

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, JUNE 7, 2016
6:00 P.M.

LOCATION: CITY HALL, BACK CONFERENCE ROOM
212 S. Vanderhurst Avenue, King City, CA

1. **CALL TO ORDER**

2. **ROLL CALL:**

Planning Commission Members: Michael Barbree, Margaret Raschella,
Ralph Lee, Vice Chairperson David Mendez, and Chairperson David Nuck

3. **FLAG SALUTE**

4. **PUBLIC COMMENTS**

Any person may comment on any item not on the agenda. 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. **PRESENTATIONS**

None

6. **CONSENT AGENDA**

All matters listed under the Consent Agenda 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. **Approval of Minutes:** May 17, 2016

7. **PUBLIC HEARINGS**

a. **Project:** Continued Item: Conditional Use Permit ("**CUP**"), Architectural Review ("**AR**") and Variance ("**VAR**") to permit agricultural employee housing for 216 agricultural employees located at 218 North First Street.

Case No.: CUP 2016-001, AR 2016-001, VAR 2016-001

Applicant: David Gill, Rio Farms and Steve Scaroni, SFCOS

Proposal: The proposal is to convert a portion of a former tomato processing facility located at 218 North First Street into temporary agricultural employee housing for H2A VISA Agricultural Employee Housing Program. The proposed remodel of the interior of the former Meyer Building will upgrade the building to include sleeping area, dining area, a manager's apartment, bathrooms, bus loading/unloading area, parking for visitors and employees and a small outdoor recreation area. The property is designated General Commercial on the General Plan and First Street Corridor ("**FSC**") zoning district.

Public hearing on CUP/AR/VAR was continued from March 1, 2016 to April 19, 2016 to May 17, 2016 to June 7, 2016.

Location: 218 N. First Street, King City, CA 93930

Environmental Determination: Mitigated Negative Declaration approved by Planning Commission on March 1, 2016.

Recommendation: Staff recommends the Planning Commission take the following actions:

1. **Adopt** on the attached resolution which approves the Conditional Use Permit Case No. CUP2016-001, Architectural Review Case No. AR2016-001, and Variance Applications Case Numbers VAR2016-001.

b. Project: Rezoning of the Broadway Property (1023 Broadway Street) and Hearne's Property (APN: 026-391-024-000)

Case No.: ZC2016-002

Applicant: City of King

Proposal: The proposal is to rezone the rear portion of 1023 Broadway Street and the adjoining property on Franciscan Way from Planned Development ("**PD**") to Highway Service ("**H-S**"). The total area being proposed for change is about five (5) acres. The request before the Planning Commission is to recommend approval of the zoning designation so it is consistent with the new land use designation. The properties are separately owned by the City Successor Agency and the Hearne's Family.

Location: 1023 Broadway Street (APN: 026-391-025-000) and Hearne Property (APN: 026-391-024-000)

Environmental Determination: The General Plan land use change and Zoning District amendment were assessed in the Mitigated Negation Declaration ("**MND**") prepared on the General Plan amendments. The City Council adopted the MND on March 22, 2016.

Recommendation: Staff recommends the Planning Commission adopt the attached Resolution based on the following findings of fact:

1. The Zoning District amendment is consistent with the General Plan.
2. The Zoning District amendment from PD to HS is compatible with adjacent zoning and uses in the neighborhood.
3. The zoning change amendment is appropriate due to the sizes, shapes and location of the properties.

8. REGULAR BUSINESS

None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

11. WRITTEN CORRESPONDENCE

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 MEETINGS

<u>JUNE 2016</u>		
June 13 th	6:00 p.m.	Airport Advisory Committee
June 14 th	6:00 p.m.	City Council
June 21 st	6:00 p.m.	Planning Commission
June 28 th	6:00 p.m.	City Council

<u>JULY 2016</u>		
July 5 th	6:00 p.m.	Planning Commission
July 11 th	6:00 p.m.	Airport Advisory Committee
July 12 th	6:00 p.m.	City Council
July 19 th	6:00 p.m.	Planning Commission
July 26 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)

LLA: Landscaping and Lighting District

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

MIMTC: 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

Planning Commission Minutes

May 17, 2016

1. Call to Order

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:05 p.m.

