



REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday May 3, 2016, 6:00 P.M.
Council Chambers, City Hall
212 S. Vanderhurst Avenue, King City, CA
<http://www.kingcity.com>

PLANNING COMMISSION MEMBERS

David Nuck, Chairperson	David Mendez, Vice Chairperson	Michael Barbree, Commissioner	Margaret Raschella, Commissioner	Ralph Lee Commissioner
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1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Oral Communications – Public Comments

*Any person may comment on any item not on the agenda. It is important that the public have an opportunity to speak on issues important to the City and that you are heard. **IF YOU SPEAK, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.** Action may not be taken on the topic, unless deemed an urgency matter by a majority vote of the Planning Commission. Topics not considered an urgency matter might be referred to City staff and placed on a future agenda, by a majority vote of the Planning Commission.*

5. Consent Calendar

All matters listed under the Consent Calendar are considered routine and may be approved by one action of the Planning Commission, unless any member of the Planning Commission wishes to remove an item for separate consideration.

- a. **Project:** Maria Kim, Complete Wireless representing Verizon Wireless (**“Applicant”**) Extension of Time Request for Conditional Use Permit Case No. CUP2014-009; 720 Broadway Street, King City, CA 93930
- Case No.:** CUP2014-009
- Applicant:** Maria Kim, Complete Wireless representing GTE Mobilnet of California LP d/b/a Verizon Wireless
- Location:** 720 Broadway Street, King City, CA 93930
- Staff Recommendation:** Staff recommends the Planning Commission grant a one (1) year extension with a new expiration date of April 21, 2017 for CUP2014-009.

6. Presentations

None scheduled

7. Non-Public Hearing Items

- a. Project:** O'Reilly Auto Parts Kiosk Design - Planning Commission review and approval of alternative materials for the proposed kiosk.
- Case No.:** CUP-150-290
- Applicant:** O'Reilly Auto Parts LLC
- Proposal:** Per Condition of Approval No. 30, Kiosk Design: The Applicant shall submit for Planning Commission review and approval alternative materials for the kiosk.
- Location:** 743 Broadway Street, King City, CA 93930
- Staff Recommendation:** Staff Recommends the Planning Commission take the following action(s):
1. Approval of final kiosk design, as shown in Exhibit 1, 2, 3, 4 and 5.
- Staff Member:** Don Funk, Contract Principal Planner
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8. Public Hearing Items

- a. Project:** *Continued Item* - Sign Variance to exceed the square footage for signs allowed by the Municipal Code
- Case No.** Sign Permit No.: SN0-000-480
- Applicant:** O'Reilly Auto Parts LLC
- Proposal:** O'Reilly Auto Parts ("**Applicant**") is requesting a variance permit to increase sign area from a maximum allowed one hundred (100') square feet to two-hundred and eleven (211') square feet at their proposed new store at the southeast corner of Broadway Street and Canal Street, King City. The variance would double the allowable maximum sign square footage per Municipal Code §17.55.080. The variance request, if approved, would include a one-hundred and fifteen (115') square foot on-building sign and a ninety (96') square foot monument sign (4 ft. x 12 ft. x 2 sided). The site (APN: 026-051-007) and is located within the Highway Service Commercial ("**H-S**") Zoning District and within the Highway Service Commercial ("**HSC**") General Plan Land Use designation.
- Location:** 743 Broadway Street (southeast corner of Broadway and Canal Streets)
- Environmental Determination:** Categorically Exempt, Class 3
- Recommendation:** Staff recommends that the Planning Commission consider the following action(s):
1. Adopt the attached Resolution which approves a variance with the following recommended changes:
 - a. Grant a variance for a total of 130 square feet of total signage, including the following:
 - i. Approve the proposed on-building sign of sixty-nine (69') square feet.
 - ii. Approve the six (6') foot tall monument sign with a maximum length not to exceed ten (10') feet in length and reduce the sign area of each of the two faces of the

monument sign to a maximum of 30 square feet (a total of 60 square feet on both sides).

- b. Approve the new proposed location for the monument sign.

Staff Member: Don Funk, Contract Principal Planner

- b. **Project:** *Continued Item* - Amending Municipal Code §17.09.050 and adding §17.09.060 of Chapter 17.09 to provide criteria addressing canopies, sheds and temporary tarp enclosures.

Case No. ZC 2016-001

Applicant: City of King

Proposal: The proposed modifications to the code are being considered to establish certain property development standards and other regulations considered appropriate to regulate the size and location of canopies, sheds and temporary tarp enclosures.

Location: Throughout the City of King

Environmental Determination: Categorical Exemption Class 5, Title 14, California Code of Regulations §15305. "Minor Alterations in Land Use Limitations"

Recommendation: Staff Recommends the Planning Commission take the following action(s):

1. Open the public hearing, consider public testimony; and
2. Provide a recommendation to the City Council on Ordinance(s) that would adopt a text amendment amending the King City Municipal Code Sections 17.09.015 and 17.09.050 and adding Section 17.09.060 of Chapter 17.09 of Title 17 amending the Municipal Code to address criteria for car canopies, sheds, and shade structures.
3. Staff recommends approval of Resolution No. 2016-151; and
4. Recommend approval of the proposed ordinance, Exhibit 2.

Staff Member: Don Funk, Contract Principal Planner and Doreen Liberto-Blanck, AICP, Contract Community Development Director

- c. **Project:** Specific Plan Amendment, No. 3 for the Arboleda Specific Plan

Case No. SPA 2015-002

Applicant: Nino Family II, LP

Proposal: The Specific Plan area comprises 400 units of already approved single-family and multi-family homes and parklands on approximately 115-acres. Specific Plan Amendment No. 3 ("**SPA-3**") includes, **but is not limited to the:** Addition of two (2) alternative Lane Home plot plans and elevations. The new items include reduced foot prints and longer driveways to facilitate parking. Impermeable surface is not increased.

Location: Arboleda Specific Plan is northeast corner of San Antonio Drive and Spreckles Road.

Environmental Determination: Initial Studies were prepared based on this Specific Plan Amendment and compared to the certified Environmental Impact Report ("**EIR**").

Recommendation: Staff Recommends the Planning Commission take the following action(s):

1. Adopt the attached Resolution No. 2016-149 that recommends the City Council adopt an ordinance amending the Arboleda Specific Plan.

Staff Member: Scott Bruce, Contract Principal Planner

9. **Planning Commissioner Report**

None scheduled

10. **Director's Report**

None

11. **Written Correspondence**

None

12. **Adjournment**

NOTES

WRITTEN MATERIAL: Any writing or document pertaining to an open session item on this agenda which is distributed to a majority of the Planning Commission after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the Community Development Department, 212 S. Vanderhurst Avenue, King City, Ca, during normal business hours, and may be posted on the City's website identified above.

AGENDA ITEM SPEAKING TIME: The Planning Commission may limit persons speaking on an agenda item to three (3) minutes per item.

AMERICANS WITH DISABILITIES ACT: Any individual, who because of a disability needs special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (831) 385.3281. Whenever possible, requests should be made four (4) working days in advance of the meeting

UPCOMING REGULAR SCHEDULED MEETINGS

Note that meeting schedules may be subject to change and additional meetings may be called.

<u>MAY 2016</u>		
May 9 th	6:00 p.m.	Airport Advisory Committee
May 10 th	6:00 p.m.	City Council
May 17 th	6:00 p.m.	Planning Commission
May 24 th	6:00 p.m.	City Council

THE CITY OF KING GLOSSARY

ADT: Average daily trips made by vehicles or persons in a 24-hour period

ALUC: Airport Land Use Commission

AMBAG: The Association of Monterey Bay Area Governments. The AMBAG region includes Monterey, San Benito and Santa Cruz Counties, and serves as both a federally designated Metropolitan Planning Organization and Council of Government. AMBAG manages the region's transportation demand model and prepares regional housing, population and employment forecast that are utilized in a variety of regional plans.

APCD: Air Pollution Control District

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

CC&Rs: Covenants, Conditions, and Restrictions (private agreements among property owners; the City has no authority to enforce these)

CDBG: Community Development Block Grant (a federal grant program designed to benefit low and moderate income persons)

CEQA: California Environmental Quality Act

CFD: Community Facilities District

COG: A council of government, or regional council, is a public organization encompassing a multi-jurisdictional regional community. It serves the local governments by dealing with issues that cross political boundaries.

CUP: Conditional Use Permit

EIR: Environmental Impact Report

Ex-Parte: Communication between Planning Commissioners and applicants outside of a public meeting

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

HOME: Home Investment Partnership Act (a federal program to assist housing for low and moderate income households)

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

HUD: U.S. Department of Housing and Urban Development

LAFCO: Local Agency Formation Commission

LID: Low Impact Development (measures to reduce rainwater runoff impacts)

LJA: Landscaping and Lighting District

LOS: Level of Service (a measurement of traffic efficiency used by Caltrans)

MMTC: A multimodal transit center includes a combination of alternative modes of transportation so people do not have to only rely on vehicles.

MOU: Memorandum of Understanding

MND: Mitigated Negative Declaration

MPO: A metropolitan planning organization is a federally mandated and federally funded transportation policy-making organization, such as AMBAG, that is made up of representatives from local government to help implement transportation projects and projects.

Neg Dec: Negative Declaration (a CEQA statement that a project will not have a significant effect on the environment)

NEPA: National Environmental Policy Act

SOI: Sphere of Influence.

TAMC: The Transportation Agency for Monterey County develops and maintains a multimodal transportation system for Monterey County. TAMC consists of local officials from each Monterey city (12 cities) and five (5) county supervisorial districts, and ex-officio members from six (6) public agencies.

TOT: Transient Occupancy Tax

Variance: A form of relief from zoning development regulations based on physical constraints of a property that prevents development of the same type of buildings allowed on other properties within the same zone and in the same neighborhood

VMT: Vehicle Miles Traveled



DATE: May 3, 2016 Meeting
TO: PLANNING COMMISSION
FROM: MARICRUZ AGUILAR, ASSISTANT PLANNER *MA*
SUBJECT: EXTENSION REQUEST FOR CONDITIONAL USE PERMIT CASE NO. CUP2014-009; 720 BROADWAY STREET

I. RECOMMENDATION

Allow a one (1) year extension to CUP2014-009 with the new expiration date of **April 21, 2017**.

II. BACKGROUND

On **April 21, 2015**, the Planning Commission approved Resolution No. 2015-135, which approved Conditional Use Permit Case No. ("**CUP2014-009**"). The project consisted of constructing a seventy-seven (77') foot tall monopole, directional cellular transmission antennas, ground equipment enclosed in a new seven (7') foot ten (10") inch tall fence made of a combination of concrete block wall and chain link fence, removal and relocation of existing stadium lights from an existing utility pole to the new steel monopole, cutting the adjacent existing wood utility pole from fifty-six (56') foot eight (8") inches to forty-nine (49') feet in height, removal of a small existing tree behind the stadium seating area, trimming of other adjacent trees and planting of twelve (12) new shrubs to screen the ground equipment and construction of a sloping roof structure over the ground equipment. The location of the project is at the football stadium on the campus of King City High School, 720 Broadway Street. The property is designated Low Density Residential ("**LDR**") on the General Plan Land Use Map and Single Family Residential ("**R-1**") on the Zoning Map.

As part of the Final Conditions of Approval for CUP2014-009, Condition No. 2 Approval Period, states that the approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. It is the Applicant's responsibility to request an Extension of Time before the one (1) year expiration date so the approval does not become null and void.

On **April 20, 2016**, the City received a letter from Maria Kim, Land Use Planning Manager of Complete Wireless Consulting, representing Verizon Wireless requesting an extension of time to the 1-year expiration date of **April 21, 2016**. (*Reference Exhibit 1 – Extension Request Letter.*)

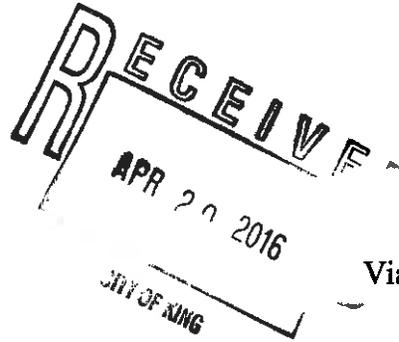
Exhibits:

- Exhibit 1 – Extension Request from Maria Kim, Complete Wireless Consulting
- Exhibit 2 – Final Conditions of Approval for CUP2014-009
- Exhibit 3 – Resolution No. 2015-135



April 19, 2016

City of King City
Community Development Department
212 S. Vanderhurst Avenue
King City, CA 93930
Attn: Don Funk



Via Overnight Mail

Re: Fee for Extension of Time Request, File #CUP2014-009; 720 Broadway Street, King City, CA 93930; Verizon Site: "King City Cemetery."

Dear Mr. Funk:

On April 21, 2015, the Planning Commission approved Resolution No. 2015-135, which approved Conditional Use Permit (CUP2014-009). Verizon requests an extension of time before the 1-year expiration date of April 21, 2016.

Please find enclosed a check #18858 in the amount of \$312.00 for the fee regarding a request for an Extension of Time.

Please let me know if you need any additional information. Currently, the King City Planning Department has not yet determined whether a hearing is needed to grant the above Extension of Time.

Thank you.

Sincerely,

Maria Kim
Land Use Planning Manager
mkim@completewireless.net

Enclosures





GENERAL APPLICATION FORM
 (SUBMITTED WITH ALL APPLICATIONS)
 City of King City * Community Development Department
 212 S. Vanderhust Avenue * King City, CA 93930
 831.385.3281(phone) * 831.386-5968 (fax)

Date Application Submitted:
 Date shall be stamped
 as received by City Hall staff

Type of Application: NEW **AMENDMENT (PLEASE PROVIDE DATE OF PREVIOUS APPROVAL)**
 Previously approved by Planning Commission on April 21, 2015.

<input type="checkbox"/> Pro-Application Review (PRE-APP)	<input type="checkbox"/> General Plan Amendment (GPA)	<input type="checkbox"/> Development Agreement (DA)
<input type="checkbox"/> Sign Permit (SN)	<input type="checkbox"/> Change of Zone (ZC) <input type="checkbox"/> Pre-Zoning (PZ)	<input type="checkbox"/> Memorandum of Understanding (MOU)
<input type="checkbox"/> Landscape Permit (LP)	<input type="checkbox"/> Planned Development (PD)	<input type="checkbox"/> Annexation
<input type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Tentative Tract Map (TM) <input type="checkbox"/> Vesting Tentative Tract Map (VTM)	<input type="checkbox"/> Sphere of Influence Amendment (SOI)
<input type="checkbox"/> Architectural Review (AR)	<input type="checkbox"/> Parcel Map (PM)	<input type="checkbox"/> Specific Plan (SP)
<input type="checkbox"/> Variance (VAR)	<input type="checkbox"/> Lot Line Adjustment (LLA)	<input type="checkbox"/> Planning Commission or City Council Interpretation
<input type="checkbox"/> Plot Plan Review (PPR)	<input type="checkbox"/> Home Occupation Permit (HOP)	<input checked="" type="checkbox"/> Other Application(s): Extension of Time, CUP 2014-009

Applicant Name: GTE Mobilnet of California LP d/b/a Verizon Wireless Telephone No.: 916-247-6087
 Business/Organization Name: Complete Wireless Consulting Fax No.: 916-313-3730
 Mailing Address: 2009 V Street, Sacramento, CA 95818 email: MKim@completewireless.net
 Architect/Engineer/Representative: Maria Kim Telephone No.: 916-247-6087

PROJECT SPECIFIC INFORMATION

South Monterey County Joint Union HS District #/k/a
 Property Owner Name: King City Joint Union HS District Assessor Parcel Number(s): 026-061-004
 Project Location/Address: 720 Broadway St, King City, CA 93930 Existing Use(s): High school light standard by the track
 Existing Zoning: Single Family Residential (R-1) Existing General Plan Designation: Public/Quasi Public (PQ)
 Adjacent General Plan Designations: N HSC/LDR S OS E HSC W MDR
 Adjacent Zoning: N R-1 S R-1 E H-S W R-3 & R-4
 Adjacent Uses: N Residences S Open Space E Parking/Residences W Residences

The undersigned applicant affirms that all information contained with this application is true and accurate and that the applicant is authorized to make such application to the City of King. Additionally, the undersigned applicant understands and agrees that the application fee is a deposit and the application is processed on a time and materials basis. By signing this application, the undersigned applicant agrees to all statutory processing time periods (e.g., Permit Streamlining Act) and understands that if the deposit is depleted and an additional deposit is not made to the City Finance Department, the City will suspend processing the application until said deposit is made with the City Finance Department.

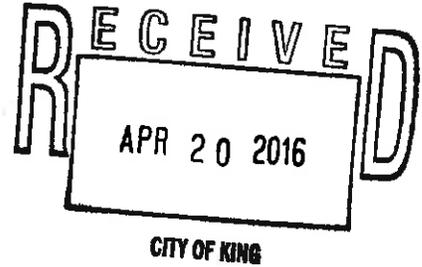
Applicant Signature: [Signature] Date: 4/19/2016
 Title: Land Use Planning Manager

If the applicant is not the property owner, the property owner must either sign below or provide written authorization for the applicant to act on his/her behalf.

Property Owner (Please Print): K Duane Walcott - CEO Date: 4-18-16
 Property Owner Signature: [Signature]



Sent Via Regular USPS Mail and Email



May 11, 2015

Russell Story
Verizon Wireless
2504 Foothill Ln.,
Santa Barbara, CA 93105

RE: Planning Commission Approval (CUP2014-009; 720 Broadway Street, King City)

Dear Mr. Story,

On April 21, 2015, the Planning Commission approved Resolution No. 2015-135, which approved Conditional Use Permit Case No CUP2014-009 for Russell Story, on behalf of Verizon Wireless. The project includes constructing a seventy-seven (77') foot tall monopole, directional cellular transmission antennas, ground equipment enclosed in a new seven (7') foot ten (10") inch tall combination of concrete block wall and chain link fence, removal and relocation of existing stadium lights from an existing utility pole to the new steel monopole, cutting of the adjacent existing wood utility pole from fifty-six (56') foot eight (8") inches to forty-nine (49') feet in height, removal of a small existing tree behind the stadium seating area, trimming of other adjacent trees and the planting of twelve (12) new shrubs to screen the ground equipment and construction of a sloping roof structure over the ground equipment at the football stadium on the campus of King City High School, 720 Broadway Street. The property is designated Low Density Residential ("LDR") on the General Plan Land Use Map and Single Family Residential ("R-1") on the Zoning Map.

