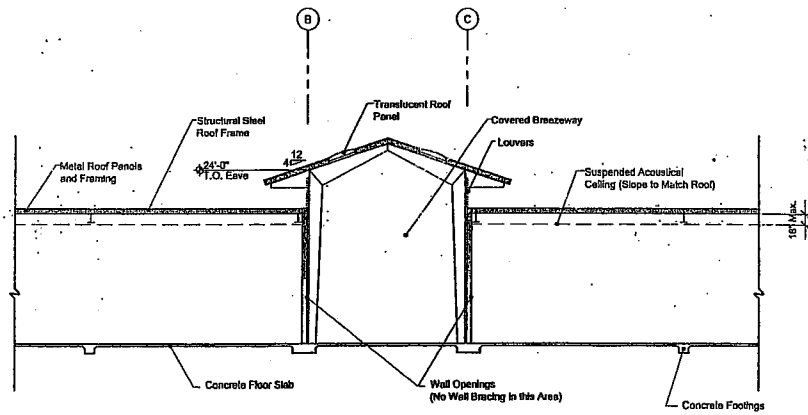
1/16"=1'-0"
CONCEPTUAL FLOOR PLAN (A-3)
Moss Landing Warehouse/Industrial Park
 August 8, 2006



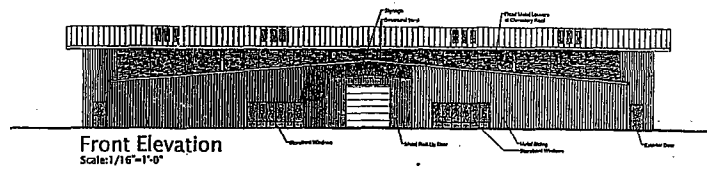
2005096



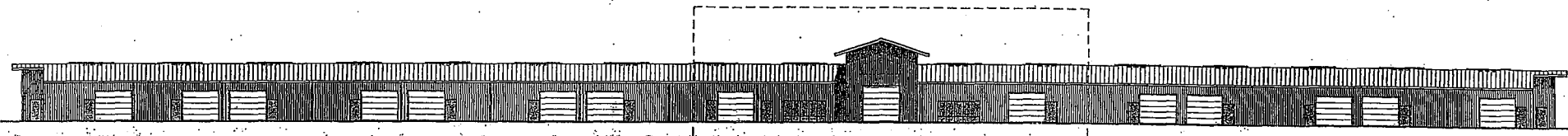
Building Section "A"



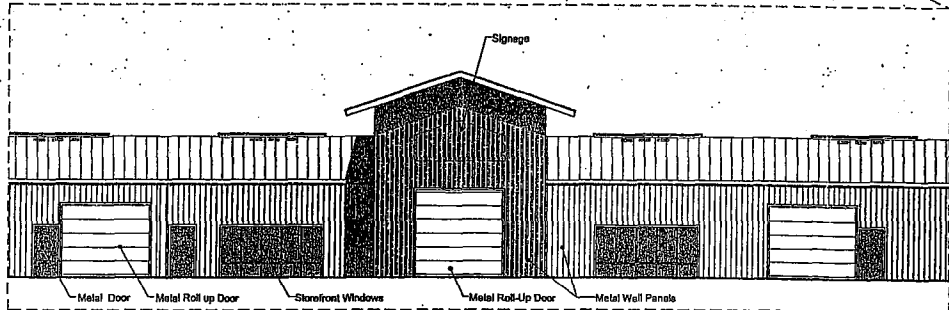
Building Section "B"