2. Roll Call

Chairperson David Nuck X Vice Chair David Mendez X
 Michael Barbree X Margaret Raschella X Ralph Lee X

Staff present: Don Funk, Principal Planner, and Maricruz Aguilar, Assistant Planner.

3. Pledge of Allegiance

Chairperson Nuck led the Commission and audience in the Pledge of Allegiance.

4. Public Comments

None

5. Presentations

None

6. Consent Calendar

All matters listed on 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.

7. Public Hearing Items

- a. **Project:** *Continued Item*: Conditional Use Permit ("**CUP**"), Architectural Review ("**AR**") and Variance ("**VAR**") to permit agricultural employee housing for 216 agricultural employees located at 218 North First Street.

Case No.: CUP 2016-001, AR 2016-001, VAR 2016-001

Applicant: David Gill, Rio Farms and Steve Scaroni, SFCOS

Proposal: The proposal is to convert a portion of a former tomato processing facility located at 218 North First Street into temporary agricultural employee housing for H2A VISA Farmworker Housing Program. The proposed remodel of the interior of the former Meyer Building will upgrade the building to include sleeping area, dining area, a manager's apartment, bathrooms, bus loading/unloading area, parking for visitors and employees and a small outdoor recreation area. The property is designated General Commercial on the General Plan and First Street Corridor ("**FSC**") zoning district.

Public hearing on CUP/AR/VAR was continued from March 1, 2016 to April 19, 2016 to May 17, 2016.

Location: 218 N. First Street, King City, CA 93930

Environmental Determination: Mitigated Negative Declaration approved by Planning Commission on March 1, 2016.

Recommendation: Staff recommends the Planning Commission take the following actions:

1. **Provide comments** on revised plans that will be presented by the applicant, and

2. **CONTINUE** the public hearing of CUP2016-001, AR2016-001, VAR2016-001, to the **June 7th** Planning Commission meeting.

Don Funk, Principal Planner explained that new plans were submitted Thursday [May 12th] and staff is still waiting to hear back from the applicant on any comments on the conditions of approval. Staff had a meeting with the Applicant's architect to discuss the changes to the revised site plan. Staff introduced Lino Belli, Architect to explain some of the changes on the site plan to the Planning Commission.

Chairperson Nuck re-opened the public hearing.

Lino Belli, Architect, went over the plans, however the Planning Commission did not have the revised plans in their packet. Staff explained that the revised plans were routed to the Project Review Committee on Monday [May 16th]. A set of plans were presented to the Planning Commission during the meeting for their viewing. The Applicant is proposing 214 beds and a manager unit. They are trying to mitigate the noise with a new wall. Commissioner Barbree asked what a train decibel level is to begin with and the architect said over 100dBA, the new wall may bring it down to 45dBA. Commissioner Lee wondered if some of the mitigations from San Luis Obispo could be used here in King City as far as noise. Applicant also mentioned a request modify Condition of Approval on its temporary use, Applicant would like a straight 10-year CUP and if a higher and better use comes along they would give up their CUP. Commissioner Barbree was curious about the address and that the building is going to be used in the middle. The applicant is open to having new addresses. Commissioner Barbree is concerned about different uses as their neighbors. Staff stated that due to the new zoning that the new uses would need to comply with the allowed uses under the First Street Corridor District and will be compatible uses.

Commissioner Barbree asked when the move in date was.

Matt Scaroni commented April 1st next year.

Commissioner Lee asked if they were going to have catered food and the applicant stated yes to begin with.

Commissioner Barbree asked about a sign on the building or at least the numbers for the address. Applicant stated no sign would be used.

Lino Belli, Architect stated the windows will be larger for egress out of the sleeping areas.

Chair Nuck moved to continue this public hearing to June 7th.

Staff wanted to know if the Planning Commission had direction for staff as far as the 10-year CUP. No direction given.