Please keep in mind that it is the Applicant's responsibility to comply with all Conditions of Approval and to request an Extension of Time, if needed. Attached are copies of the signed Resolution No. 2015-135 and Final Conditions of Approval.

The Planning Commission decision may be appealed in accordance with the City Municipal Code. If you wish to appeal the Planning Commission's decision, please contact Michael Powers, City Manager/City Clerk, at 831.386.5917 immediately to determine the appeal filing deadline, procedure and fee. Appeal from any action of the Planning Commission must be made in writing by an aggrieved party within fifteen (15) calendar days from the date of receipt of notice of action of the Planning Commission, as per Municipal Code Section 2.12.050 (Planning Commission – Decision Appeal Procedure). The City Council is the appeal board with respect to any actions taken by the Planning Commission as specified in Section 2.12.040 of the Municipal Code.

If you have any questions, do not hesitate to contact me at 831-386-5916.

Sincerely,

Maricruz Aguilar-Navarro
Assistant Planner

c: Community Development Department File
Building & Safety Department

CUP CASE NO. 2014-009
FINAL CONDITIONS OF APPROVAL

Community Development Department (Applicant should discuss the following conditions of approval ("COA") with Maricruz Aguilar, 831-386-5916, if there are any questions):

- 1. Project Description:** Russell Story, on behalf of Verizon Wireless, is a request for a conditional use permit ("CUP") to install a seventy (77') foot tall monopole, directional cellular transmission antennas, ground equipment enclosed in a new seven (7') foot ten (10') inch tall combination of concrete block wall and chain link fence, removal and relocation of existing stadium lights from an existing utility pole to the new steel monopole, cutting of the adjacent existing wood utility pole from fifty-six (56') foot eight (8') inches to forty-nine (49') feet in height, removal of a small existing tree behind the stadium seating area and the planting of twelve (12) new shrubs to screen the ground equipment and construction of a sloping roof structure over the ground equipment at the football stadium on the campus of King City High School, 720 Broadway Street. The cell tower shall be constructed in accordance with Exhibit 4, as approved by the Planning Commission on April 21, 2015.
- 2. Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. It is the Applicant's responsibility to request an Extension of Time before the one (1) year expiration date so the approval does not become null and void.
- 3. Lighting:** With the exception of the football stadium lighting, all new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads or surrounding properties.
- 4. City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.
- 5. Hold Harmless and Indemnification Clause:** The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("City") and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Koczanowicz and Hale, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

Any approvals issued in connection with the approved project or the conditions of approval and/or mitigation measures; and/or

Any action and approvals granted to provide related environmental clearance for the project under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or involved in such proceeding.

The applicant agrees to indemnify City and its elected officials, officers, contractors, consultants, attorneys, employees and agents (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys) for all of City's costs, fees, and damages incurred in enforcing the Indemnification provisions of this Agreement.

The applicant agrees to defend, indemnify and hold harmless City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), attorneys, employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, sphere of influence amendment, annexation, pre-zoning, general plan amendment, specific

plan, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retains the right to approve (which approval shall not be unreasonably withheld, conditioned or delayed) the following:

- a. *The counsel selected by applicant to so defend City*
- b. *All significant decisions concerning the manner in which the defense is conducted, and*
- c. *Any and all settlements.*

City shall have and retains the right to have the City Attorney defend the City and its staff in connection with such proceeding. City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants' actual and reasonable fees and costs arising from their support of the defense shall be paid by the applicant.

The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding. Notwithstanding the preceding, this obligation to indemnify shall not apply to any claim to the extent arising from the gross negligence or willful misconduct of the indemnified party or of any agent, employee or licensee of the indemnified party.

6. **Other County, State and Federal Permits:** Before initiation of the proposed use, the Applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
7. **Cultural Resources:** In the event of an accidental discovery or recognition of any human remains on the project site, the City of King will ensure that the applicant includes this language in all construction and bid documents, in accordance with CEQA Guidelines §15084.5(e): *"If human remains are found during excavation or construction, work will be halted at a minimum of 30 feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendant ("MLD") from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or R's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendant identified fails to make a recommendation; or c) the landowner or R's authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."*
8. **Discontinuance of cellular antennas or tower:** If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the City with a copy of the notice to the FCC of intent to cease operations within thirty (30) days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have one-hundred and eighty (180) days from submittal of

the FCC notice to the City to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the City in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within ninety (90) days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within sixty (60) days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the City may, on grounds of public safety, health, and welfare, cause the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the City may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal. The City, at time of application for construction, may require posting of a bond covering the cost of removal of the antenna or tower; the bond to be forfeited to the City upon failure to remove the antenna or tower in a timely manner as required above. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

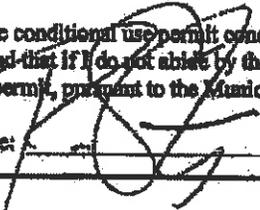
9. **Structural and Design Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in connection with the project. No conditions, colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable. Minor changes, which are determined by the Community Development Director to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Planning Commission, may be granted by the Community Development Director. Minor changes do not include larger or additional antennas.
10. **Height of Antennas:** New or replacement of antennas that because of technological requirements result in projecting above the existing size of the tower shall be reviewed separately and no other carrier shall add/replace antennas or equipment that result in projecting above the existing height of the tower without further review for code compliance. Future modifications to antennas are not considered a minor change to the cell tower and shall require subsequent modification of the CUP.
11. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. Because the project is located on school grounds, the building permit shall be processed through the Department of the State Architect (DSA) and a copy submitted to the City of King Building and Safety Department.
12. **Business License:** Before issuance of a building permit, a business license shall be obtained for every person conducting or carrying on the business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.
 - (a) Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.
 - (b) Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.
 - (c) Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.
13. **Future Communication Interferences:** Prior to issuance of a building permit, Applicant to verify with the Monterey County Telecommunications Department of any interferences or future site radio frequency interferences from the antenna facility site, 720 Broadway Street, King City, CA affecting the Public Safety communication systems shall be corrected immediately. If it is not corrected immediately, the CUP will be treated as out of compliance with the COA.

PC Approved
April 21, 2015
Final COAs

14. **On-site Personnel:** Access to the tower shall be restricted to communication industry professionals, and approved contractor personnel trained in radio-frequency safety; and that the instant analysis addresses exposure levels at two meters above ground level and does not address exposure levels on the tower, or in the immediate proximity of the antennas.
15. **District Authorization:** Prior to submittal of the Building permit application to the State Architect's office, Applicant shall provide written the City with written authorization from the King City Joint Union High School to construct the Improvements identified in this Conditional Use Permit. The applicant shall transmit the Planning Commission Resolution and the full list of the CUP Conditions of Approval to the State Architect and the school district at the time of application for the approval of the State Architect's Office.
16. **Grading and Drainage Plans:** The applicant shall submit Grading and Drainage Plans for areas affected by the new construction to the State Architect, if required to meet Regional Water Quality Control Board standards for runoff, for review and approval. Said plans to be reviewed and approved by the State Architect's office.
17. **Visual Impact Screening:** Landscaping, including new shrubs, will be installed concurrently with the project. The construction will include the block wall screen and security fencing and new roof over the ground equipment. Security, including new block walls and fencing shall be acceptable to the School District.

Conditional Use Condition Agreement:
The conditional use permit is not valid until all Conditions of Approval ("COA") and mitigated measures imposed by the Planning Commission are signed for and agreed to by the applicant.

I have received a copy of the conditional use permit conditions of approval and mitigated measures and agree with them. I understand that if I do not abide by them the Planning Commission has the authority to revoke my conditional use permit, pursuant to the Municipal Code. (Reference Municipal Code §17.64.040.)

Applicant Signature:  Date: 4/21/15

RESOLUTION NO. 2015-135

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2014-009
LOCATED ON 720 BROADWAY STREET, KING CITY, CALIFORNIA.**

WHEREAS, On November 20, 2014, Russell Story, on behalf of Verizon Wireless, submitted an application to install a seventy (77') foot tall monopole, directional cellular transmission antennas, ground equipment enclosed in a new seven (7') foot ten (10") inch tall combination of concrete block wall and chain link fence, removal and relocation of existing stadium lights from an existing utility pole to the new steel monopole, cutting of the adjacent existing wood utility pole from fifty-six (56") foot eight (8") inches to forty-nine (49') feet in height, removal of a small existing tree behind the stadium seating area and the planting of twelve (12') new shrubs to screen the ground equipment and construction of a sloping roof structure over the ground equipment at the football stadium on the campus of King City High School, 720 Broadway Street;

WHEREAS, on December 11, 2014, the project was found complete and submittals were routed to Project Review Committee;

WHEREAS, on January 29, 2015, staff informed the Applicant of required revisions to the site plan to correct the site location;

WHEREAS, on February 17, 2015, staff received first revisions;

WHEREAS, on March 31, 2015, staff received second revisions;

WHEREAS, on April 1, 2015, staff received final revisions;

WHEREAS, the project is a Class 3 Categorical Exemption of CEQA consisting of small facilities where the use has no significant impact on the environment;

WHEREAS, the Commission reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on April 21, 2015;

WHEREAS, the Commission reviewed the project as proposed and finds it Categorical Exempt, pursuant to California Environmental Quality Act ("**CEQA**"); and

WHEREAS, the Commission makes the following findings of facts:

1. The General Land Use Designation for Low Density Residential ("**R-1**"), General Land Use Overall Goal 1.2 is to assure that adequate public services and facilities are available both to existing and new development as the community grows. The proposed antennas and equipment will provide more adequate cell phone communication coverage.
2. The Applicant submitted a Radio Frequency ("**RF**") electromagnetic fields statement written by the applicant's engineering consultant, Hammett and Edison, Inc, dated September 16, 2014, which states that the proposed changes comply with the FCC guidelines limiting public exposure to RF energy.
3. The Applicant will be providing wireless technology that will improve digital voice quality, with increased (encrypted) security, consistency and privacy, along with feature-rich digital service choices, such as voice mail, paging, caller ID, digital data transmission, and texting capabilities.
4. The proposed use is consistent with the General Plan Land Use Element to assure adequate public services and facilities to existing and new development as the community grows. This District does not specify on radio or communication towers. However, Municipal Code §17.48.070 (Uses – Conditions and Exceptions – Uses Permitted Subject to Permit; Exceptions to Height Limits) allows the Planning Commission to approve certain uses possessing special characteristics not found in the designated district subject to obtaining a conditional use permit. Radio, Television and other towers where permitted in a district height limitations subject to a conditional use permit.

5. The COA as shown on Exhibit 3 are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas.
6. The site for the intended use is adequate in size and shape to accommodate the use any yards, setbacks, wall fences landscaping or similar features that are required by the Zoning Code or that are deemed by the City to be necessary to ensure that the use is compatible with the uses on abutting land and/or in the surrounding neighborhood. Nearby existing planting screening will help to reduce the visual impact of the proposed tower, antennas and ground equipment.
7. The site for the intended use is served by Broadway Street that has adequate right of way to carry the type and quantity of vehicular use that will be generated by the proposed land use.
8. The approval of the proposed use, with conditions as appropriate, will not create significant adverse impacts on abutting or neighboring property and the permitted uses thereof, and includes visual mitigations including relocating the stadium lighting to the new steel monopole, construction of block wall screening of ground equipment, new landscaping, a proposed roof over the equipment and other mitigations.
9. The proposed use is not in conflict with the General Plan and will provide greater cellular phone coverage for the community.
10. Any other findings can be made that are prerequisite to the approval of a CUP, as stated elsewhere in the Zoning Code.
11. The COA are those conditions that area necessary to:
 - a. Protect the health, safety and general welfare of the public.
 - b. Make possible the development of the City in an orderly and efficient manner.
 - c. Make possible the development of the City in a manner that conforms with the purpose and intent set forth in the Zoning Code and in the General Plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves CUP Case No. CUP 2014-009, consistent with Exhibit 4 as presented.

This resolution was passed and adopted this 21st day of April, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:


 DAVID NUCK, CHAIRPERSON

ATTEST:


 MARICRUZ AGUILAR-NAVARRO, ASSISTANT PLANNER/
 SECRETARY TO THE PLANNING COMMISSION

**CITY OF KING
PLANNING COMMISSION
May 3, 2016 Meeting**

PROJECT SUMMARY

The Planning Commission, on **December 15, 2015** approved a Conditional Use Permit ("**CUP**") for applicant, O'Reilly Auto Enterprises, LLC to allow construction of a new 7,453 square foot commercial retail building on a vacant portion of a site located at the southeast corner of Broadway Street and Canal Street. CUP Condition of Approval No. 30 requires Planning Commission final review of the kiosk design. The project address is 743 Broadway Street, King City, CA 93930. Condition of approval No. 30 requires Planning Commission review of the final design of the proposed kiosk.

FILE NO.:

Case No. CUP-150-290

LOCATION:

743 Broadway Street

APN:

026-051-007

APPLICANT:

O'Reilly Auto Enterprises, LLC

APPLICANT/CONTACT PHONE No.:

417-862-7051

REPRESENTATIVE: Jeff Liederman,

PM Design Group, ph 949-430-7051

LANDOWNER:

Chris Davis, rep for family

EXHIBITS:

1. Kiosk location on Landscape Plan
2. Kiosk plot plan
3. Kiosk plan view
4. East Elevation of Kiosk
5. South Elevation of Kiosk

Vicinity Map

N↑



RECOMMENDATION:

Staff recommends approval of the final kiosk design, as shown on Exhibits 1, 2, 3, 4 and 5.

SUMMARY:

The Planning Commission, on **December 15, 2015**, approved the general design of the proposed Information Kiosk. The Commission requested that they review the final design of the kiosk. The Municipal Code Section 17.55.090 states that "kiosks for the permanent and/or temporary display of information including community and civic activities, and advertising for local commercial establishments may be allowed. Approval of the size, location, and maintenance requirements for such kiosks shall be established by the Planning Commission."

The final design is consistent with the original design. The primary change is the use of steel members instead of wood. It is expected that the steel will be more durable than wood. Blank panels are provided for City directional wayfinding signs as well as for tourist map and information regarding the history of the City. The base is proposed to have a brick veneer that matches the proposed building.

The approved CUP and Parcel Map included an easement for public access to the information kiosk, with provisions for City maintenance of the kiosk and applicant's maintenance of the landscaping and irrigation system.