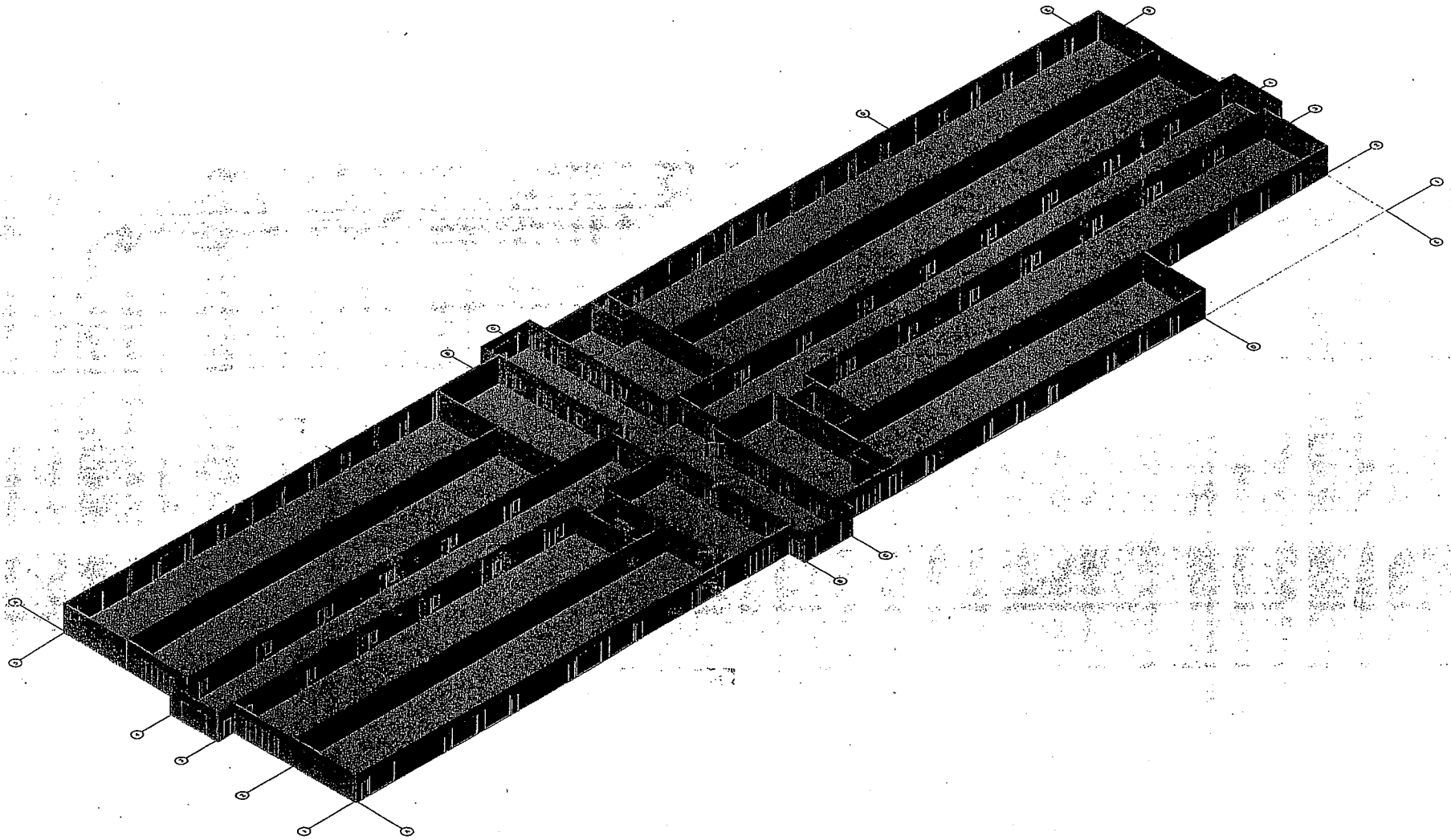
Front Elevation
Scale: 1/16"=1'-0"



Side Elevation
Scale: 1/16"=1'-0"



Enlarged Entry Elevation
Scale: 1/8"=1'-0"