Action: Motion made by Commissioner Barbree to **CONTINUE** the public hearing of CUP2016-001, AR2016-001, VAR2016-001, to the **June 7th** Planning Commission meeting. Motion made by Commissioner Barbree. Seconded by Commissioner Raschella. Motion carried 5-0.

8. Regular Business

a. Project: Sign Ordinance Discussion

Recommendation: Staff recommends the Planning Commission take the following actions:

1. Review existing sign ordinance Title 17.55 of Municipal Code and provide staff with direction; and
2. Make recommendations to City Council, if needed.

Don Funk presented this item.

Commissioner Barbree wanted clarification on page 18

Commission wants more consistency.

Window signs is 20% of the window. Commissioner Lee is concerned about that.

Commissioner Barbree questioned about the non-profit signs that go up all over town.

Assistant Planner Maricruz Aguilar stated that in the previous sign ordinance addressed non-profits and exempt them from a permit and the current ordinance does not.

Planning Commission doesn't feel that the Title 17.55 is efficient and there are items from the previous ordinance that did work.

Chair Nuck wanted to know if the Planning Commission could have the sign permits come to Planning Commission to have them take care of as they use to.

Don Funk feels that the Planning Commission could make comments during the Planning Commission reports.

Commission feels that if there was more communication between staff, Planning Commission and the Code Enforcement Citizen Group then that would be helpful to monitor non-permitted signage.

Planning Commission is concerned that businesses are just putting signs up and not getting permits.

Chair Nuck stated that they need to change 100ft and monument signs standards.

Commissioner Raschella would like Ray's Garage painted and the sign redone.

Commissioner Lee feels that the sign ordinance needs to be as simple as possible for businesses.

Action: Motion made by Commissioner Rashella to recommend to City Council to amend Title 17.55 Signs to include removing the 100ft max sign area per parcel restriction, review two sided signs standard, include a non-profit exemption and change/clarify the window sign percentage % coverage, for code enforcement to do visitations to the businesses that are over the percent window coverage, change the wattage requirement and review the process of renewals of sign permits. Seconded by Commissioner Raschella. Motion carried 5-0.

9. Planning Commission Report - None

10. Director Reports-None

11. Written Correspondence-- None

12. Adjournment

There being no more business, the Planning Commission meeting was adjourned at 7:26 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King

PLANNING COMMISSION
JUNE 7, 2016

PROJECT SUMMARY:

In January 2016, David Gill and Steve Scaroni ("**applicant**") submitted a text amendment to the zoning code (includes First Street Corridor Master Plan) to permit agricultural employee housing in the FSC Zoning District (and C-2 Zoning District); conditional use permit, architectural review and variance to permit agricultural employee housing at 218 North First Street. The zoning text amendment was approved by the City Council on **March 22, 2016**. The Planning Commission continued the other applications on March 1, 2016 on the applicant's request. The applicant has reduced the number of agricultural employees from 218 to 214.

CASE NUMBERS:

CUP 2016-001
AR 2016-001
VAR 2016-001

LOCATION:

See Vicinity Map

APPLICANT:

David Gill
Steve Scaroni

LANDOWNER:

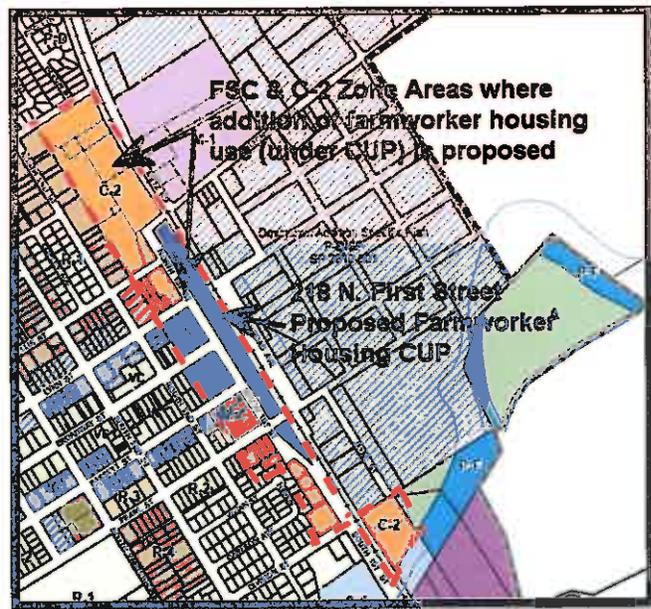
Bob Meyer

EXHIBITS:

- Exhibit 1:** Proposed Site Plan and Layout
- Exhibit 2:** Proposed Architectural Rendering
- Exhibit 3:** Conditions of Approval
- Exhibit 3:** Adopted Mitigated Negative Declaration
- Exhibit 4:** Resolution for approval

Vicinity Map

N↑



I. SUMMARY

On **December 15, 2015**, the Planning Commission made an interpretation that agricultural employee housing was not similar to lodging as allowed in the First Street Corridor ("**FSC**") or General Commercial ("**C-2**") Zoning Districts. Therefore, a zoning text amendment ("**RZ**"), conditional use permit ("**CUP**"), architectural review ("**AR**") and variance ("**VAR**") were submitted to allow agricultural employee housing in the FSC and C-2 Zoning Districts. On **March 22, 2016**, the City Council adopted the zoning text amendment. On **March 1, 2016**, the applicant requested the Planning Commission continue the CUP, AR and VAR for further defilement.

David Gill and Steve Scaroni, applicants, propose to temporarily house agricultural employees for (five (5) to ten (10) years) in a dormitory like setting. The facility is known as the Meyer Building located at **218 North First Street**. The applicants propose to convert a portion of the Meyer Building to H2-A Visa Agricultural Employee Housing Program. The gross area of the remodel is approximately 36,700 square feet of an 84,000 square foot building, including the sleeping area, dining area and caretaker's apartment. The remaining portion of the building will be vacant. (**Reference Exhibit 1 and Figure 1.**) The H2-A Visa

Farmworker Housing program is a federal program that allows U.S. employers to bring foreign nationals to the U.S. to fill temporary jobs. One of the conditions of the H2-A program is that employers provide housing. Staff has been meeting with farmers for over one-year regarding locations within the City to provide temporary and permanent agricultural employee housing. Unfortunately, there are few sites available.

On **January 12, 2016**, the Project Review Committee ("**PRC**") met with the applicants to discussed the proposed rezone, conditional use permit, architectural review and variance applications. On **January 13, 2016**, the applicants submitted rezone, conditional use permit, architectural review and variance applications for the City's consideration of the above project. On **February 2, 2016**, the PRC conducted a meeting to review the applications, conditions of approval, mitigated negative declaration and mitigation measures. On **February 17, 2016**, the mitigated negative declaration was distribute for a twenty (20) day review period. On **February 24, 2016**, the PRC met to discuss the conditions of approval with the applicant. The applicants requested the rezone application proceed and the remaining applications be continued until a future Planning Commission meeting. The request was made because the applicant needs to refine their project. On **May 10, 2016**, PRC met to discuss changes to the project and the conditions of approval ("**COA**") On **May 17, 2016**, the applicant's representative presented revised plans to the Planning Commission. (The amended plans were submitted Thursday **May 12, 2016**.) The revised plans reduce the number of agricultural employee bedding to 214 from the previously requested 218.

II. STAFF RECOMMENDATION

Staff recommends the Planning Commission **ADOPT** the attached resolution which approves the CUP, AR and VAR.

III. PROJECT EVALUATION

Proposal

The City Council approved a text amendment to the FSC Zoning District to allow agricultural employee housing. The C-2 Zoning District allows all the uses permitted in the FSC Zoning District. The zoning districts are located in the central part of the City between the Historic Downtown and the Downtown Addition Specific Plan.