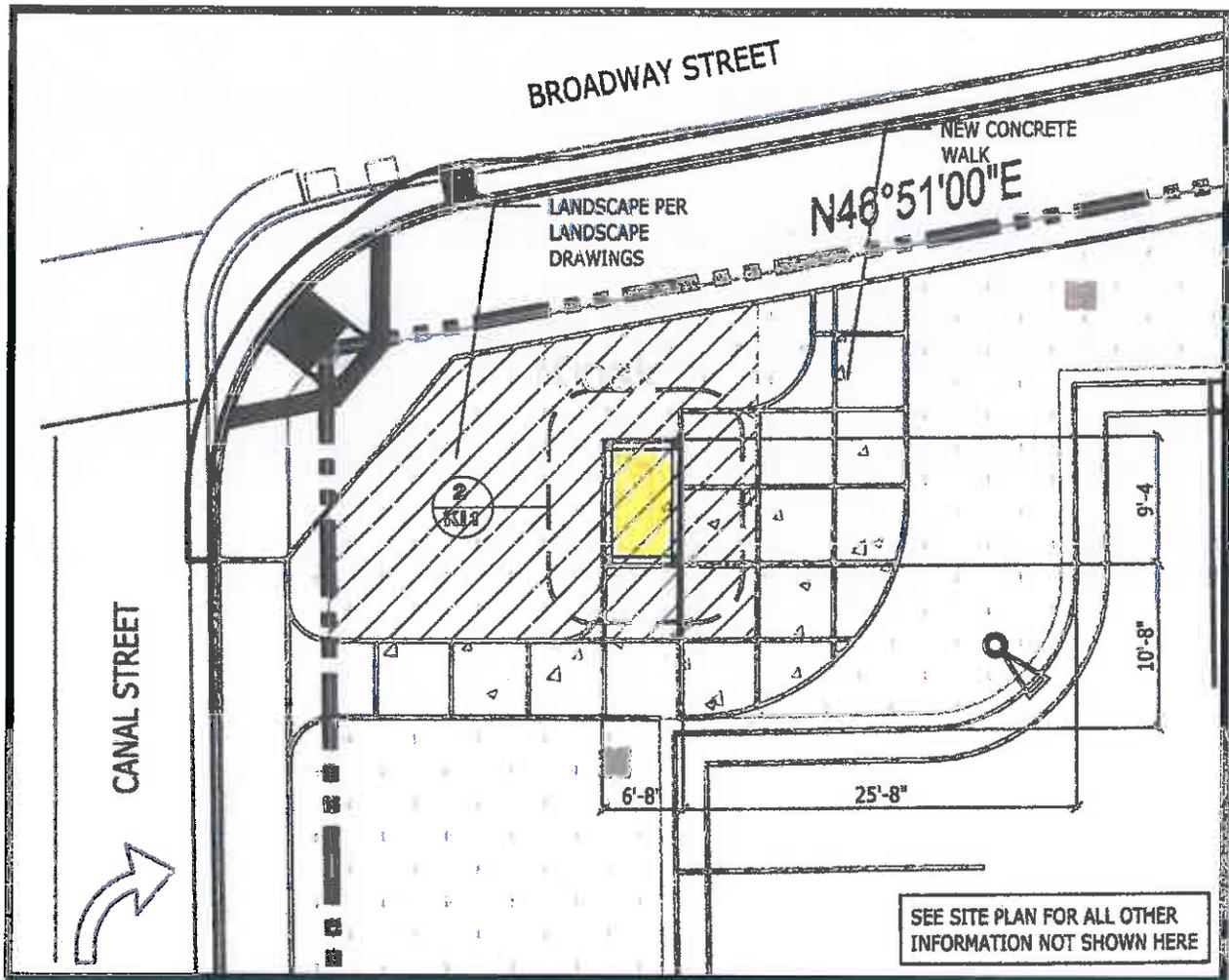


Exhibit 2: Detail Plot Plan of Kiosk

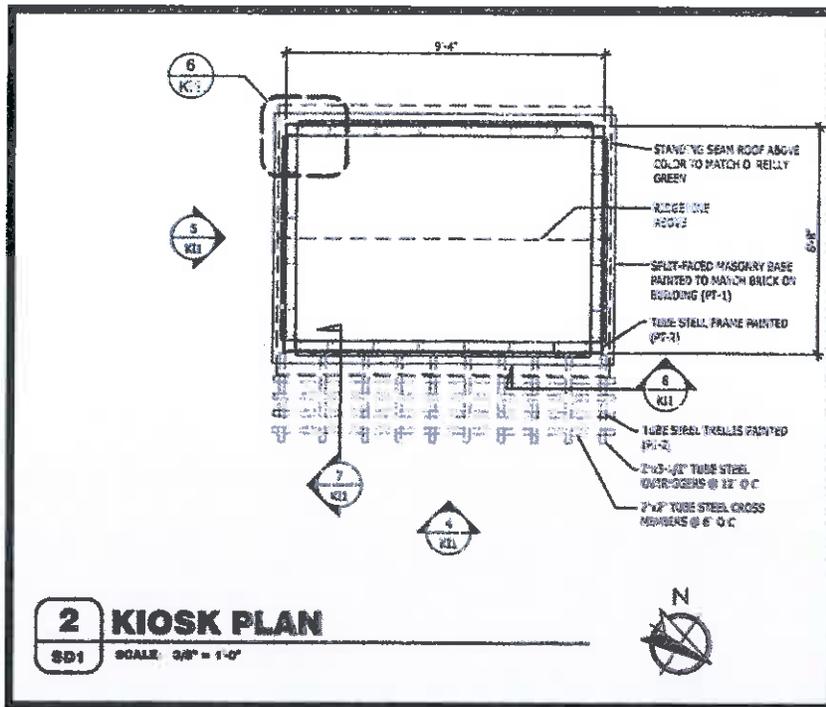


Exhibit 3: Kiosk Plan View

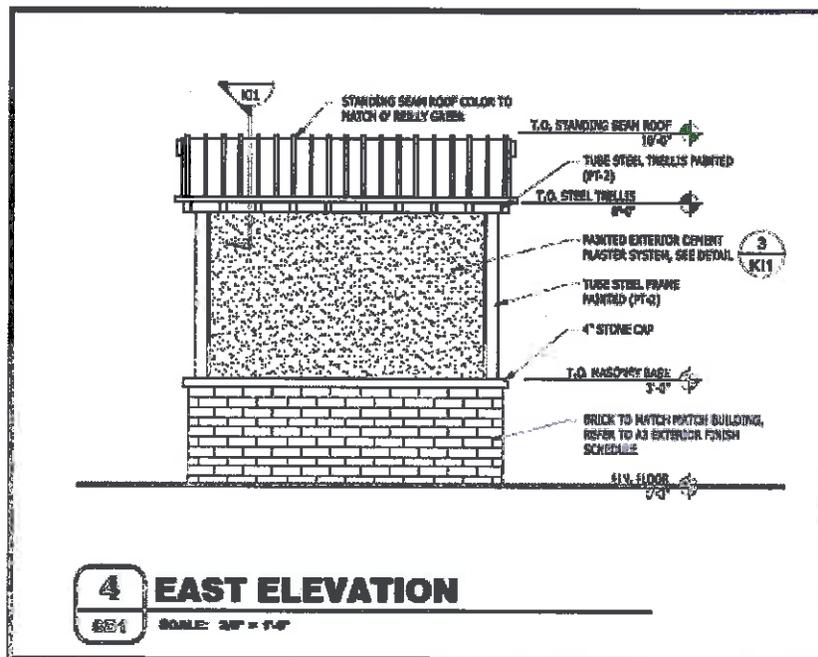


Exhibit 4: Kiosk East Elevation

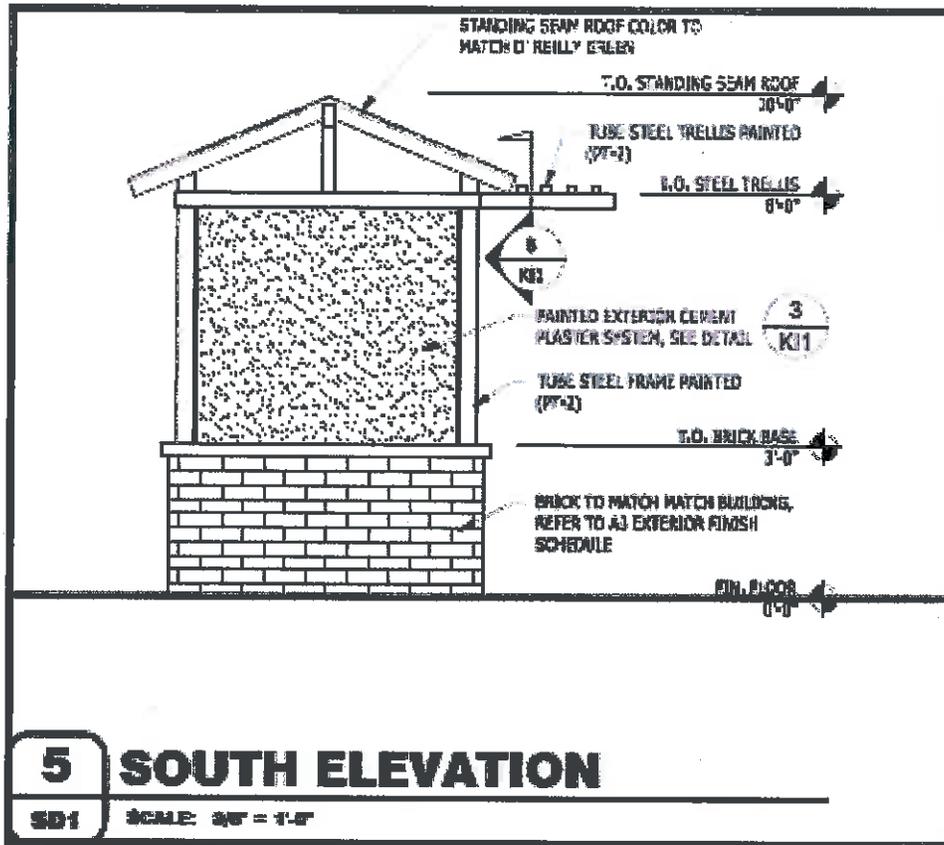


Exhibit 5: Kiosk South Elevation

PLANNING COMMISSION STAFF REPORT
Continued Public Hearing

Project Summary

The Planning Commission, on April 19, 2016, voted unanimously to continue the hearing on the sign permit and variance to May 3, 2016 with a provision that the applicant redesign the signs to reduce the total sign area from 211 square feet to a maximum total sign area of 130 square feet, divided between the proposed building fascia sign and the proposed monument sign. The Commission also requested that the monument sign be relocated to a location that provides adequate visual safety for vehicles entering and exiting the driveway as well as visibility of pedestrians, bicyclists and vehicles in the Broadway right-of-way. Municipal Code §17.55.080 limits total sign area to 100 square feet.

The applicant has submitted sign design for reduced sign area: One fascia sign of total 69 square feet and a six foot tall monument sign with two faces, each 3 feet by 10 feet or 30 square feet in area, for a total sign area of 129 square feet. The applicant also submitted a new location for the monument sign. The City Engineer has reviewed the new location and determined that it would not impair safe visibility for drivers entering or exiting the site.

O'Reilly Auto Parts ("**Applicant**") had requested a variance permit to increase sign area from a maximum allowed one hundred (100) square feet to two-hundred and eleven (211) square feet at their proposed new store at the southeast corner of Broadway Street and Canal Street. The site (APN: 026-051-007) and is located within the Highway Service Commercial ("**H-S**") Zoning District and within the Highway Service Commercial ("**HSC**") General Plan Land Use designation.

FILES NO.:

Sign Permit No.: SN0-000-480

LOCATION:

743 Broadway Street

APPLICANT:

O'Reilly Auto Enterprises, LLC

APPLICANT/CONTACT PHONE No.:

417-862-7051

REPRESENTATIVE:

Jeff Liederman,
PM Design Group, ph 949-430-7051

LANDOWNER:

Chris Davis

Assessor Parcel Number:

026-051-007

Environmental Determination:

Categorically Exempt Class 3 (New
Construction of small structures)

Exhibits:

1. Findings of Facts for Sign Variance
2. Proposed Resolution of the Planning Commission
3. Proposed Conditions for Sign Variance Permit Approval
4. Applicant's Letter

Vicinity Map
N↑



I. UPDATE:

Pursuant to the Planning Commission decisions on April 19, 2016, the applicant has submitted new sign design for reduced sign area and a relocation of the monument sign. The applicant now proposes the following:

- a. A redesigned six foot tall monument sign with two faces, each 30 square feet, for a total sign area of 129 square feet. The applicant also submitted a new location for the monument sign (Figure 1), now set back ten feet from the sidewalk. The City Engineer has reviewed the new location and determined that it would not impair safe visibility for drivers entering or exiting the site. The six foot tall monument sign is proposed with a brick veneer base (Figure 2)
- b. A redesigned fascia sign of total 69 square feet (Figures 3, 4 and 5).

RECOMMENDATION

1. Staff recommends the Planning Commission **Adopt** the attached Resolution which approves a variance with the following staff recommended changes:

- a. Grant a variance for a total of 130 square feet of total signage, including the following:
 1. Approve the proposed on-building sign of sixty-nine (69) square feet.
 2. Approve the six (6) foot tall monument sign with a maximum length not to exceed ten (10') feet in length and reduce the sign area of each of the two faces of the monument sign to a maximum of 30 square feet (a total of 60 square feet on both sides).
- b. Approve the new proposed location for the monument sign. Said distance to be a minimum of ten (10) feet setback from the public sidewalk. It is recommended that the City Engineer review the final location (at time of building permit) of the proposed sign for safety visibility.

2. **Alternative if Planning Commission decides to deny the Variance:**

Deny the requested sign variance, requiring that signs be reduced to one-hundred (100') maximum square feet in total area. If this option is selected by the Commission, staff would return to the Commission at the next regularly scheduled meeting with a revised resolution containing Findings of Fact for denial.

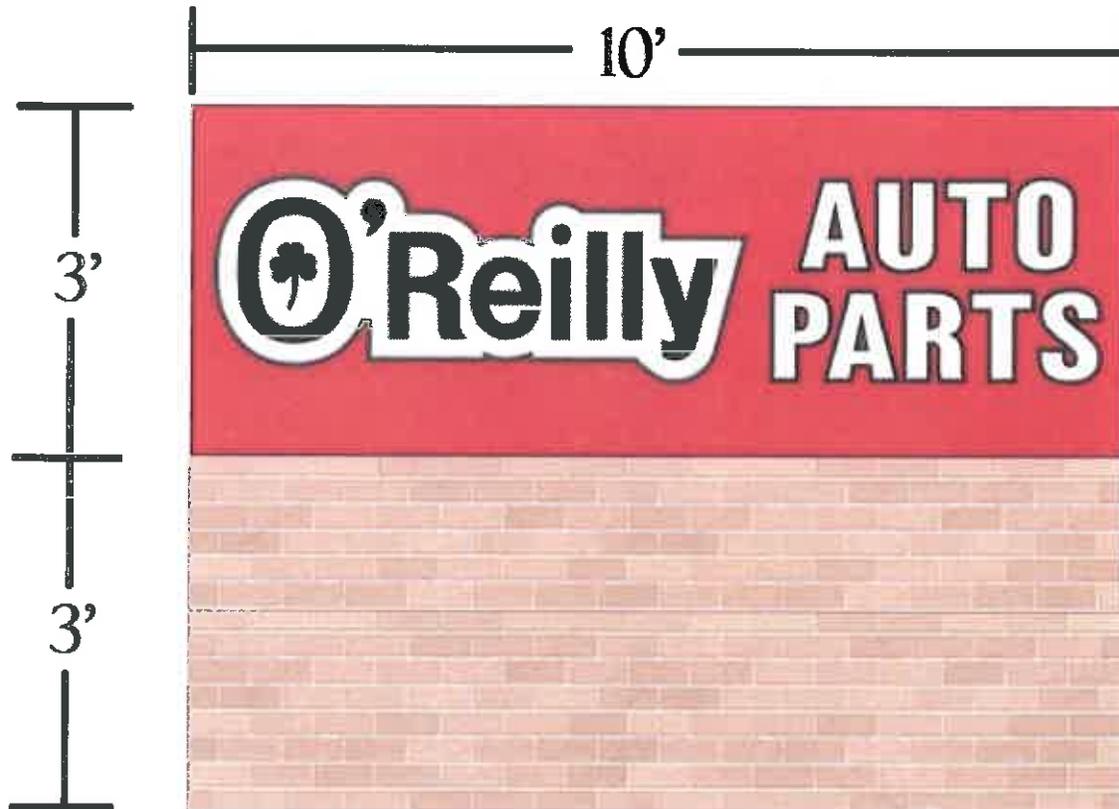
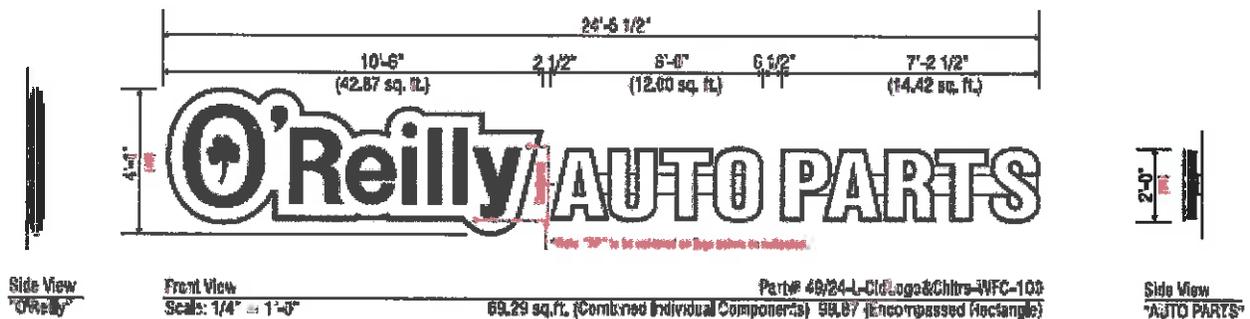


Exhibit 2: New Monument Sign Design



"O'Reilly" Cloud Logo with "AP" channel letters on 7" (h) x 1" (d) wireways. Wireways paint to: **DMP RED**
 "O'Reilly" Cloud Logo is formed polycarb with double embossment and 2nd surface painted graphics. Paint match to: Green (PMS# 342c), Black and White.
 "AP" to have formed polycarb caps with 1/4" letter "bumps", Black 5" aluminum end returns, 2nd surface Black and White paint, WHITE LED illumination.

Exhibit 3: New Fascia Sign

Formed Cloud Logo with "AP" Formed Caps & Channel Returns
 Part# 49/24-L-CidLogo&Chitra-WFC-100

***NOTE: This is the 49/24-L-CidLogo&Chitra-WFC-100 with modified reduce spacing (100 sq. ft.) layout.**



Exhibit 4: New Fascia Sign (Note that this is not the proposed store design)

II. PROJECT SUMMARY

Proposal

O'Reilly Auto Parts (**"Applicant"**) is now requesting a variance permit to increase sign area from a maximum allowed one-hundred (100') square feet to one-hundred and thirty (130) square feet at their proposed new store at the southeast corner of Broadway Street and Canal Street, King City. The variance would provide 30 percent increase in the maximum sign square footage per Municipal Code §17.55.080. The variance request, if approved as requested, would include a sixty-nine (69) square foot on-building sign and a sixty (60) square foot monument sign (3 ft. x 10 ft. x 2 sided). The site is located within the Highway Service Commercial (**"H-S"**) Zoning District and within the Highway Service Commercial (**"HSC"**) General Plan Land Use designation.

Approval of the Sign Permit involves both the review of the applicable standards controlling the size and type of sign. In this case, the Commission is reviewing two signs that, in total, exceed the maximum size permitted by 30 percent. The review of the Sign Permit also includes a determination of the consistency of the sign with Section 17.55.030. See discussion below.

Project History

On **December 15, 2015**, the Planning Commission approved a Conditional Use Permit (**"CUP"**) for the construction of a new 7,453 square foot commercial retail building on a vacant portion of a site located at the southeast corner of Broadway Street and Canal Street. The approved CUP includes a paved parking lot, landscaping, trash enclosure, two (2) driveway accesses, and a small public kiosk located near the corner.

In addition, on **December 1, 2015**, the Planning Commission approved the Mitigated Negative Declaration (**"MND"**) for the zone change, CUP and *Tentative Parcel Map ("TPM")* Case No. P00-000-294 to divide the property into two (2) parcels and recommended to the City Council a *Zone Change ("ZC")* Case No. P00-000-293 to relocate the zoning line boundary between the Highway Service Commercial (**"H-S"**) and Residential Multiple Family - Professional Office (**"R-4"**) Zones. On **December 8th**, the City Council approved the proposed Zone Change. The City Council, on **April 12, 2016**, approved the Final Parcel Map.

III. REVIEW OF PROPOSED SIGN VARIANCE

The applicant, O'Reilly Auto Enterprises, LLC, is requesting approval of a sign variance to double the allowable sign square footage. Following are the Municipal Code sections applicable to the project.

Municipal Code §17.55.010 - Purpose.

The regulations established by this chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the city, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

- (a) Avoid traffic safety hazards to motorists, bicyclists, and pedestrians caused by visual distractions and obstructions;

Staff comment: The larger the size of the monument sign, the greater the potential for blocking view of pedestrians, bicyclists and vehicles on Broadway. The new proposed sign location has been reviewed by the City Engineer, Octavio Hurtado, and he has determined that the location will provide adequate safety visibility.