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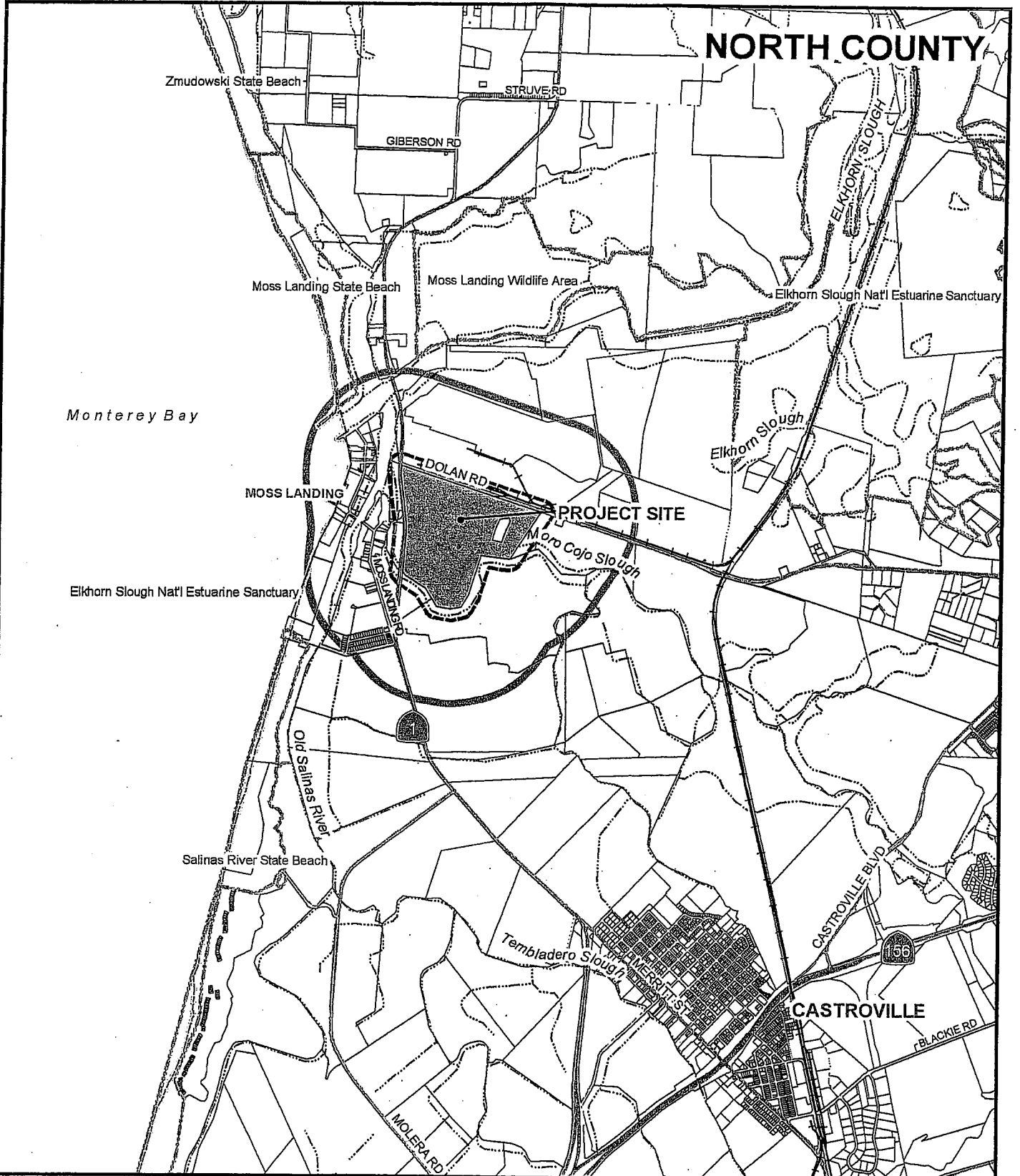
Moss Landing Warehouse/Industrial Park

ORTHOGRAPHIC VIEW ^{1/16"=1'-0"}

2005096 August 8, 2006

(A-6)

NORTH COUNTY

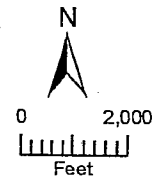


APPLICANT: REVX-173 LLC

APN: 133-172-013-000

FILE # PLN060559

300' Limit 2500' Limit City Limits



PLANNER: SIDOR

**General Development Plan
for
Moss Landing Commercial Park
7697 Highway One**

Planning File No. PLN060559

Note: Nothing in this General Development Plan shall limit applicability of other local, state, and federal regulations pertaining to the specific uses listed below.