The applicant requested the CUP, AR and VAR applications were continued at the **March 1, 2016** Planning Commission meeting to a future date so changes could be made to the project. The amended applications remodel a vacant warehouse into temporary barracks style agricultural employee housing facility for 214 agricultural employees and one (1) caretaker unit at 218 North First Street. (**Reference Figures 2, 3, and 4.**) The facility is the Meyer Building located at **218 North First Street**. The applicants propose to convert a portion of the Meyer Building to H2-A Visa Farmworker Housing Program. The gross area of the remodel is approximately 36,700 square feet of an 84,000 square foot building, including the sleeping area, dining area and caretaker's apartment. (**Reference Exhibit 2.**) The remaining portion of the building will remain vacant. The H2-A Visa Farmworker Housing program is a federal program that allows U.S. employers to bring foreign nationals to the U.S. to fill temporary jobs. The Meyer Building would be remodeled externally with windows and awnings and new paint scheme. Trees would be planted along First Street. (**Reference Exhibit 3.**)

During the **February 24, 2016** PRC meeting, the applicants requested the zoning text amendment go forward, and the CUP, AR and VAR applications be continued to **April 19, 2016**. The applicants needed additional time to refine the project. The item was on the Planning Commission agenda of **May 17, 2016**. The applicant submitted amended site plans and elevations on Thursday **May 12, 2016**. The amended project was presented to the Planning Commission on **May 17, 2016**, and the item was continued to **June 7, 2016**.

IV. BACKGROUND INFORMATION

General Plan and Zoning District Designations

A zoning text amendment to allow "agricultural employee housing" to the FSC Zoning District was approved by the City Council on **March 22, 2016**. The change to the code provides the potential for additional housing for agricultural employees. (Currently there are insufficient quarters for agricultural employees in and near the City of King. Farm owners indicate that they bus agricultural employees from long distances to work the local farms.) A specific project for 218 North Street has been submitted for 218 North First Street.

Architectural Review

The proposal includes adding new windows for the dorm rooms and decorative awnings to soften the metal walls and panels along the primary frontage. The new paint scheme is proposed as having an off-white walls, evergreen awnings, and a dark brown base. The new paint scheme will complement well with the rest of the commercial buildings along Broadway Street and First Street. The proposed new trees to be planted along the existing landscaped area will enhance the view of the building and the First Street Corridor.

Environmental Analysis

The applications are considered projects under the California Environmental Quality Act ("**CEQA**"). Therefore, an environmental analysis was conducted. After review of the proposed project and completing an initial study, staff prepared a mitigated negative declaration "**MND**") (**Reference Exhibit 4.**) The **twenty (20) day** public review period is from **February 17, 2016- March 7, 2016**. The project is not expected to have a significant effect on the environment. On **March 22, 2016**, the City Council adopted the MND for all the applications, which included the CUP, AR and VAR.

Project Review Committee Comments and Review And Review By Agencies

A representative from each City Department meets to discuss most community development projects. This group operates as the City's staff advisory team which is referred to as the PRC. PRC provides comments to applicants and COAs before a project goes to the Planning Commission and/or City Council.

V. FINDINGS OF FACT

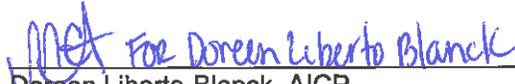
The findings of fact can be made in the affirmative, as outlined below:

1. The proposed project will not effect upon the public health, safety and general welfare of the neighborhood involved and the city at large. The project will be a positive addition to the city by providing agricultural employee housing.
2. The proposed project will not effect upon traffic conditions. The previous uses of the site have been warehousing and office. The H2-A Program requires that the employer provide transportation. The employer will use shuttles to take the employees to and from the agricultural fields.
3. The proposed project will not effect upon the orderly development of the area because it will stimulate the Historic downtown area. Two-hundred and fourteen (214) people will resident in the structure and patronize the Historic downtown area.
4. The proposed use is in conformance with the goals, policies and objectives of the General Plan and the purpose and intent of the FSH Zoning District.