- (b) Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the city as a place to live, work, and shop;

Staff comment: The proposed signs are attractively designed.

- (c) Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned to adjacent structures and the structures to which they are attached; and

Staff comment: The proposed building sign appears to be in scale with the building. The proposed monument sign will appear to be in keeping with the visual quality of the proposed building.

- (d) Safeguard and protect the public health, safety, and general welfare.

Staff comment: The new location and smaller size of the proposed monument sign will not create potential serious visual blockage of pedestrians, bicyclists and vehicles along Broadway Street according to the City Engineer.

How Sign Size Is Calculated

Maximum sign area under Municipal Code §§17.55.070 and 17.55.080 is equal to the building frontage on Broadway (86 lineal feet or 86 square feet) plus one-half the lineal footage of the Canal Street building frontage (1/2 86 feet or forty-three (43') square feet, totaling one-hundred and twenty-nine (129') square feet OR one-hundred (100') square feet, whichever is less. Therefore, the maximum total signage for the use is 100 square feet. The total sign area being proposed is one-hundred thirty (130) square feet. This is thirty (30) square feet larger than the maximum permitted by the Municipal Code.

Monument signs are required to contain the street address numbers a minimum of six (6") inches in height and said letters are required to be illuminated.

Variance Findings of Facts

Specific Findings of Facts must be made to approve a variance.

1. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.

Staff comment: The applicant is constructing a public kiosk on the corner. Normally, the applicant would be constructing their own monument sign at the location. By providing the public kiosk sign structure and having to relocate their own business sign, the applicant has a minor hardship that makes this site different than other properties in the vicinity.

2. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (Ord. 354 § 17.8.2, 1973)

Staff comment: See comment above regarding hardship caused by public kiosk sign on the corner.

3. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the vicinity and under identical zoning.

Staff comment: The decision regarding a variance requires scrutiny of the existing conditions of a site. Said circumstances that may justify a granting of a variance can relate to problems involving topography, location (for example, in the case of a sign, is the site difficult to see from the adjacent street), or legally imposed encumbrances such as easements and roads, unusual size and configuration of the property, as well as areas of inundation including watercourses, swamps and streams. Special circumstances do not include development designs which represent a self-imposed hardship. The design of the project cannot be used to justify the granting of the variance. In this case, the subject site is similar to all other Highway Commercial properties in the vicinity and is readily visible from the street.

The key to the decision, therefore, has to do with the fact that the applicant cannot locate their monument sign on the corner. The corner will be developed with a public kiosk and landscaping. The applicant has to relocate their monument sign down the street near the proposed driveway entrance. The circumstances, which are out of the control of the applicant, require a location that is not as visible as the corner.

4. That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff comment: See description above. The special circumstance is the location of the public kiosk at the corner of their property.

5. That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Staff comment: Other corner properties normally do not have a public kiosk on the corner and therefore they can locate a monument sign at or near the corner. In this case, O'Reilly Auto Parts have to relocate their sign off the corner, which may be deemed to be a hardship.

6. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification.

Staff comment: This provision of the code is intended to prevent any "use" variances. Variances of uses not allowed under a zoning classification are not permitted under the law. The proposed use, the auto parts store, is consistent with the H-S zone with the applicable CUP.

7. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located.

Staff comment: The proposed monument sign has been relocated to a location that provides adequate visibility for view safety.

8. That granting of the Variance will not be incompatible with the City of King General Plan.
9. Further, the Commission must also make the following findings to assure that the proposed signs meet the findings contained in Section 17.55.030:

(1) The proposed sign(s) do not exceed the standards of Sections 17.55.080 (Zoning district sign standards) and 17.55.090 (Standards for specific types of signs), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;

Staff comment: The proposed signs exceed the allowable 100 maximum square feet. The Commission will need to decide whether the findings exist to approve a variance from the Sign Regulations.

(2) That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;

Staff comment: The proposed monument sign meets the maximum height permitted: six (6) feet

(3) That a flush or projecting sign relates to the architectural design of the structure;

Staff comment: In staff's opinion, the proposed fascia flush mounted sign is in keeping with the proposed architecture and size and scale of the proposed new auto parts building.

(4) That signs do not unreasonably impair the visibility of existing signs on adjacent properties;

Staff comment: In staff's opinion, the proposed monument sign, if relocated a minimum of ten (10) feet from the public sidewalk, will not unreasonably impair the visibility of signs on adjacent properties. The neighboring restaurant signs will remain visible to the public and the new monument sign will not significantly block views of the nearby signs.

(5) The placement and size of the sign(s) will not impair pedestrian or vehicular safety;

Staff comment: The proposed new location of the monument sign will not severely impair visibility of pedestrians, bicyclists and vehicles in the Broadway Street right of way as well as vehicles using the driveway next to the proposed sign.

(6) The design, height, location, and size of the sign(s) are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street;

Staff Comment: These criteria are subjective. However, staff believes that if the proposed monument sign is reduced in size, setback from the sidewalk and other features are built as currently proposed, that the proposed signs could be considered to be visually complementary and compatible with the scale and architecture of the proposed building as well as existing commercial buildings nearby the use.

(7) The proposed sign(s) are in substantial conformance with the design criteria in Section 17.55.070(f) (Design criteria for signs); and

(8) The proposed sign(s) are of a color, height, letter type, location, material, shape, size, and style that is appropriate for the use of the premises, enhancing to the premises, and harmonious with the surrounding neighborhood.

Standards Applicable to all sign permits, Section 17.55.070:

(f) Design Criteria for Signs. The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a sign permit or building permit can be approved:

(1) Color. Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the other structures on the site. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the structure colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).

Staff comments: These criteria encourage what are described as harmonious colors within the sign. The proposed sign colors, red, white and black, are part of the O'Reilly company sign color scheme for their stores across the country. In staff's opinion, the proposed signs will be handsome and appropriate for the building and location as well as provide extremely good identity for the site from a long distance from the property.

(2) Design and Construction.

(A) All permanent signs shall be designed by professionals (e.g., architects, building designers,

landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs) who are capable of producing professional results.

Staff comments: These criteria prevent a business owner from designing his/her own sign, unless he/she is a professional as described in this code section. The designers of the O'Reilly sign are representatives of the O'Reilly Auto Parts company. It is believed that they have considerable experience in designing signs.

(B) All permanent signs shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.

Staff comments: Refer to Condition #9.

(3) Materials and Structure.

(A) Sign materials (including framing and supports) shall be characteristic of the type and scale of materials used on the site of the sign. Sign materials shall match those used on the structure and on other signs on the site.

Staff comments: Staff believes that the size and scale of the materials, including the monument sign base, are in keeping with the type and scale of the proposed auto parts building.

(B) No sign shall include reflective material.

Staff comments: The proposed signs are not of reflective material.

(C) Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

Staff comments: The proposed signs are of the same durable plastic type material used in other O'Reilly Auto Parts stores.

(D) The size of the structural members (e.g., columns, crossbeams, and braces) shall be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.

Staff comments: The purpose of this municipal code criteria is unclear. However, it does not appear to apply to the proposed signs. The base of the proposed monument sign is proposed to be of the same brick material being proposed for the store building.

(E) The use of individual letters incorporated into the building design is encouraged, rather than a sign with background and framing other than the structure wall.

Staff comments: The applicant proposes a framed box sign for the top of the monument sign. The on-building fascia sign is proposed of channel letters, thereby meeting this sign regulation criteria.

(4) Street Address. The review authority may require that a sign include the street address of the site, where it determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one or more structures on the site.

Staff comments: The address is required to be affixed to the monument sign.

(g) Copy Design Guidelines. The city does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.

Staff comments: In staff's opinion, the words: "O'Reilly Auto Parts" do not appear to be offensive or inappropriate.

(1) Sign copy should relate only to the name and/or nature of the business or commercial center.

Staff comments: The name of the business is proposed for the sign.

(2) Permanent signs that advertise continuous sales, special prices, or include phone numbers, etc., shall be avoided.

Staff comments: Not applicable

(3) Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.

Staff comments: The portion of the name: "O'Reilly" is believed to be their company logo.

(4) The area of letters or symbols should not exceed forty percent of the background area in commercial districts or sixty percent in residential districts.

Staff comments: This criteria would be extremely difficult to determine since it unclear how the area of the background and area of the letters would be calculated. In any event, staff believes that the signs are attractively designed.

(5) Freestanding signs should contain the street address of the parcel or the range of addresses for a multitenant center.

Staff comments: Several criteria of the sign regulations require that freestanding signs contain the address numbers. They shall be a minimum of 6 inches in height, although 8 inches would be easier to read for emergency responders and for customers looking for the store.

(h) Sign Lighting. Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties.

Staff comments: The signs would be internally lit and would not be anticipated to glare into surrounding rights of way.

(1) A sign should be illuminated by lights shining on the sign rather than by lights within the sign.

Staff comments: The key part of the language of this section is "should" which is encouragement but not mandatory. Staff believes that the proposed signs will complement the building and be attractive.

(2) External light sources shall be directed and shielded so that they do not produce glare off the site, on any object other than the sign.

Staff comments: Not applicable

(3) Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.

Staff comments: The proposed signs will not do any of these.

(4) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

Staff comments: Not applicable. Colored lights are not proposed.

(5) Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.

Staff comments: The signs will not glare or create hazards for pedestrians or operators of vehicles as long as the monument sign is located farther from the public sidewalk.

(6) No lamp that exceeds fifteen watts shall be placed so that the face of the lamp is visible from a public right-of-way or adjacent property.

Staff comments: This sign criteria is obviously out of date and should not be used in the review

of any proposed sign. Lamp wattage no longer dictates the brightness of lights. LED lights of very low wattage have the capability of blinding drivers. The brightness is no longer solely dictated by lamp wattage. That said, any new lighting shall not be allowed to glare (impairing safety) into the sidewalk or street. (It is recommended that the code be updated to reflect current and potential future technology.)

(7) Light sources shall utilize hard-wired florescent or compact florescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps shall be prohibited.
Staff comments: In this day and age, lighting may come from a number of sources, including solar un-wired lights, low voltage LED lights and other new technology. This section of the code should be updated to reflect new and coming technology. Certainly, energy efficient lighting is recommended.

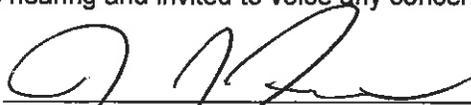


Figure 5: View of Proposed Building Sign. Note that sign area has been reduced to 69 square feet.

IV. **PUBLIC NOTICE**

Notice of the variance and sign permit were published in the King City Rustler newspaper on **April 6, 2016** and all property owners of record within three-hundred (300') feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

Prepared by:


DONALD FUNK, PRINCIPLE PLANNER

Approved by:

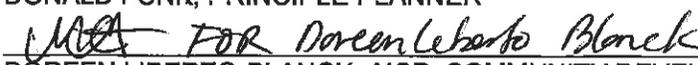

DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT 1

Sign Variance Case No.

FINDINGS OF FACTS

The purpose for making Findings of Facts to *"bridge the analytical gap between the raw evidence and ultimate decision"*. The Municipal Code gives the Planning Commission ("**Commission**") the authority to approve a project so long as the Commission can make certain findings. Written "findings of facts" are required in order to support the decision of the hearing body to approve or deny a project.

California Environmental Quality Act (CEQA)

The project is categorically exempt per CEQA (Categorically Exempt Class 3 -New Construction of small structures)

Findings for the Sign Permit and Variance:

Planning Commission finds that the following circumstances are found to apply:

1. The proposed sign variance, as revised per conditions, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated because the applicant cannot locate their monument sign on the corner due to the public kiosk being placed at that location.
2. The visibility of the monument sign is reduced because the applicant cannot locate their sign at the corner. The public kiosk prevents them from locating their sign at the corner.
3. The proposed project is consistent with the City of King provisions of the General Plan and Zoning Ordinance.
4. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The Commission finds that the applicant is prevented from locating their monument sign at the corner because of the public kiosk at that location.
5. The proposed kiosk at the site of the new O'Reilly Auto Parts store prevents the applicant from utilizing the corner for their monument sign. The increase of thirty percent is needed to obtain similar visibility as they would be afforded if they could locate their sign at the corner.
6. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, (the public kiosk at the corner) that do not apply generally to property in the vicinity and under identical zoning.
7. The Commission finds that the approval of this variance will not permit a use that is inconsistent with the uses allowed within the H-S Zoning District.
8. The Commission finds that proposed reduced size and new location of the monument sign could create serious health and safety issues because the sign will not block driver's views of pedestrians in the sidewalk as well as not block views of bicyclists and vehicles in Broadway Street as well as not block views of vehicles entering and leaving the O'Reilly Auto Parts store driveway. The Commission finds that the City Engineer has reviewed the new sign location for safety visibility.
9. Further, the Commission must also make the following findings to assure that the proposed signs meet the findings contained in Section 17.55.030:
 - a. The proposed sign(s) do not exceed the standards of Sections 17.55.080 (Zoning district sign standards) and 17.55.090 (Standards for specific types of signs), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify

the facility or site from a sufficient distance to safely and conveniently access the facility or site.

b. The proposed monument sign meets the maximum height permitted: six (6) feet

c. The proposed fascia flush mounted sign is in keeping with the proposed architecture and size and scale of the proposed new auto parts building.

d. The proposed monument sign, if located a minimum of ten (10) feet from the public sidewalk, will not unreasonably impair the visibility of signs on adjacent properties. The neighboring restaurant signs will remain visible to the public and the new monument sign will not significantly block views of the nearby signs.

e. The relocated and smaller monument sign would not impair visibility of pedestrians, bicyclists and vehicles in the Broadway Street right of way as well as vehicles using the driveway next to the proposed sign.

f. The proposed the proposed signs could be considered to be visually complementary and compatible with the scale and architecture of the proposed building as well as existing commercial buildings nearby the use.

g. The proposed signs are of a color, height, letter type, location, material, shape, size, and style that is appropriate for the use of the premises, enhancing to the premises, and harmonious with the surrounding neighborhood.

h. The proposed colors on signs and structural members will be harmonious with one another and relate to the dominant colors of the other structures on the site. The proposed sign colors, red, white and black, are part of the O'Reilly company sign color scheme for their stores across the country. The Commission finds that the proposed signs will be handsome and appropriate for the building and location as well as provide extremely good identity for the site from a long distance from the property.

i. The Commission finds that, pursuant to code, all permanent signs have been designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs) who are capable of producing professional results. The Commission has determined that the designers of the O'Reilly sign are representatives of the O'Reilly Auto Parts company and it is believed that they have considerable experience in designing signs.

j. The Commission finds that Condition #9 will assure that all permanent signs shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.

k. The Commission finds that sign materials (including framing and supports) are characteristic of the type and scale of materials used on the site of the signs and that sign materials will adequately match those used on the structure and on other signs on the site.

l. The Commission finds that reflective materials are not being used in the signs.

m. The Commission finds that proposed signs are of the same durable plastic type material used in other O'Reilly Auto Parts stores.

n. The Commission finds that the size of the structural members (e.g., columns, crossbeams, and braces) are proportional to the sign panel they are supporting. The base of the proposed monument sign is proposed to be of the same brick material being proposed for the store building.

o. The Commission finds that the use of individual letters incorporated into the building design is being used by the applicant thereby meeting sign regulation criteria encouraging the use of channel type letters on signs.

- p. The Commission finds that address numbers will be affixed to the monument sign.
- q. The Commission finds "O'Reilly Auto Parts" is the name of the business and that said wording is appropriate for the signs.
- r. The signs would be internally lit and would not be anticipated to glare into surrounding rights of way.
- s. The Commission finds that the proposed signs illumination will not blink, flash, flutter, or change light intensity, brightness, or color.
- t. The Commission finds that the signs will not glare or create hazards for pedestrians or operators of vehicles as long as the monument sign is relocated farther from the public sidewalk.

EXHIBIT 2

RESOLUTION NO. 2016-151

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING SIGN VARIANCE CASE NO. VAR SN0-000-480 FOR O'REILLY AUTO PARTS
LOCATE AT THE SOUTHEAST CORNER OF BROADWAY STREET AND CANAL STREET
ASSESSORS PARCEL NUMBER: 026-051-007, KING CITY, CALIFORNIA.

WHEREAS, on **February 22, 2016**, O'Reilly Auto Parts ("**Applicant**") submitted an application for a variance permit to increase sign area from a maximum allowed one-hundred (100') square feet to a total of one-hundred and thirty (130) square feet and that an on-building fascia sign max size of 69 square feet and a monument sign of maximum 30 square feet on each face in a location at least 10 feet from the driveway and to be reviewed by the City Engineer for vehicle/pedestrian/bicyclist safety at their proposed new store at the southeast corner of Broadway Street and Canal Street, King City, as shown on **Figures 1, 2, 3 and 4 in the staff report**, and;

WHEREAS, on **March 23, 2016**, the sign variance application was deemed complete for processing, and

WHEREAS, the Planning Commission ("**Commission**"), after considering the proposal has determined that design changes are necessary for the proposed monument sign, and;

WHEREAS, pursuant to the California Environmental Quality Act ("**CEQA**") Guidelines (14 Cal. Code Regs. §15000 et. seq.) and in accordance with the California Environmental Quality Act of 1970, the proposed project is Categorically Exempt Class 3, and;

WHEREAS, the Commission has reviewed and considered the information provided in the Staff Report, and testimony presented during the public hearing, and accepts the **Findings of Facts** as outlined in **Exhibit 1**, and;

WHEREAS, the Commission of the City of King, California, met at the duly noticed public hearing on **April 19, 2016**, and **May 3, 2016** at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the Commission makes the followings Findings of Facts:

Findings of Fact for the Sign Permit and Variance:

Planning Commission finds that the following circumstances are found to apply:

1. The proposed sign variance, as revised per conditions, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated because the applicant cannot locate their monument sign on the corner due to the public kiosk being placed at that location.
2. The visibility of the monument sign is reduced because the applicant cannot locate their sign at the corner. The public kiosk prevents them from locating their sign at the corner.
3. The proposed project is consistent with the City of King provisions of the General Plan and Zoning Ordinance.
4. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The Commission finds that the applicant is prevented from locating their monument sign at the corner because of the public kiosk at that location.
5. The proposed kiosk at the site of the new O'Reilly Auto Parts store prevents the applicant from utilizing the corner for their monument sign. The increase of thirty percent is needed to obtain similar visibility as they would be afforded if they could locate their sign at the corner.

6. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, (the public kiosk at the corner) that do not apply generally to property in the vicinity and under identical zoning.
7. The Commission finds that the approval of this variance will not permit a use that is inconsistent with the uses allowed within the H-S Zoning District.
8. The Commission finds that proposed reduced size and new location of the monument sign could create serious health and safety issues because the sign will not block driver's views of pedestrians in the sidewalk as well as not block views of bicyclists and vehicles in Broadway Street as well as not block views of vehicles entering and leaving the O'Reilly Auto Parts store driveway. The Commission finds that the City Engineer has reviewed the new sign location for safety visibility.
9. Further, the Commission must also make the following findings to assure that the proposed signs meet the findings contained in Section 17.55.030:
 - a. The proposed sign(s) do not exceed the standards of Sections 17.55.080 (Zoning district sign standards) and 17.55.090 (Standards for specific types of signs), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.
 - b. The proposed monument sign meets the maximum height permitted: six (6) feet
 - c. The proposed fascia flush mounted sign is in keeping with the proposed architecture and size and scale of the proposed new auto parts building.
 - d. The proposed monument sign, if located a minimum of ten (10) feet from the public sidewalk, will not unreasonably impair the visibility of signs on adjacent properties. The neighboring restaurant signs will remain visible to the public and the new monument sign will not significantly block views of the nearby signs.
 - e. The relocated and smaller monument sign would not impair visibility of pedestrians, bicyclists and vehicles in the Broadway Street right of way as well as vehicles using the driveway next to the proposed sign.
 - f. The proposed the proposed signs could be considered to be visually complementary and compatible with the scale and architecture of the proposed building as well as existing commercial buildings nearby the use.
 - g. The proposed signs are of a color, height, letter type, location, material, shape, size, and style that is appropriate for the use of the premises, enhancing to the premises, and harmonious with the surrounding neighborhood.
 - h. The proposed colors on signs and structural members will be harmonious with one another and relate to the dominant colors of the other structures on the site. The proposed sign colors, red, white and black, are part of the O'Reilly company sign color scheme for their stores across the country. The Commission finds that the proposed signs will be handsome and appropriate for the building and location as well as provide extremely good identity for the site from a long distance from the property.
 - i. The Commission finds that, pursuant to code, all permanent signs have been designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs) who are capable of producing professional results. The Commission has determined that the designers of the O'Reilly sign are representatives of the O'Reilly Auto Parts company and it is believed that they have considerable experience in designing signs.
 - j. The Commission finds that Condition #9 will assure that all permanent signs shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing

professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.

k. The Commission finds that sign materials (including framing and supports) are characteristic of the type and scale of materials used on the site of the signs and that sign materials will adequately match those used on the structure and on other signs on the site.

l. The Commission finds that reflective materials are not being used in the signs.

m. The Commission finds that proposed signs are of the same durable plastic type material used in other O'Reilly Auto Parts stores.

n. The Commission finds that the size of the structural members (e.g., columns, crossbeams, and braces) are proportional to the sign panel they are supporting. The base of the proposed monument sign is proposed to be of the same brick material being proposed for the store building.

o. The Commission finds that the use of individual letters incorporated into the building design is being used by the applicant thereby meeting sign regulation criteria encouraging the use of channel type letters on signs.

p. The Commission finds that address numbers will be affixed to the monument sign.

q. The Commission finds "O'Reilly Auto Parts" is the name of the business and that said wording is appropriate for the signs.

r. The signs would be internally lit and would not be anticipated to glare into surrounding rights of way.

s. The Commission finds that the proposed signs illumination will not blink, flash, flutter, or change light intensity, brightness, or color.

t. The Commission finds that the signs will not glare or create hazards for pedestrians or operators of vehicles as long as the monument sign is relocated farther from the public sidewalk.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission approves a Sign Variance to allow an on-building sign of sixty-nine (69) square feet and the relocated six (6') foot-tall, two (2) sided monument sign of maximum ten (10') feet in length, totaling a maximum thirty (30) square feet on each side.

This resolution was passed and adopted this 3rd day of May, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
MARICRUZ AGUILAR-NAVARRO, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3

Variance Case No. SN0-000-480 CONDITIONS OF APPROVAL

Community Development Department (Applicant should discuss the following conditions of approval ("**COA**") with Maricruz Aguilar-Navarro, 831-386-5916, if there are any questions):

1. **Project Description:** The project approval is for a variance permit to increase sign area from a maximum allowed one-hundred (100') square feet to permit one sixty-nine (69) square foot on-building sign (**Figures 3 and 4**) and a thirty (30) square feet (each sign face of a double-sided sign) monument sign (maximum 3 ft. x 10 ft. x 2 sided). The final design of the reduced size monument sign shall be approved by the Community Development Director. The location of the reduced size monument sign (**Figures 1 and 2**) shall be a minimum of ten (10) feet or more from the Broadway Street public sidewalk. Said sign location shall be reviewed and approved by the City Engineer.
2. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. The approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. It is the Applicant's responsibility to request an Extension of Time before the one (1) year expiration date so the approval does not become null and void. The Community Development Director may grant up to one (1) year of extensions. Any additional time extensions will require the approval of the Planning Commission.
3. **Lighting:** Any and all outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties.
4. **Maintenance:** The signs will be continually maintained by the applicant/landowner.
5. **Hold Harmless and Indemnification Clause:** The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**") and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Koczanowicz and Hale, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or

Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("**CEQA**") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or involved in such proceeding.

The applicant agrees to indemnify City and its elected officials, officers, contractors, consultants, attorneys, employees and agents (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys) for all of City's costs, fees, and damages incurred in enforcing the **indemnification** provisions of this Agreement.

The applicant agrees to defend, indemnify and **hold harmless** City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), attorneys, employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, sphere of influence amendment, annexation, pre-zoning, general plan amendment,

specific plan, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve which approval shall not be unreasonably withheld, conditioned or delayed:

- a. The counsel selected by applicant to so defend City, which approval shall not be unreasonably withheld, delayed or conditioned;
- b. All significant decisions concerning the manner in which the defense is conducted, which approval shall not be unreasonably withheld, delayed or conditioned; and
- c. Any and all settlements.

City shall have and retain the right to have the City attorney defend the City and its staff in connection with such proceeding. City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants' actual and reasonable fees and costs arising from their support of the defense shall be paid by the applicant.

The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding. Notwithstanding the preceding, this obligation to indemnify shall not apply to any claim to the extent arising from the gross negligence or willful misconduct of the indemnified party or of any agent, employee or licensee of the indemnified party.

6. **Other County, State and Federal Permits:** Before initiation of the proposed use, the Applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
7. **Address Numbers:** The proposed monument shall include address numbers, a minimum of 6 inches in height, on the monument sign. Said letters shall be lighted.
8. **Monument Sign Review by City Engineer:** Prior to Community Development Director approval of the final design of the monument sign, the City Engineer shall review and approve the location of the monument sign to ensure that safety visibility for drivers entering and exiting the Broadway Street driveway shall be adequate for drivers to see vehicles, pedestrians, bicyclists and others in the street and on the public sidewalk.
9. **Construction & Building Permit:** Per Code Section 17.55.070, all permanent signs at this business shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation. **Prior to issuance of building permit,** Applicant shall submit an addendum to the Building & Safety Department of this final sign design as approved by Planning Commission.

Sign Variance Agreement: Approval of this Resolution by the Planning Commission does not vest entitlement in the development or does not vest entitlement to the applicant as further action is necessary by the City Council approval of the necessary zoning code amendment is a condition of any rights or entitlements being vested under this Resolution and approval.

The sign variance permit is not valid until all Conditions of Approval ("COA") and mitigated measures imposed by the Planning Commission are signed for and agreed to by the applicant. I have received a copy of the sign variance permit conditions of approval and mitigated measures and agree with them. I understand that if I do not abide by them the Planning Commission has the authority to revoke my sign variance, pursuant to the Municipal Code.

Applicant Signature: _____ Date: _____

EXHIBIT 4
Applicant's Letter



PM Design Group, Inc.
38 Executive Park, Suite 310
Irvine, CA. 92614
P: 949.399.0111
F: 949.381.5850

January 8, 2016

Maricruz Aguilar; Assistant Planner; 831.385.3281ph
City of King
Community Development Department
212 S. Vanderhurst Ave
City of King, CA 93930

Subject: O'Reilly Auto Parts Store
743 Broadway Street
King City, CA 93930

Regarding: Sign Variance

Request: To permit the installation of two internally-illuminated signs at the above referenced O'Reilly Auto Parts business including a wall-mounted business identity sign measuring 169sf and a monument sign measuring 75sf per each of two sides. O'Reilly is requesting approval of two signs.

Special Circumstances Applicable to Proposal Site:

The property is constrained by special circumstances resulting from the location of this corner. The proposed O'Reilly store is located on the rear property line, away from the front street, Broadway Street. Visibility, which is an important component of business advertisement is constrained by the locations of businesses on either side of O'Reilly, along Broadway Street and therefore the requested signs are necessary to capture the attention of passerby. In review of existing businesses located on Broadway Street, on either side of O'Reilly, most existing businesses benefit from the use of tall pole signs located near the street right-of-way.

The Sign Ordinance is restrictive in that it counts each side of a monument side separately towards the very limited total sign area maximum of 100sf.

The proposed monument sign is to be mounted on a base that is finished with the same brick material as the O'Reilly store, tying together the architecture of each. The proposed wall sign is located centered over the building's front entry canopy.

Although this is a corner property, O'Reilly Auto Parts is not proposing a second wall sign along the Canal Street frontage.

Circumstances Create Unnecessary Hardship:

The strict application of the Development Code creates an unnecessary hardship in that it deprives the property owner of privileges enjoyed by other properties in the vicinity and in an identical land use designation in that nearby properties, located along Broadway Street in either direction from the O'Reilly Store, benefit from the highly visible pylon/pole mounted signage fronting those

businesses. Sign heights of 15-20 feet are found in the immediate vicinity of the O'Reilly property and are all situated on property zoned identical to O'Reilly, Highway Service District (H-S).

Use of the Proposed Variance

The use of the subject property was approved through a Conditional Use Permit (CUP150-290). The granting of this Variance request will allow the installation of signage, enjoyed by others located in this same zone. Approval of the Variance request will not affect the approved use of retail.

Proposed Conditions of Approval

Any proposed conditions of approval related to the requested Variance will not be detrimental to the public health, safety, and welfare of the community, nor be injurious to properties, uses, or improvements in the vicinity in that the granting of the variance relative to signage will not be detrimental to the public health, safety, and welfare of the community, nor be injurious to properties, uses or improvements in the area because the approval of the requested Signage will enhance business at this location.

The grant of the variance does not constitute the grant of special privilege not available to other properties under similar circumstance in the same zoning district. The majority of businesses throughout the immediate area benefit from the use of tall pole signs and adequate wall signage, quantities that exceed the 100 square foot maximum established by the city's sign ordinance. The approval of the variance for the subject property does not constitute the grant of a special favor or privilege to O'Reilly Auto Parts, but grants a variance due to site-specific conditions. While the proposed business development will require one variance, the new project represents a substantial improvement to a vacant site.

Please, if you have any questions, do not hesitate to call me.

Respectfully,
Pedro McCracken DESIGN GROUP, INC.

Mario Tutino; Sr. Project Manager
PM Design Group, Inc.

Cc: Philip Schanberger; PM Design Group, Inc. w/attachments



DATE: May 3, 2016 Meeting

TO: PLANNING COMMISSION

FROM: DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR, DAVE HALE, ASSISTANT CITY ATTORNEY, AND DON FUNK, PRINCIPAL PLANNER *g D*

SUBJECT: RECOMMENDATION TO THE CITY COUNCIL REGARDING SECTIONS 17.09.015 AND 17.09.050 AND ADDING SECTION 17.09.060 OF CHAPTER 17.09 OF TITLE 17 ADOPTING A TEXT AMENDMENT AMENDING THE KING CITY MUNICIPAL CODE TO ADDRESS CAR CANOPIES, SHEDS AND SHADE STRUCTURES

I. RECOMMENDATION

Staff recommends that Planning Commission conduct the public hearing and then provide a recommendation to the City Council on Ordinance(s) that would adopt a text amendment amending the King City Municipal Code Sections 17.09.015 and 17.09.050 and adding Section 17.09.060 of Chapter 17.09 of Title 17 that would amend the Municipal Code to address criteria for car canopies, sheds, and shade structures. Staff recommends approval of the Resolution, Exhibit 1, and recommend approval of the proposed ordinance, Exhibit 2.

II. BACKGROUND

The Municipal Code does not have adequate language to address certain temporary structures such as car canopy enclosures (Figure 1), tool sheds (Figure 2), and shade structures (Figure 3). The City's Citizens' Code Enforcement Committee ("CCEC") has had numerous meetings with City staff during which the committee members discussed recommendations addressing canopies, sheds, car enclosures, shade covers and tarps. The Assistant City Attorney, Dave Hale, has prepared a draft ordinance.

The ordinance is intended to address concerns that the public members of the Committee have regarding the use of the following types of structures when used improperly or located within front yards and street sideyards. Below are examples of the types of structures being addressed in the proposed ordinance.

Throughout the City there are numerous car canopies, shade structures and sheds, some of which are located in front and street sideyards. The Zoning Regulations, Chapter 17 of the Municipal Code, does not adequately address these structures or provide any criteria for their location within residential lots. For example, some cloth or tarp car enclosures have been placed within yard setback front yards or street sideyards. The City's Citizens' Code Enforcement Committee members have indicated that these temporary structures are not appropriate for front or street sideyards. The ordinance provides criteria to address safety issues.

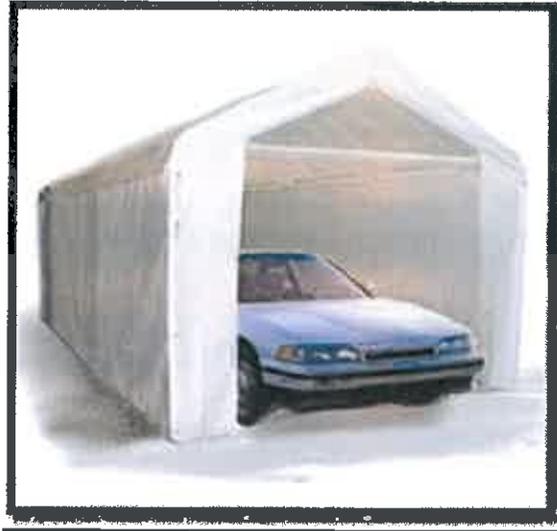


Figure No. 1
Example of a Temporary Vehicle Shade Structure

Temporary Vehicle Shade Structures: The current code does not contain provisions that address vehicle shade structures. The issue is that these shade structures are sometimes used in front yards and street side yards as carports, often blocking views, causing visibility safety issues and, as they deteriorate, they become very unsightly. Also, if located adjacent to a neighbor's home, these covers, if they don't meet fire retardant standards, can become a fire safety hazard. The proposed standards prevent these vehicle shade structures in front and street sideyards and establish safety standards if located close to a neighbor's residence. They are also required to have adequate anchoring.



Figure No. 2

Tool Sheds: The current code does not address small tool sheds used by homeowners. The issue is that tool sheds are sometimes placed in front or street sideyards and have sometimes been used as living quarters within the City. The proposed ordinance prevents them from being placed in front and street sideyards and prevents their use for living quarters.



Figure No. 3

Example of a typical temporary shade (sometimes referred to as an “easy up”)

Trellis covers and shade structures: The issue is that temporary shades are sometimes left up in front yards for long periods of time and become unsightly and a nuisance. In addition, the existing code does not address trellis covers. The proposed ordinance provides criteria for the use of both cloth shade structures and trellis structures.

EXHIBIT 1

RESOLUTION NO. 2016-150

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, COUNTY OF MONTEREY, STATE OF CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVED THE AMENDMENT OF SECTION 17.09.015 AND 17.09.050 AND ADDING SECTION 17.09.060 OF CHAPTER 17.09 OF TITLE 17 (ZONING) OF THE CITY OF KING MUNICIPAL CODE REGARDING REGULATIONS RELATED TO CAR CANOPIES, SHEDS AND SHADE STRUCTURES

WHEREAS, the City is interested in modifying its ordinances to regulate the location and size of temporary canvas, cloth or other similar structures; and

WHEREAS, there has been a proliferation of the construction and placement of temporary canvas or cloth structures within front or street side yards; and

WHEREAS, the construction or placement of these temporary structures are unsightly and create numerous visual distractions; and

WHEREAS, the City desires to restrict these structures from front or street side yards to enhance the neighborhood character; and

WHEREAS, the City also desires to limit the location and size of temporary vehicle shade structures and establish general regulations related to sheds, temporary covers and other similar structures; and

WHEREAS, the City has considered the potential environmental impacts from this legislation and concluded that with the very limited restrictions and minor modifications to the regulatory use of these temporary structures defined within the attached draft ordinance, this ordinance is Categorically Exempt under Section 15305 of the California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Planning Commission **HEREBY FINDS AND DETERMINES** that the amendments and addition of the above code sections as contained within the ordinance attached hereto as **Exhibit "2"** which amends Chapter 17.09 of Title 17 of the City of King Municipal Code will not create a potentially significant environmental impact, and due to the very minor regulatory changes in use of the proposed temporary shade structures, this ordinance is Categorically Exempt under Section 15305 of the California Environmental Quality Act Guidelines.

Section 2. The Planning Commission makes the following findings necessary to approve Zoning Code amendments:

1. That the proposed amendments and additions to Chapter 17.09 of Title 17 of the City of King Municipal Code is consistent with General Plan;
2. That the proposed amendments and additions to Chapter 17.09 would be beneficial for the long-term development of the City and enhancement and consistency of local residential neighborhood character;
3. That the proposed amendments and additions to Chapter 17.09 would not be detrimental to the public health, safety or welfare of the City or its inhabitants because the changes do not result in substantial or significant changes in the use or regulation of these temporary shade structures.