Existing Allowed Uses: Discretionary permits remain valid for those uses listed below.

- Wireless communications facility;
- Research and development laboratories and institutes (Building # 25 – 2,500 square feet);
- Light manufacturing (Building # 13 – 11,200 square feet)
- Wholesale storage and warehouses (Buildings # 1, 4, 5, 6, 10, 14, 15, 19, 22, 27, 32, and 34 – 163,729 square feet);
- Manufacture of gypsum, and tank farms for bio-diesel;
- Shops for tradesmen such as plumbers, electricians, and repair persons, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure (Buildings # 3, 11, 12, 20, 21, 23, 24, 26, 28, 29, 30, 31, and 33 – 70,378 square feet);
- Parking lots used in conjunction with an adjoining commercial, retail, or industrial use;
- Accessory structures and uses prior to establishment of main use or structure (Building # 2 – 9,450 square feet);
- Offices less than 5,000 square feet of floor area (Building # 17 – 2,770 square feet); and
- Production of magnesium hydroxide and related seawater extracts.

Principal Allowed Uses: As listed below, Coastal Administrative Permit required in each case, unless exempt per 20.70.120.

- Manufacture of electrical power;
- Change of heavy industrial uses within a structure, provided the new use will not change the nature or intensity of the use of the structure;
- Offices less than 5,000 square feet of floor area;
- Uses accessory to industrial uses in the Heavy Industrial District;
- One caretaker unit for the purpose of providing on-site security;
- Reduction in setback requirements provided the proposed reduction is 10 percent or less of the required setback;
- Accessory structures and accessory uses appurtenant to any permitted use, provided there is no intensification of the permitted use;
- Accessory structures and uses prior to establishment of main use or structure;
- Parking lots used in conjunction with an adjoining commercial, retail, or industrial use;
- Shops for tradesmen such as plumbers, electricians, furniture makers and repair persons, appliance repairpersons, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure;

- Picture framing businesses;
- Shops of a light commercial character conducted within a structure;
- Storage, rental, and sales of irrigation equipment;
- Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;
- Wireless communications facilities pursuant to Section 20.64.310; and
- Water system facilities including wells and storage tanks serving 14 or fewer service connections (in addition to water provided by the main service line from Pajaro/Sunny Mesa Community Services District), pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections are created. The screening of any tanks and associated structures shall be approved by the Director of Planning.

Conditional Allowed Uses: As listed below, Coastal Development Permit required in each case, unless exempt per 20.70.120.

- Bottling works, carpenter shops, contractor yards, lumberyards, plumbing shops, welding shops, public utility structures and uses, and other uses of a similar nature;
- The manufacture of clothing, handicraft products, printing, lithographing, and other light manufacturing or industrial uses of a similar character;
- Industrial manufacturing uses;
- Research and development laboratories and institutes;
- Chemical laboratories, electronic products and instrument manufacturing;
- Wholesale stores, storage, and warehouses;
- Offices in excess of 5,000 square feet of floor area;
- Food processing, fish canning, and other uses of a similar character;
- Manufacture of cement, electric power, and the expansion of the permit area for gypsum uses or the tank farms for bio-diesel;
- Commercial and noncommercial wind energy systems;
- Assemblages of people, such as carnivals, festivals, races, and circuses not exceeding 10 days and not involving construction of permanent facilities;
- Open air sales;
- Agricultural processing plants;
- All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the industrial use;
- Legal nonconforming use of a portion of a structure extended throughout the structure;
- Legal nonconforming use changed to a use of a similar or more restricted nature;
- Water system facilities including wells and storage tanks serving 15 or more service connections (in addition to water provided by the main service line from Pajaro/Sunny Mesa Community Services District), pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections are created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- Commercial Kennels;
- Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure;