PUBLIC NOTICE

Public Notice was published in The Californian Newspaper on **February 10, 2016**. All property owners of record within six-hundred (600') feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

Prepared by:


Doreen Liberto-Blanck, AICP

FIGURES AND DIAGRAMS

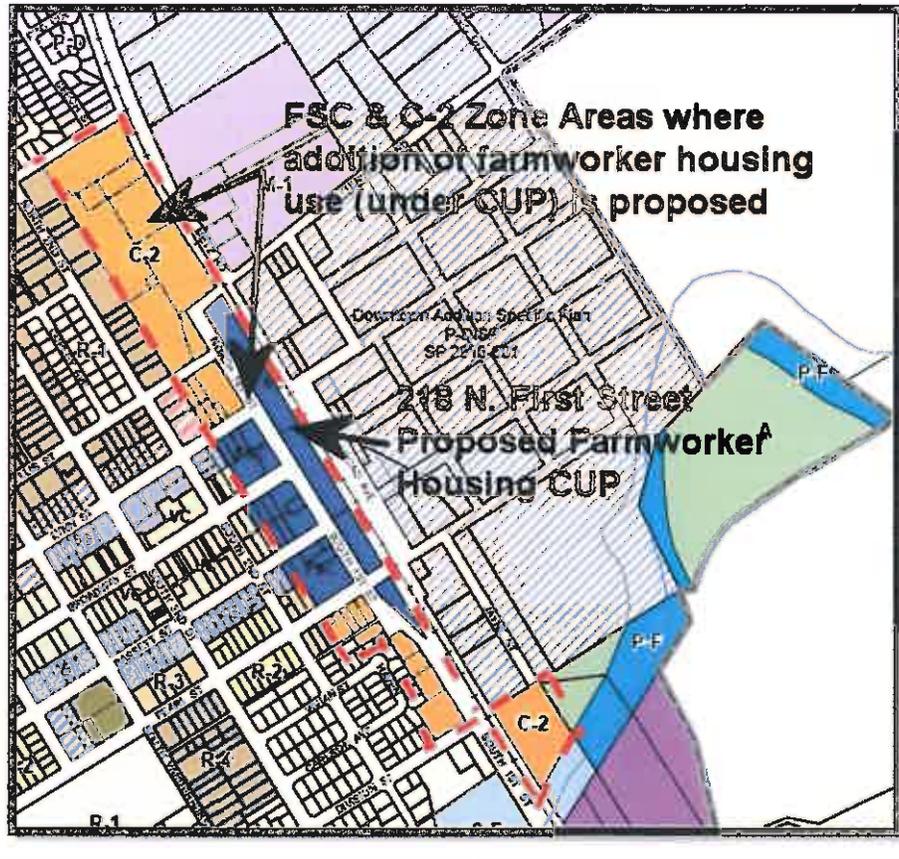


Figure 1: Location of FS and C-2 Zoning Districts. Text amendment to the zoning ordinance was approved by the City Council on March 22, 2016.