Section 3. The Planning Commission HEREBY APPROVES of Resolution No. 2016-150 recommending to the City Council the attached **Exhibit 2** amendments to the City's Zoning Code.

Section 4. The Planning Commission Chairman of the City of King is hereby authorized to affix his signature to this resolution signifying its adoption by the Planning Commission. The Community Development Director is directed to forward this Resolution to the City Council with the recommendations of the Planning Commission.

PASSED, APPROVED, AND ADOPTED by Planning Commission on this 3rd day of May 2016.

ATTEST:

Dave Nuck
Chairperson

Maricruz Aguilar-Navarro
Planning Commission Secretary

I, Maricruz Aguilar-Navarro, Planning Secretary to the City Planning Commission, do hereby certify that Resolution No. 2016-150 was duly and regularly passed and adopted by the Planning Commission 3rd day of May, 2016, by the following roll call vote as the same appears on file and of record in Office of the Community Development Department.

AYES:

NOES:

ABSENT:

ABSTAIN:

Maricruz Aguilar-Navarro
Planning Commission Secretary
City of King

EXHIBIT 2
ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, COUNTY OF MONTEREY, STATE OF CALIFORNIA, APPROVING AN AMENDMENT TO SECTIONS 17.09.015 AND 17.09.050 AND ADDING SECTION 17.09.060 OF CHAPTER 17.09 OF TITLE 17 (ZONING) OF THE CITY OF KING MUNICIPAL CODE FOR DEFINITION AND REGULATION OF CANOPIES, SHEDS, TRELLISES AND TARPS IN THE CITY

WHEREAS, the City is interested in modifying its ordinances to regulate the location and size of temporary canvas, cloth or other similar structures; and

WHEREAS, there has been a proliferation of the construction and placement of temporary canvas or cloth structures within front or street side yards; and

WHEREAS, the construction or placement of these temporary structures are unsightly and create numerous visual distractions; and

WHEREAS, the City desires to restrict these structures from front or street side yards to enhance the neighborhood character; and

WHEREAS, the City also desires to limit the location and size of temporary vehicle shade structures and establish general regulations related to sheds, temporary covers and other similar structures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA AS FOLLOWS:

SECTION 1: Section 17.09.015, of Chapter 17.09 of Title 17 (Zoning) of the City of King Municipal Code is hereby amended by adding subsections (c), (d), (e) and (f) and adopted as follows:

(c) Shed: A small roofed structure of one-hundred and twenty (120) square feet or less, typically made of wood, plastic or metal, used only as a storage space for household and yard items, and not used for occupancy, business, office or other use.

(d) Tarp: A tarpaulin sheet or cover without supports used to cover items such as vehicles (car cover) or other items and not having an integral supporting system.

(e) Temporary Shade Canopy (non-vehicular use): A covering, usually of fabric, supported on poles, portable and temporary in nature and equal to or less than one-hundred (144) square feet in area.

(f) Vehicle Canopy Enclosure: A cover, usually of fabric, supported on poles, for intended use of providing cover and/or shade for a vehicle, portable in nature and equal to or less than two hundred and forty (240) square feet in size and having adequate temporary anchors to protect against being moved by the wind.

SECTION 2: Section 17.09.050, of Chapter 17.09 of Title 17 (Zoning) of the City of King Municipal Code is hereby amended by adding subsection (c) and adopted as follows:

(c) Garages and carports (temporary and permanent), including temporary canvas, cloth, plastic or other similar constructed or kit enclosure units of any kind are not permitted in front or street side yards.

(1) Garages and carports shall require building permits and shall meet all applicable requirements for setbacks for each zoning district, including front, side and rear yard setbacks established for each zoning district.

For modular vehicle canopy structures or other shading structures for vehicles and temporary vehicle shading, usually made of plastic pipe, steel or aluminum light framing and having a canvas or other non-permanent cloth cover, said structures up to two-hundred and forty (240) square feet in area and not over fourteen (14) feet in height will not require a building permit and shall meet the following requirements:

(i) Said vehicle canopy shade structure shall not be located in any front yard, rear yard, interior side yard or street side yard setback area.

(ii) Said vehicle canopy shade cover may only be placed next to a structure if it has a documented fire rating. Proof of fire rating will be required. If the vehicle canopy does not have said fire rating, it shall be located a minimum of five (5) feet from any structure.

(iii) Said canopies shall have a maximum of three of the sides enclosed and shall have the side towards the street open.

(iv) Said temporary vehicle shade canopies shall be adequately anchored to the ground.

(v) Said temporary vehicle shade structures are not permitted in zoning districts other than R-1 without the approval of a conditional use permit approved by the Planning Commission.

SECTION 3: Section 17.09.060, of Chapter 17.09 of Title 17 (Zoning) of the City of King Municipal Code is hereby added and adopted as follows:

17.09.060 General Limitations and City Departments Regarding Sheds, Temporary covers and other similar structures.

(a) Tool and storage sheds: Storage sheds, similar small storage structures when located on a parcel which contains an existing single family dwelling or duplex residential structure shall not require a building permit and must meet the following criteria:

(1) Such structures shall not have a floor area that exceeds one-hundred and twenty (120) square feet and the height above grade shall not exceed twelve (12) feet.

(2) No more than one structure may be allowed under this exemption unless separated from another permit exempt structure by more than fifty (50) feet.

(3) Electrical, plumbing, or mechanical work in connection with such structures requires an electrical, plumbing or mechanical permit.

(4) Said storage shed structures may not be located in any front or street side yard setback areas of any lot.

(5) Said storage sheds shall not be used solely for storage of non-hazardous materials and shall not be used for living, commercial or industrial purposes.

(b) Shading Devices (non-vehicular storage):

(1) Window awnings supported by an exterior wall of a residence or residential garage and which do not project more than thirty-six (36) inches may be permitted.

(2) Shade cloth structures constructed for nursery or agriculture purposes, with no electrical, gas or other service, do not require a building permit. Such shade structures, whether permanent or non-permanent, shall not be located in required front yards and street side yards and shall be adequately anchored to the ground. (Plumbing, electrical or mechanical systems associated with the structure require permits through the building and safety department.

(3) Detached shade structures without a solid roof (e.g., trellises or arbors) when the height above grade does not exceed twelve (12) feet and one-hundred and twenty (144) square feet in roof area do not require a building permit. This does not include patio covers or permanent or temporary carports, which are required to meet the applicable criteria of this Code. For the purpose of this section trellises and arbors accessory to residential occupancies are considered detached shade structures and are defined as follows:

(i) Structures which have a lattice or fabric roof structure.

(ii) Seventy-five (75) percent of the exterior walls are not less than seventy-five percent open.

(iii) A structure which a motor vehicle cannot be driven into due to the configuration of the structure or placement on the site.

(iv) Electrical, plumbing or mechanical equipment contained within the structure shall require a permit.

(v) Said trellises and arbors shall meet the standards for patio covers within this Municipal Code.

(vi) Exceptions: Temporary shades, up to 144 square feet may be used in a front or street side yard for short periods for events such as birthday parties, wedding celebrations or other similar occasions or events for a period not to exceed seventy-two (72) continuous hours in any one week and shall not be used for commercial purposes.

SECTION 4: This ordinance shall be in full force and effect at 12:01 a.m. on the thirty first day (31) from and after is final passage, adoption and approval.

ATTEST:

Robert Cullen

Mayor

Steve Adams

City Manager/City Clerk

I, Steve Adams, do hereby certify that Ordinance Number _____ was duly and regularly passed and adopted by the City Council on the _____th day of May, 2016, by the following roll call vote as the same appears on file and of record in Office of the City Clerk.

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve Adams
City Manager/City Clerk



DATE: MAY 3, 2016

TO: PLANNING COMMISSION CHAIR DAVID NUCK AND PLANNING COMMISSIONERS

**FROM: DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR,
SCOTT BRUCE, PRINCIPAL PLANNER**

RE: ARBOLEDA SPECIFIC PLAN AMENDMENT (APPLICANT NINO FAMILY II, LP)

I. RECOMMENDATION

Recommend the Planning Commission adopt the attached resolution that recommends the City Council adopt an ordinance amending the Arboleda Specific Plan. **Exhibit 5**

II. EXECUTIVE SUMMARY

In **2004**, the City Council certified the EIR and approved a General Plan Amendment, Specific Plan and Vesting Tentative Tract Map. On or about **July 31, 2012**, Nino Family, LP ("**Applicant**") purchased all rights and interest in the Arboleda project. Two previous Specific Plan Amendments have been approved. The Applicant is requesting a third Specific Plan Amendment, making a minor change to the Arboleda Specific Plan.

III. DISCUSSION

Background

In **2004**, the City Council certified the EIR and approved a General Plan Amendment ("**GPA**"), Specific Plan ("**SP**") and Vesting Tentative Tract Map ("**VTM**"). The proposed one hundred and fifteen plus (115.20) acre project includes four hundred (400) residential lots, eighty plus (8.6) acres of parklands, and a twenty-two (22) acre middle school. The approved 2004 Specific Plan includes seven (7) types of housing products: *carriage apartments, courtyard apartments, town homes, cottages, small single family homes, large single family homes, and lane homes*. Infrastructure requirements include roads, water and wastewater conveyance systems, and storm water conveyance systems.

In **August 2014**, the City Council approved Specific Plan Amendment No. 1 to make changes to the Arboleda Specific Plan. The primary changes included:

- Reduction in the number of housing types from eight (8) to five (5).
- Changes in the land use process to allow Homeowners to make modifications.
- Changes to better reflect the policies of the Housing Element.

In **May 2015**, the City Council approved Specific Plan Amendment No. 2. The primary changes included:

- Addition of seven (7) new home plans to aid multi-generational living.
- Eliminate three (3) car garages – to be two car garages with longer drive approach.

Current Proposal (Specific Plan Amendment No. 3)

In **November 2015**, Nino Homes submitted an application for Specific Plan Amendment No. 3 ("**Amendment No. 3**"). Staff responded with a Letter of Incompleteness ("**LOI**"). In **January 2016**, the Applicant submitted a slightly revised project description. Amendment No. 3 requests the addition of two (2) floor plans and elevations to the Lane Homes portion of the Specific Plan. Staff provided a Letter of Completeness ("**LOC**") in **March 2016**. The description of the amendment is as follows:

In response to current market conditions and in the interest of providing quality, affordable for the citizens of the City of King Nino Homes at Arboleda, Inc proposes the following:

- The addition of two (2) additional Lane Home plans to the Arboleda Specific Plan. The 2-story plans are 1202 and 1327 square feet, they have 3 bedrooms with 2 baths with an attached 2 car garage. Symmetry by Design did calculations to make sure the new plan have the same or more permeable area in comparison to the old plans. The new plans include a longer approach off of the attached garage and allow for a side patio/yard area. Floor area has been reduced to provide a more affordable unit, balancing the increase in driveway area. These plans will be used on any Lane Home lot as long as they meet the required setbacks. Each plan has two elevations using the current Specific Plan design styles of California and Monterey. **See Exhibits 1 and 3.**

Environmental Review

The City of King is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. There was an Environmental Impact Report ("**EIR**") certified by the City Council on **July 24, 2004. (SCH No. 2003091118) Exhibit 7.**

An initial study was prepared to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRs) could be made in the affirmative. As required by CEQA, staff has determined that on the basis of substantial evidence in the record, the following findings exist:

1. There are no substantial changes to the proposed project that will require major revisions to the certified EIR or increase the severity of previously identified significant effects.
2. There are no substantial changes due to circumstances under which the proposed project is undertaken that require modifications to the certified EIR, due to new significant environmental effects or increase in severity of previous impacts.
3. There is no new information that was not analyzed in the certified EIR.
4. There are no substantial changes to the proposed project that will require major revisions to the certified EIR or increase the severity of previously identified significant effects.
5. There are no substantial changes due to circumstances under which the proposed project is undertaken that require modifications to the certified EIR, due to new significant environmental effects or increase in severity of previous impacts.
6. There is no new information that was not analyzed in the certified EIR.

Based on the initial study checklist attached as **Exhibit 6**, the above findings of fact can be made and the development Specific Plan Amendment ("**SPA**") will not have the potential to result in significant adverse environmental impacts. All the mitigation measures adopted in 2004 apply to the SPA. Therefore, the issues associated with the SPA are adequately addressed in the 2004 certified EIR and no additional environmental assessment pursuant to CEQA is needed.

Attachments:

- Exhibit 1** - Conditions of Approval
- Exhibit 2**- Application, "Project" description with Plot Plan
- Exhibit 3** - Arboleda Specific Plan with Proposed Amendments (paper)
- Exhibit 4** - Arboleda Specific Plan CD
- Exhibit 5** - Planning Commission Resolution No. 2016-149
- Exhibit 6** - Initial Study Checklist
- Exhibit 7**- Certified EIR Project Description

c: Mike Nino, Nino Homes
Lois Pape, Nino Homes

EXHIBIT 1

ARBOLEDA SP3: CONDITIONS OF APPROVAL

1. **Conditions of Approval/Mitigation Measures:** All conditions of approval, mitigation measures and other regulations of the Arboleda Specific Plan are applicable with this approval.
2. **Payment of Fees:** Prior to the issuance of the first building permit after the SPA(3) approval, the Applicant shall pay all applicable staff/consultant processing fees for this application,
3. **Copies of Final Specific Plan:** Within thirty (30) days of final approval, the applicant shall submit ten (10) electronic copies of the Arboleda Specific Plan and ten (10) paper copies of the appropriate pages of the amended Arboleda Specific Plan.

EXHIBIT 2



Date Application Submitted:
 Date and by whom as received by City Hall staff
NOV 24 2015

GENERAL APPLICATION FORM

SUBMITTED WITH ALL COMMUNITY DEVELOPMENT APPLICATIONS

Type of Application: NEW AMENDMENT (PLEASE PROVIDE DATE OF PREVIOUS APPROVAL) _____

<input type="checkbox"/> Pre-Application Review (PRE-APP)	<input type="checkbox"/> General Plan Amendment (GPA)	<input type="checkbox"/> Development Agreement (DA)
<input type="checkbox"/> Sign Permit (SN) <input type="checkbox"/> Temporary Sign Permit (TSP)	<input type="checkbox"/> Change of Zone (ZC) <input type="checkbox"/> Pre-Zoning (PZ)	<input type="checkbox"/> Memorandum of Understanding (MOU) <input type="checkbox"/> Sphere of Influence Amendment (SOI)
<input type="checkbox"/> Landscape Permit (LP)	<input type="checkbox"/> Planned Development (PD)	<input type="checkbox"/> Annexation
<input type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Tentative Tract Map (TM) <input type="checkbox"/> Vesting Tentative Tract Map (VTM)	<input checked="" type="checkbox"/> Specific Plan (SP) <input type="checkbox"/> Records Research (RR)
<input type="checkbox"/> Architectural Review (AR)	<input type="checkbox"/> Parcel Map (PM)	<input type="checkbox"/> Planning Commission or City Council Interpretation
<input type="checkbox"/> Variance (VAR)	<input type="checkbox"/> Lot Line Adjustment (LLA)	<input type="checkbox"/> Planning Commission Appeal <input type="checkbox"/> City Council Appeal
<input type="checkbox"/> Plot Plan Review (PPR)	<input type="checkbox"/> Home Occupation Permit (HOP)	<input type="checkbox"/> Other Application(s)

Applicant Name: <u>NINO DEVELOPMENT</u>	Telephone No: <u>831-635-0745</u>
Business/Organization Name:	Fax Number:
Mailing Address: <i>Address, City, State, Zip</i> <u>P.O. Box 1180 Tres Pinos Ca 95075</u>	Email: <u>MIKE@NINOHOMES.COM</u>
Architect/Engineer/Representative: <u>Symetry by Design</u>	Representative Phone No: <u>831-635-0745</u>

PROJECT SPECIFIC INFORMATION

Project Location/Address/Request: <u>ARBOLEDA SUBDIVISION</u>	Assessor Parcel Number:
Property Owner Name: <u>NINO FAMILY II LP</u>	Existing Use(s): <u>SFD</u>
Existing Zoning:	Existing General Plan Designation:
Adjacent General Plan Designations:	North: _____ South: _____ East: _____ West: _____
Adjacent Zoning:	North: _____ South: _____ East: _____ West: _____
Adjacent Uses:	North: _____ South: _____ East: _____ West: _____

The undersigned applicant affirms that all information contained with this application is true and accurate and that the applicant is authorized to make such application to the City of King. Additionally, the undersigned applicant understands and agrees that the application fee is a deposit and the application is processed on a time and materials basis. By signing this application, the undersigned applicant agrees to all statutory processing time periods (e.g., Permit Streamlining Act) and understands that if the deposit is depleted and an additional deposit is not made to the City Finance Department, the City will suspend processing the application until said deposit is made with the City Finance Department.

Applicant Signature: [Signature] Date: 11/24/15
 Title: OWNER

If the applicant is not the property owner, the property owner must either sign below or provide written authorization for the applicant to act on his/her behalf.

Property Owner (Please Print): [Signature] Date: 11/24/15
 Property Owner Signature: MIKE NINO
 CITY OF KING
 SPA PLANNING FEES
 ARON 174052
 \$3,212.00

Please refer to the *City Fee Schedule* and project specific *Checklist* for additional submittal requirements.

Specific Plan III Overview

Nino Homes at Arboleda, Inc. is proposing the addition of two additional Lane Home plans to the Arboleda Specific Plan. The 2-story plans are 1202 and 1327 square feet, they have 3 bedrooms with 2 baths with an attached 2 car garage. Symmetry by Design did calculations to make sure the new plan have the same or more permeable area in comparison to the old plans.

The new plans include a longer approach off the attached garage and allow for a side patio/yard area. These plans will be used on any Lane Home lot as long as it meets the required setbacks. Each plan has two elevations using the current Specific Plan design styles of California and Monterey.

We are also submitting a revised Lineal Park plan based off of the revised landscape plan comments. The Park is the same size and much of the proposed lawn areas will be changed to drought tolerant planting areas. Drought tolerant planting areas and should be more cost efficient to maintain and require less irrigation.