- Storage Garages;
- Auto repair facilities, including body and fender repair;
- Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation, or any places where live entertainment is provided.
- Propane distributorships, sales and service of appliances and related equipment;
- Wholesale distributors, contractor yards, welding shops, and other uses of a similar character;
- Warehouses for the collection, packaging, and distribution of agricultural and horticultural products;
- Conditional Certificates of Compliance;
- Subdivisions;
- Lot Line Adjustments; and
- Other industrial uses of a similar character, density, and intensity to those listed in this section determined by the Planning Commission to be consistent and compatible with the intent of this chapter and the applicable land use plan.

Uses Not Allowed: As listed below.

- Production of refractories;
- Stationary and office supply stores;
- Day care centers;
- Animal hospitals;
- Parking lots or garages not associated with an adjoining commercial, retail, or industrial use;
- Cultivation, cutting, and removal of Christmas trees;
- Non-retail dry cleaning plants and laundries;
- Junk yards, wrecking yards, automobile dismantling yards;
- Zoos or zoological gardens for the purpose of raising, maintaining, keeping, or exhibiting any wild animal;
- Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers, and detention facilities; and
- Ridgeline development.

Operation:

No restriction on hours of operation or delivery hours.

Number of Employees:

The number of employees will vary depending on actual uses of the buildings.

Exterior Materials:

- Proposed design and materials for the exterior of buildings shall be consistent with the Moss Landing Community Plan design criteria;
- Parking lots and outdoor work and storage areas shall be screened from public view by buildings, fences, and/or landscaping;

- Fences and/or screening walls shall not display blank or unattractive frontages to Highway 1 or Dolan Road, and shall incorporate height limitations within Title 20, Monterey County Zoning Ordinance, Coastal Zone;
- Rooftop equipment shall be screened from view of Highway 1 and Dolan Road;
- Service and loading areas, and temporary trash and recycling storage areas, shall be screened from view by fences or walls conforming to the style and materials of the accompanying building; and
- Improvements to interior roadways shall be designed to accommodate heavy industrial truck traffic.

Landscaping Plan:

All landscaping shall be established in accordance with North County requirements to use coastal native species. As a condition of project approval, landscaping plans submitted for specific projects shall require the use of native species consistent with and found in the project area. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Coastal Implementation Plan Development Regulations is available in brochure form (*Suggested Native Species Landscaping List - North County Coastal Zone*) from the RMA - Planning Department. All landscaped areas and fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

Street Lighting:

All new street lights proposed for specific projects within the development area shall be reviewed and approved by the Director of the RMA - Planning Department. Approved street light plans shall be incorporated into final building plans. Street lights shall be full cut-off fixtures that shield and direct the light to the intended on-site areas, but shall be directed such that light does not shine toward wetland areas.

Exterior Lighting:

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. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible when viewed from a common public viewing area, as defined in Section 20.06.197, are prohibited unless required for safety. The applicant shall submit 3 copies of an exterior lighting plan for each proposed project which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan for each specific project shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.

Sign Program:

All signage shall be consistent with the applicable sections of Regulations for Signs (Chapter 20.60) of the Monterey County Zoning Ordinance (Title 20).

Setbacks:

Structural setbacks proposed for specific projects within the development area shall be reviewed and approved by the appropriate authority, and identified on an approved site plan or tentative map.

Parking:

The required number of parking spaces shall be calculated on an individual use basis.

Parking areas may be fenced and used for outdoor storage of equipment and materials, subject to the following requirements:

- Adequate fire department access shall be maintained for the overall site; and
- The number of parking spaces required herein shall remain open and accessible.

All outdoor storage shall be fully screened from view from the public right of way.

Should a reciprocal parking agreement be recorded on the project site in the future, county parking ratios shall be calculated on the basis of the aggregate uses on the site, and not on an individual use basis.