These supplementary plans will allow us to build:

Lane Homes with an attached garage helping the parking.

Provide a park that is less costly for the City to maintain and water. Drought tolerant plants will also cut down water costs and be truly beneficial in drought years.

CITY OF KING

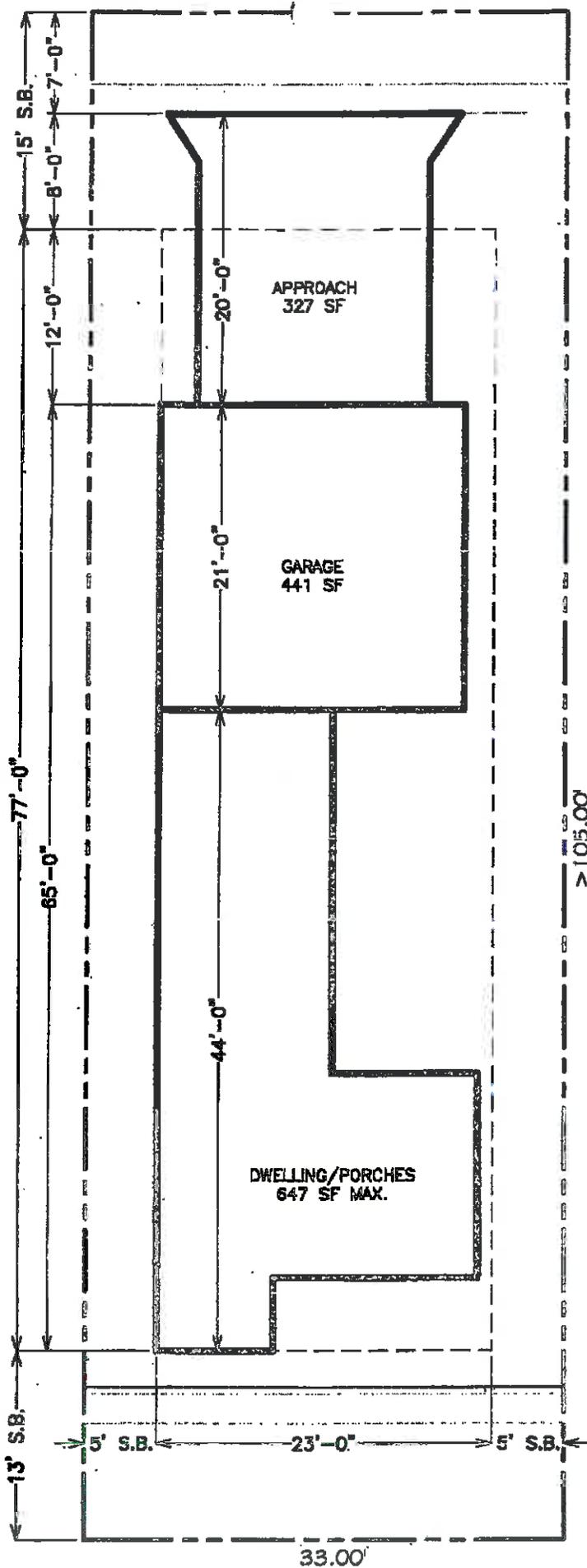
NOV 24 2015

Arboleda by Nino Homes

SCALE: 1" = 10'

Lots 125-138
Amanda Lane

9/1/15



<u>Impermeable Area</u>				
	<u>DWELLING/ PORCHES</u>	<u>GARAGE</u>	<u>APPROACH</u>	<u>TOTAL</u>
OLD:	874 SF	441 SF	100 SF	1415 SF
NEW:	647 SF	441 SF	327 SF	1415 SF

CITY OF KING

NOV 24 2015



Arboleda Specific Plan III Overview

Nino Homes at Arboleda, Inc. is proposing the addition of two additional Lane Home plans to the Arboleda Specific Plan. The 2-story plans are 1238 and 1314 square feet, they have 3 bedrooms with 2 baths with an attached 2 car garage.

The attached exhibit, created by Symmetry by Design, calculated the impermeable area of the existing plans to be 1475 square feet. Our new plans with a longer approach have the same the impermeable area. This was accomplished by creating a smaller foot print for the home and utilizing more second story space including some area over the connected garage.

The new plans include a longer approach off the attached garage and allow for a side patio/yard area. The longer approach will help with the parking by providing additional parking in the rear of the home instead of on the street. These plans will be used on any Lane Home lot as long as it meets the required setbacks. Each plan has two elevations using the current Specific Plan design styles of California and Monterey.

PO. BOX: 1180
TRES PINOS, CA 95075
PHONE 831-636-0745
FAX: 831-635-0740

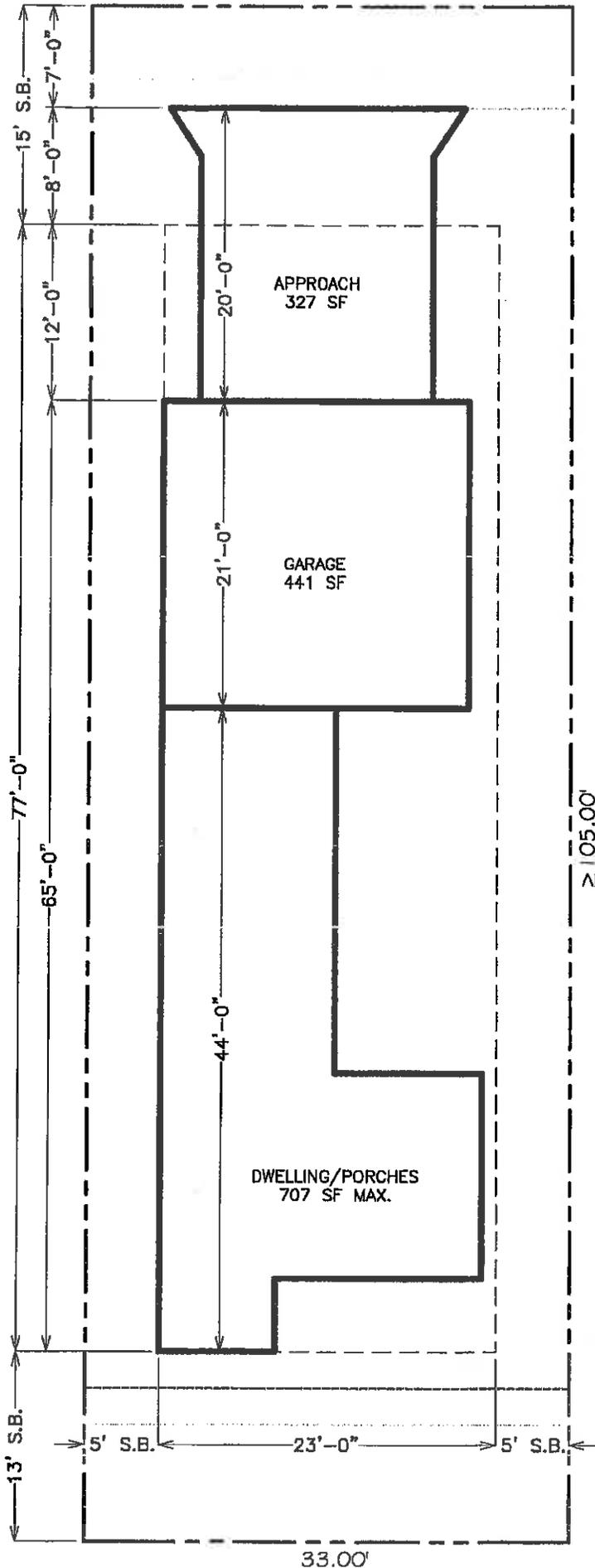
EMAIL: info@ninodevelopment.com
LIC: #60669B

Arboleda by Nino Homes

SCALE: 1" = 10'

Lots 125-138
Amanda Lane

9/1/15



Impermeable Area

	DWELLING/ PORCHES	GARAGE	APPROACH	TOTAL
OLD:	874 SF	441 SF	160 SF	1475 SF
NEW:	707 SF	441 SF	327 SF	1475 SF



Original Specific Plan prepared by Creelbridge Homes in association with Moule & Polyzoides Architects and Urbanists Submitted to the City of King on March 16, 2004; Revised July 1, 2004 Recommended by the City of King Planning Commission on July 20, 2004; Resolution No. 04-03 Adopted by the City of King City Council on July 27, 2004; Resolution No. 4053

Specific Plan Amendment I prepared by Nino Homes at Arboleda, Inc Submitted to the City of King on March 4, 2014; Revised June 30, 2014 Amendment I recommended by the City of King Planning Commission on July 24, 2014; Resolution No. 2014-125 Adopted by the City of King City Council on August 26, 2014; Ordinance No. 710

Specific Plan Amendment II prepared by Nino Homes at Arboleda, Inc Submitted to the City of King on January 20, 2015; Revised April 6, 2015 Amendment II recommended by the City of King Planning Commission on April 21, 2015; Resolution No. 2015-136 Adopted by the City of King City Council on May 12, 2015; Ordinance No. 2015-713

Specific Plan Amendment III prepared by Nino Homes at Arboleda, Inc Submitted to the City of King on January 18, 2016 Amendment II recommended by the City of King Planning Commission on _____; Resolution No. _____ Adopted by the City of King City Council on _____; Ordinance No. _____

CITY OF KING



Original Specific Plan prepared by Creeksbridge Homes in association with Moule & Polyzoides Architects and Urbanists Submitted to the City of King on March 16, 2004; Revised July 1, 2004
Recommended by the City of King
Planning Commission on July 20, 2004; Resolution No. 04-03
Adopted by the City of King
City Council on July 27, 2004; Resolution No. 4053

Specific Plan Amendment I prepared by Nino Homes at Arboleda, Inc. Submitted to the City of King on March 4, 2014; Revised June 30, 2014
Amendment I recommended by the City of King
Planning Commission on July 24, 2014; Resolution No. 2014-125
Adopted by the City of King
City Council on August 26, 2014; Ordinance No. 710

Specific Plan Amendment II prepared by Nino Homes at Arboleda, Inc. Submitted to the City of King on January 20, 2015; Revised April 6, 2015
Amendment II recommended by the City of King
Planning Commission on April 21, 2015; Resolution No. 2015-136
Adopted by the City of King
City Council on May 12, 2015; Ordinance No. 2015-713

Specific Plan Amendment III prepared by Nino Homes at Arboleda, Inc. Submitted to the City of King on January 18, 2016
Amendment III recommended by the City of King
Planning Commission on _____; Resolution No. _____
Adopted by the City of King
City Council on _____; Ordinance No. _____

CITY OF KING

JAN 25 2016

I. INTRODUCTORY PLAN INFORMATION

B - CREDITS, ACKNOWLEDGMENTS AND PARTICIPANTS

CITY OF KING
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 t: 831 365-3261

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 Robert Cullen, Mayor
 Karen Jernigan, Mayor Pro Tem
 Darlene Acosta, Councilmember
 Bellinda T. Hendrickson, Councilmember
 Michael LeBarre, Councilmember

Planning Commission:
 David Nuck, Chair
 David Mendez, Vice-Chair
 Michael Barbone, Commissioner
 Margaret Raschella, Commissioner
 Ralph Lee, Commissioner

City Staff:
 Steve Adams, City Manager
 Doreen Liberto-Blank, AICP, Community Development Department
 Paul Hodges, Chief Building Official
 Police Chief

Oscarlo Hurtado, City Engineer
 Martin Koczanowicz, City Attorney
 Darryl Conatser, Fire Chief
 Andrea Wasson, Recreation Coordinator
 Marcruz Aguilar-Navarro, Assistant Planner

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 Orlando Gonzalez Juan Uehara
 Xaoljan He Alan Loomis

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 Stan Kaleco
 Mike Bitterer

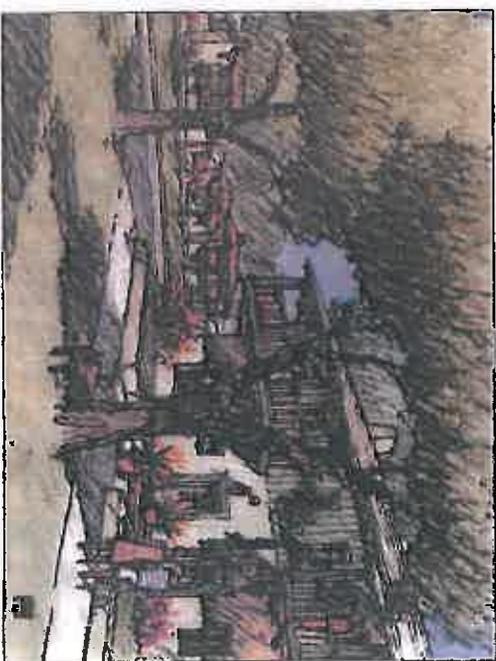
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 Keith Higgins

Economic Analysis:
 Strategic Economics
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 Dana Belzer
 Jason Kral

Landscape Design:
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 Del Rey, CA 93616
 t: 559 888 2882 f: 559 888 2890
 Richard Biggler

Landscape Design:
 Sigmura & Associates Architects
 2155 S. Bascom Ave, # 200
 Campbell, CA 95008
 t: 408 879 0600 f: 408 377 6066
 Reed Crandy

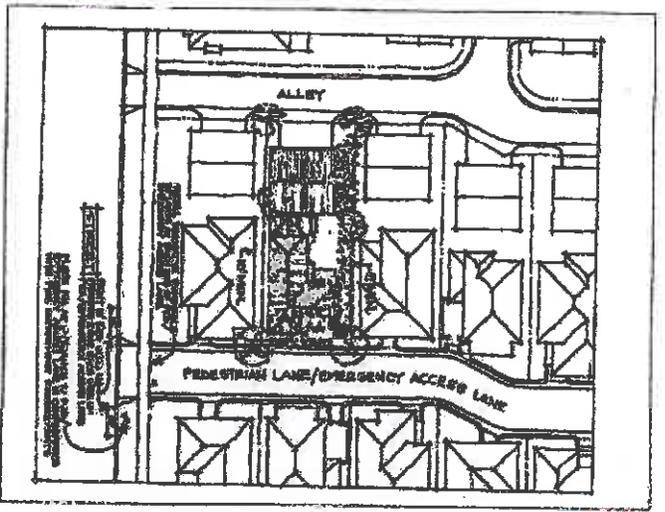
Surveyor:
 Monterey County Surveyors
 235 Salinas Street
 Salinas, CA 93901
 t: 831 424-1984 f: 831 424-4099
 Alan Miller
 Bill Blackwell



COURTYARD APARTMENTS AND TOWNHOUSES ADJACENT TO PARKS

Nino Homes at Arboleda, Inc.

IV: LAND USE PLANNING AND REGULATORY PROVISIONS
C: DESIGN STANDARDS - LANE HOME



Typical Lane Home Plot Map



LANE HOME - Plan # 1240

Small lot single-family dwellings with an eclectic mix of both the California style and the Monterey style. Two-story masonry with a covered entry with minimal setbacks from the lane are used to create a unique environment. The maximum height is two stories. Each home is provided with a two-car attached garage with a 16'-0" x 7'-0" sectional garage door which is recessed from the alley.

Renderings are artist's conceptions. Completed homes may vary slightly from renderings due to plan options and availability of building materials.

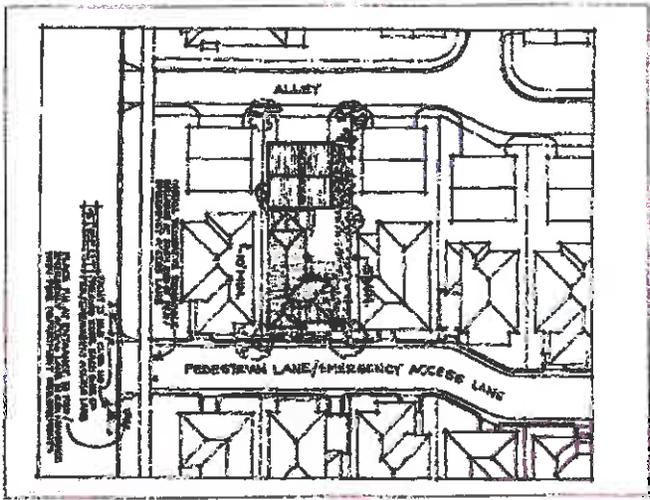
CITY OF KING

Nino Homes at Arboleda, Inc.

JAN 29 2016

Amended SPECIFIC PLAN FOR ARBOLEDA, January 2016 26A
King City, CA

IV: LAND USE PLANNING AND REGULATORY PROVISIONS
C: DESIGN STANDARDS - LANE HOME



Typical Lane Home Plot Map



LANE HOME - Plan # 1320

Small lot single-family dwellings with an eclectic mix of both the California style and the Monterey style. Two-story masonry with a covered entry with minimal setbacks from the lane are used to create a unique environment. The maximum height is two stories. Each home is provided with a two-car attached garage with a 16'-0" x 7'-0" sectional garage door which is recessed from the alley.

Renderings are artist's conceptions. Completed homes may vary slightly from renderings due to plan options and availability of building materials.

Nino Homes at Arboleda, Inc.

**Amended SPECIFIC PLAN FOR ARBOLEDA, January 2016 268
King City, CA**



EXHIBIT 4



Exhibit 5

PLANNING COMMISSION RESOLUTION NO. 2016 - 149

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING RECOMMENDING THE CITY COUNCIL APPROVE THE 2016 ARBOLEDA SPECIFIC PLAN AMENDMENT FOR THE ARBOLEDA SPECIFIC PLAN LOCATED ALONG THE NORTHWEST CORNER OF SAN ANTONIO DRIVE AND SPRECKELS ROAD

(APPLICANT: NINO FAMILY II, L.P.)