In all cases, parking ratios shall be based on the following use categories, based on actual lease areas over the life of the project:

| Building | Use | Area | Parking Ratio | Required Spaces |
|-----------------|--------------------------|-------------|-----------------------------|------------------------|
| 1 | Warehouse | 20,800 | 1 space per 500 square feet | 42 |
| 2 | Accessory (Loading Dock) | 9,450 | 1 space per 500 square feet | 19 |
| 3 | Industrial Shops | 16,080 | 1 space per 500 square feet | 32 |
| 4 | Warehouse | 10,200 | 1 space per 500 square feet | 20 |
| 5 | Warehouse | 10,500 | 1 space per 500 square feet | 21 |
| 6 | Warehouse | 10,200 | 1 space per 500 square feet | 20 |
| 7 | Refractory | 26,950 | Use TBD | TBD |
| 8 | Refractory | 25,360 | Use TBD | TBD |
| 9 | Refractory | 34,240 | Use TBD | TBD |
| 10 | Warehouse | 8,584 | 1 space per 500 square feet | 17 |
| 11 | Industrial Shops | 9,237 | 1 space per 500 square feet | 18 |
| 12 | Industrial Shops | 7,323 | 1 space per 500 square feet | 15 |
| 13 | Light Manufacturing | 11,200 | 1 space per 500 square feet | 22 |
| 14 | Warehouse | 9,800 | 1 space per 500 square feet | 20 |
| 15 | Warehouse | 2,800 | 1 space per 500 square feet | 6 |
| 16 | Refractory | 14,050 | Use TBD | TBD |
| 17 | Industrial Offices | 2,770 | 1 space per 300 square feet | 9 |
| 18 | Refractory | 5,120 | Use TBD | TBD |
| 19 | Warehouse | 10,560 | 1 space per 500 square feet | 21 |
| 20 | Industrial Shops | 19,535 | 1 space per 500 square feet | 39 |
| 21 | Industrial Shops | 1,800 | 1 space per 500 square feet | 4 |
| 22 | Warehouse | 1,800 | 1 space per 500 square feet | 4 |

| | | | | |
|-------------------------------|--------------------------|--------|-----------------------------|------------|
| 23 | Industrial Shops | 2,400 | 1 space per 500 square feet | 5 |
| 24 | Industrial Shops | 2,400 | 1 space per 500 square feet | 5 |
| 25 | Research and Development | 2,500 | 1 space per 250 square feet | 10 |
| 26 | Industrial Shops | 4,800 | 1 space per 500 square feet | 10 |
| 27 | Warehouse | 3,060 | 1 space per 500 square feet | 6 |
| 28 | Industrial Shops | 1,350 | 1 space per 500 square feet | 3 |
| 29 | Industrial Shops | 1,203 | 1 space per 500 square feet | 2 |
| 30 | Industrial Shops | 1,360 | 1 space per 500 square feet | 3 |
| 31 | Industrial Shops | 1,360 | 1 space per 500 square feet | 3 |
| 32 | Warehouse | 5,365 | 1 space per 500 square feet | 11 |
| 33 | Industrial Shops | 1,530 | 1 space per 500 square feet | 3 |
| 34 (New) | Warehouse | 70,060 | 1 space per 500 square feet | 140 |
| Total Required Spaces: | | | | 530 |

Historic Structures:

The following structures shall be retained, per the recommendations contained in the Historic and Architectural Evaluation prepared by Kent Seavey (July 1, 2004): a) the 1942-46 Administration/Laboratory Building, b) the Kiln Feed Building, and c) one of the Thickeners Units.

In addition to the above structures, a professionally designed public interpretive exhibit shall be continuously maintained in the Administrative/Laboratory Building. The exhibit shall include artifacts, exhibits, and archives of the National Refractories and Mineral Corporation. Also, an exterior interpretive sign identifying the historic function of the Kiln Feed Building and the designated Thickener Unit shall be continuously maintained.