WHEREAS, on July 24, 2004, the City Council ("**Council**") certified the Arboleda Project Environmental Impact Report ("**EIR**") in accordance with the California Environmental Quality Act, and adopted a Statement of Overriding Considerations;

WHEREAS, on July 24, 2004, the Council approved a general plan amendment, adopted the Arboleda Specific Plan ("**A-SP**") and Vesting Tentative Map ("**VTM**") that included the planning, development, construction, operation and maintenance of up to four hundred (400) residential units, associated open space, parks and public improvements;

WHEREAS, on June 10, 2014, the Council approved a three (3) year extension of time for the VTM (which automatically extends the A-SP);

WHEREAS, on November 24, 2016 Nino Family II, L.P. ("**Applicant**") submitted a Specific Plan Amendment ("**2016 A-SPA- No.3**") (application amended January 26, 2016) to make various changes and clarifications, as outlined in **Exhibit 2 ("Project")**;

WHEREAS, two previous Amendments, similar in nature (SPA – NO. 1 and SPA – NO.2) were recommended for approval by this Commission;

WHEREAS, staff prepared an Initial Study checklist, attached as **Exhibit 6**, and determined that pursuant to the California Environmental Quality Act ("**CEQA**"), findings required by CEQA Guidelines §15162 (Subsequent EIRs) could be made in the affirmative, as follows:

1. There are no substantial changes to the proposed project that will require major revisions to the certified EIR or increase the severity of previously identified significant effects.
2. There are no substantial changes due to circumstances under which the proposed project is undertaken that require modifications to the certified EIR, due to new significant environmental effects or increase in severity of previous impacts.
3. There is no new information that was not analyzed in the certified EIR.

WHEREAS, based on the above findings of fact the 2016 A-SPA-No.3 will not have the potential to result in significant adverse environmental impacts. All the conditions of approval and mitigation measures adopted in 2004 apply to the 2016 A-SPA-No.3. Therefore, the issues associated with the SPA are adequately addressed in the 2004 certified EIR and no additional environmental assessment pursuant to CEQA is needed.

WHEREAS, as part of the A-SPA, the following conditions of approval are applicable:

1. **Conditions of Approval/Mitigation Measures:** All conditions of approval, mitigation measures and other regulations of the Arboleda Specific Plan are applicable with this approval.
2. **Payment of Fees:** Prior to the issuance of the first building permit after the SPA approval, the Applicant shall pay all applicable staff/consultant processing fees for this application,

3. 4. **Copies of Final Specific Plan: Within thirty (30) days of final approval**, the applicant shall submit ten (10) electronic and ten (10) paper copies of the amended Arboleda Specific Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of King does hereby recommend the City Council approved the 2016 Arboleda Specific Plan Amendment No. 3 subject to the above findings and conditions of approval.

PASSED AND ADOPTED THIS 03rd day of May, 2016 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

DAVID NUCK, CHAIRPERSON

ATTEST:

SCOTT BRUCE, Contract Principal Planner for
MARICRUZ AGUILAR-NAVARRO, ASSISTANT PLANNER /
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 6
INITIAL STUDY CHECK LIST (MAY 3, 2016)
EIR Certified in 2004 (SCH No. 2003091118)
Arboleda Specific Plan AMENDMENT No. 3
CASE NO. 2015-002

A. BACKGROUND INFORMATION

Lead Agency: City of King
Project Representative /Owner: Lois Pape, Nino Homes
Nino Family II, LP, Property Owner
Project Location: Northeast corner of San Antonio Drive and Spreckles Road.

Project, Project History And Approved Specific Plan Description:

Project

On or about July 31, 2012, Mike Nino purchased all rights and interest in the Arboleda project. The property owner is requesting a third SPECIFIC PLAN AMENDMENT ("SPA No. 3"). The SPA No. 3 makes clarifications to the Specific Plan. It also reduced lot home sizes, adds two new elevations and lengthens driveways without increasing impermeable area. **Exhibit 2** highlights the requested changes to the SPA.

History

In 2004, the City Council certified the EIR and approved a General Plan Amendment, Specific Plan and Vesting Tentative Tract Map. The proposed 115.20-acre project includes 400-residential lots, 8.6-acres of parklands, and a 22-acre middle school. The approved 2004 Specific Plan includes seven (7) types of housing products: *carriage apartments, courtyard apartments, town homes, cottages, small single family homes, large single family homes, and lane homes*. Infrastructure requirements include roads, water and wastewater conveyance systems, and storm water conveyance systems.

In 2014 the Specific Plan was amended to consolidate single family housing types, provide criteria for Homeowner modifications and Crime Prevention Landscaping, revise definitions and similar. No impacts requiring EIR modification were identified.

In 2015 the Specific Plan was amended to add seven (7) new floor plans to facilitate multi-generational living. Three car garages were eliminated and driveway approaches were lengthened to create additional parking. No impacts requiring EIR modification were identified.

In **November 2015** Nino Homes submitted an application for Specific Plan Amendment. Staff responded with a Letter of Incompleteness ("**LOI**"). In **January 2016** the applicant submitted a slightly revised project description which requests the addition of two floor plans and elevations to the Lane Homes portion of the Plan. Staff provided a Letter of Completeness in **March 2016**. The amendment is as follows:

In response to current market conditions and in the interest of providing, Inc proposes the following:

The addition of two (2) additional Lane Home plans to the Arboleda quality, affordable for the citizens of the City of King Nino Homes at Arboleda Specific Plan. The 2-story plans are 1202 and 1327 square feet, they have three (3) bedrooms, two (2) baths and attached two (2) car garage.

Symmetry by Design did calculations to make sure the new plan have the same or more permeable area in comparison to the old plans. The new plans include a longer approach off the attached garage and allow for a side patio/yard area. Floor area has been reduced to provide a more affordable unit, balancing the increase in driveway area. These plans will be used on any Lane Home lot as long as they meet the required setbacks. Each plan has two elevations using the current Specific Plan design styles of California and Monterey. **See also Exhibit 3.**

Certified EIR Project Description:	The Certified EIR Project Description is attached as Exhibit 7 . The certified EIR evaluated a project that includes a range of single family homes.
Public Review Period:	N/A
Other Public Agencies Requiring Approval:	Federal and State Fish and Wildlife Agencies, Monterey County Flood Control, Regional Water Quality Control Board.
Address Where Written Comments May be Sent:	City of King Community Development Department 212 South Vandenhurst Avenue King City, CA 93930
Purpose For Initial Study:	The purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRs) can be made in the affirmative.
Proposed Findings:	<p>The City of King is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. There was an Environmental Impact Report ("<i>EIR</i>") certified by the City Council on July 24, 2004. (SCH No. 2003091118)</p> <p>The purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRs) can be made in the affirmative. The City must determine that on the basis of substantial evidence in the record, one or more of the following <i>paraphrased</i> findings does not exist:</p> <p>There are no substantial changes to the proposed project that will require major revisions to the certified EIR or increase the severity of previously identified significant effects;</p> <p>There are no substantial changes due to circumstances under which the proposed project is undertaken that require modifications to the certified EIR, due to new significant environmental effects or increase in severity of previous impacts; or</p> <p>There is no new information that was not analyzed in the certified EIR.</p>

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the Environmental Checklist:

Table 1 Environmental Impacts	
1. Aesthetics	9. Land Use/Planning
2. Agricultural Resources	10. Noise
3. Air Quality	11. Population/Housing
4. Biological Resources	12. Public Services
5. Cultural Resources	13. Recreation
6. Geology/Soils	14. Transportation/Circulation
7. Hazards/Hazardous Materials	15. Utility/Service Systems
8. Hydrology/Water Quality	16. Mandatory Findings of Significance

III. ENVIRONMENTAL SETTING

The Arboleda project is located at the northwestern corner of San Antonio Drive and Spreckels Road. The project site has level topography with natural ground surface sloping gently to the northwest. At one time it was an irrigated farm field used to grow crops. A portion of the Arboleda Specific Plan has been constructed, including the twenty-two (22) acre school and approximately 200 homes.

Table 2 Surrounding Land Use			
North:	Undeveloped and used for farming.	East:	Undeveloped and used for farming
South:	Del Rey Elementary School, Hampton Estates and Sugartree Manor residential subdivisions.	West:	Undeveloped and used for farming

C. ENVIRONMENTAL CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Significant:	Known significant environmental impacts.
Unknown Potentially Significant:	Unknown potentially significant impacts, which need further review to determine significance level.
Potentially Significant and Mitigable:	Potentially significant impacts which can be mitigated to less than significant levels.
Not Significant:	Impacts that are not considered significant.
Impact Reviewed in Previous Document:	Adequate previous analysis exists regarding the issue; further analysis is not required due to tiering process (§21094 of CEQA and §15162 of the State CEQA Guidelines). Discussion should include reference to the previous documents and identification of mitigation measures incorporated from those previous documents. Where applicable, this box should be checked in addition to one indicating significance of the potential environmental impact.

1. AESTHETICS:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Have a substantial adverse effect on a scenic vista?					X
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?					X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?					X
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?					X

Aesthetics Discussion:

SPA No. 3 will require that home modifications must go through either a plot plan review or conditional use permit process. There are specific findings of fact that must be made in the affirmative to approve any modification, including the addition/remodel is consistent with the architectural character of the existing structure, the building materials, colors, etc., are consistent with the Specific Plan and adjacent parcels or community at large. The impacts were anticipated in the 2004 certified EIR have not changed due to the SPA.

2. AGRICULTURAL RESOURCES:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
<p>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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>Would the project:</p>						
a.	Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?					X
c.	Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?					X

Agricultural Resources Discussion:

No difference from 2004 certified EIR analysis.

3. AIR QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Conflict with or obstruct implementation of the applicable air quality plan?					X
b.	Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?					X
c.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?					X
d.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?					X
e.	Create objectionable smoke, ash, dust or odors affecting a substantial number of people?					X

Air Quality Discussion:

No difference from 2004 certified EIR analysis.

4. BIOLOGICAL RESOURCES		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
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?					X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?					X
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?					X
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?					X

4. BIOLOGICAL RESOURCES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					X
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?					X

Biological Resources Discussion:

Impacts the same as discussed in the certified EIR.

5. CULTURAL RESOURCES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?					X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?					X
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					X
d. Disturb any human remains, including those interred outside of formal cemeteries?					X

Cultural Resources Discussion:

Impacts the same as discussed in the 2004 certified EIR.

6. GEOLOGY /SOILS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant or Not Applicable	Impact Reviewed in Previous Document
Would the project:					
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 are or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)					X
ii) Strong Seismic ground shaking?					X
iii) Seismic-related ground failure, including liquefaction?					X

6. GEOLOGY /SOILS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant or Not Applicable	Impact Reviewed in Previous Document
Would the project:					
iv) Landslides?					X
b. Result in substantial erosion or the loss of topsoil?					X
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?					X
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?					X
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?					X

Geology/Soils Discussion:

Impacts the same as discussed in the 2004 certified EIR.

7. HAZARDS/HAZARDOUS MATERIALS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					X
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?					X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?					X
d. Be located on a site that is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?					X
e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					X

7. HAZARDS/HAZARDOUS MATERIALS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
f.	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?					X

Hazards/Hazardous Materials Discussion:

Impacts the same as discussed in the 2004 certified EIR.

8. GREENHOUSE GAS EMISSIONS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?					X
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?					X
c.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?					X
d.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?					X
e.	Create objectionable smoke, ash, dust or odors affecting a substantial number of people?					X

Greenhouse Gas Discussion:

Impacts the same as discussed in the 2004 certified EIR.

9. HYDROLOGY/WATER QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Violate any water quality standards or waste discharge requirements?					X
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)?					X

9. HYDROLOGY/WATER QUALITY	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
c. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site?					X
d. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?					X
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?					X
f. Otherwise substantially degrade water quality?					X
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?					X
h. 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?					X
i. Inundation by seiche, tsunami, or mudflow?					X

Hydrology/Water Discussion:

The SPA would allow additional lot coverage; however, one finding of fact that must be made in the affirmative is that the amended impervious area is consistent with the Arboleda Specific Plan. The Arboleda Specific Plan was developed on a comprehensive drainage system. If a home modification/remodel exceeds the drainage system, the plot plan review or conditional use permit application will be modified or conditioned to allow infiltration-paving materials.

10. LAND USE AND PLANNING	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Physically divide an established community?					X
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?					X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?					X

Land Use and Planning Discussion: All issues addressed in 2004 certified EIR.

11. NOISE	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?					X
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?					X
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?					X
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?					X

Noise Discussion:

The impacts are the same as discussed in the 2004 certified EIR.

12. POPULATION AND HOUSING	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?					X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?					X
c. Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?					X

Populations and Housing Discussion:

Impacts the same as discussed in the 2004 certified EIR.

13. PUBLIC SERVICES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project result in a 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 following public services:					
a. Fire protection?					X
b. Police protection?					X
c. Schools?					X
d. Parks or other recreational facilities?					X

13. PUBLIC SERVICES Would the project result in a 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 following public services:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
e. Water Service System?					X
f. Sewer System?					X
g. Other governmental services?					X

Public Services Discussion:

Impacts the same as discussed in the EIR certified in 2004.

14. TRANSPORTATION/CIRCULATION Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?					X
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?					X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?					X
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?					X
e. Result in inadequate emergency access?					X
f. Result in inadequate parking capacity?					X
g. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?					X

Transportation/Circulation Discussion:

Impacts addressed in 2004 certified EIR.

15. UTILITIES & SERVICE SYSTEMS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					X
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?					X
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?					X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?					X
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?					X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?					X

Utilities & Service Systems Impact Discussion:

Impacts the same as discussed in the 2004 certified EIR.

D. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	PRC	
B. General Plan			
<input checked="" type="checkbox"/>	Land Use Elements		
	Housing Element		Conservation Element
	Circulation Element		Noise Element
	Seismic Safety/Safety Element		Land Use
	Economic Development		
C. Zoning Ordinance & Specific Plan			
<input checked="" type="checkbox"/>	Specific Plan		
<input checked="" type="checkbox"/>	Arboleda Specific Plan		
D. Other Sources of Information			
	Field Work/Site Visit		Ag. Preserve Maps
	Calculations		Flood Control Maps

<input checked="" type="checkbox"/>	Project Plans ✓ <u>Vesting Tentative Tract Maps</u>	<input checked="" type="checkbox"/>	Other studies, reports (e.g., environmental documents) ✓ <u>Certified Environmental Impact Report (2004) SCH No. 2003091118</u>
	Traffic Study		Topographic maps
	Records		Soils Maps/Reports
	Grading Plans		Plant maps
	Elevations/architectural renderings		Archaeological maps and reports
	Published geological maps		(Others)

KING CITY GENERAL PLAN AMENDMENT, PRE-ZONING, AND
ANNEXATION:
MEYER & MILLS RANCH
FINAL ENVIRONMENTAL IMPACT REPORT

August, 2001

1. Introduction and Project Description

1.1. INTRODUCTION

Under State law, cities are required to prepare and periodically update a "comprehensive, long-term general plan for the physical development of the city...", which is to be "an integrated, internally consistent and compatible statement of policies." The law requires that a general plan include seven "elements", each with specified content. In 1998, the City of King City adopted a new general plan consisting of a Land Use Element, Circulation Element, Housing Element, Noise Element, and a consolidated Conservation, Open Space, and Safety Element.

The City is now proposing an amendment to this general plan affecting two properties, the Meyer and Mills Ranch parcels to the north of the city. For the Meyer Ranch, this amendment would remove a previously-designated area of "Urban Reserve/Agriculture," and apply a combination of "Agriculture" and "Planned Development" uses. For the Mills Ranch, this amendment would change a portion of the property from "Agriculture" to "Planned Development." In addition, the City is proposing a pre-zoning of that portion of these properties to be annexed for the "Planned Development" zone, and annexation of this area to the City. In order to annex these properties, the City will also require a Sphere of Influence amendment according to the provisions of State law governing annexations.

This Environmental Impact Report has been prepared in order to analyze the potentially significant environmental impacts of this proposed general plan amendment, pre-zoning, annexation, and Sphere of Influence amendment. The EIR is also proposing ways to mitigate significant, adverse environmental impacts. Because this EIR is to provide guidance to decision-makers at the City and the County's Local Agency Formation Commission (LAFCO) for an annexation, it is also helpful to consider explicitly the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This statute sets out some of the factors that LAFCO must weigh in responding to a proposed annexation:

"Among the purposes of (LAFCO) are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances."

— Government Code Section 56301

The Monterey County Local Agency Formation Commission has also adopted its own guidelines that govern how it is to respond to annexation proposals involving prime agricultural lands. (For a complete copy of these guidelines, please see the pages preceding page 5-8. These

guidelines state that LAFCO "desires to maintain the physical and economic integrity of land in an agricultural preserve... (and) will attempt to guide the provision of governmental services and development to areas other than those classified as prime agricultural land ... except where such development would promote the planned, orderly, and efficient development of that area." There are several related, more specific guidelines regarding the consideration of prime agricultural lands. These guidelines will be the subject of a separate staff report by the staff for LAFCO, including an independent interpretation of the degree to which this application conforms with State law and local policy.

This environmental impact report is organized into three sections: This first section, the Project Description, provides background information about the City and about the general plan amendment proposal and the properties involved. The second section describes environmental impacts and proposed mitigation measures in three areas: Traffic Circulation, Agricultural Lands, and Public Services. The third section is an overall Environmental Evaluation, analyzing such topics as Alternatives to the Project, Growth Inducement, and Cumulative Impacts.

1.1.1. Regional Setting of King City

King City is located within southern Monterey County, surrounded by rich farmland along the Salinas River. Monterey County, in turn, lies in the Central Coast of California, just south of the rapidly-growing, nine-county San Francisco Bay Area.



Monterey County in relation to California

From the west, Pine Canyon Creek drains a large area of the Santa Lucia Mountains and the Los Padres National Forest. These mountains rise to elevations of over 5,000 feet, and provide a rugged barrier between the Salinas Valley and the Pacific Ocean. The Santa Lucias are composed largely of metamorphic rock, with oak and pine woodlands and chaparral, giving way to grasslands in the foothills that shape the western edge of the Salinas Valley.

To the east lie the Gabilan and Diablo Ranges, mostly privately owned with the singular exception of Pinnacles National Monument. These mountains are primarily rolling, grass-covered foothills interspersed with chaparral and occasional vineyards.

The combination of deep soils and the mild climate of the Salinas Valley provides the basis for much of the economic base of Monterey County. Agriculture lies at the heart of the community's economic and cultural life in King City.