**Figure 2: View of Proposed Parking and Recreation Area for Agricultural employees
218 North First Street**

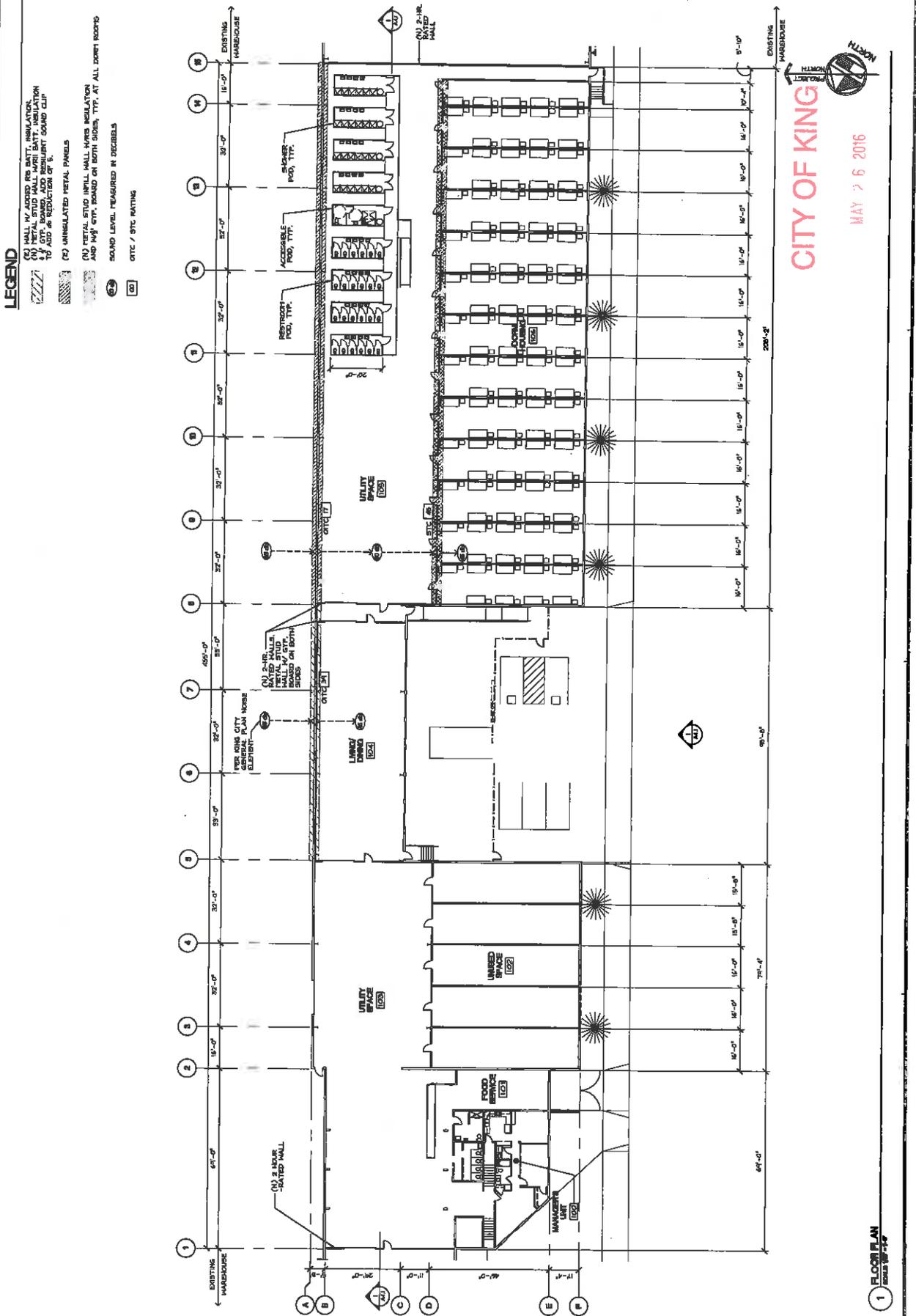


**Figure 3: View of Rear of Building Proposed for Agricultural employee Housing, 218 North First
Street**



Figure 4: View of Bus and Van Pool Pick-Up Area, 218 N. First Street

**EXHIBIT 1
(INSERT SITE PLANS)**



LEGEND

(1) HALL 1/2" ADDED INSULATION
 (2) METAL STUD WALL WITH INSULATION
 (3) METAL STUD WALL WITH INSULATION
 (4) METAL STUD WALL WITH INSULATION
 (5) METAL STUD WALL WITH INSULATION
 (6) METAL STUD WALL WITH INSULATION
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 (14) METAL STUD WALL WITH INSULATION
 (15) METAL STUD WALL WITH INSULATION
 (16) METAL STUD WALL WITH INSULATION
 (17) METAL STUD WALL WITH INSULATION

(18) UNINSULATED METAL PANELS
 (19) METAL STUD WALL WITH INSULATION
 AND 1/2" GYP. BOARD ON BOTH SIDES, TYP. AT ALL CORNER ROOMS
 (20) SOUND LEVEL MEASURED IN DECIBELS
 (21) STC / STC RATINGS

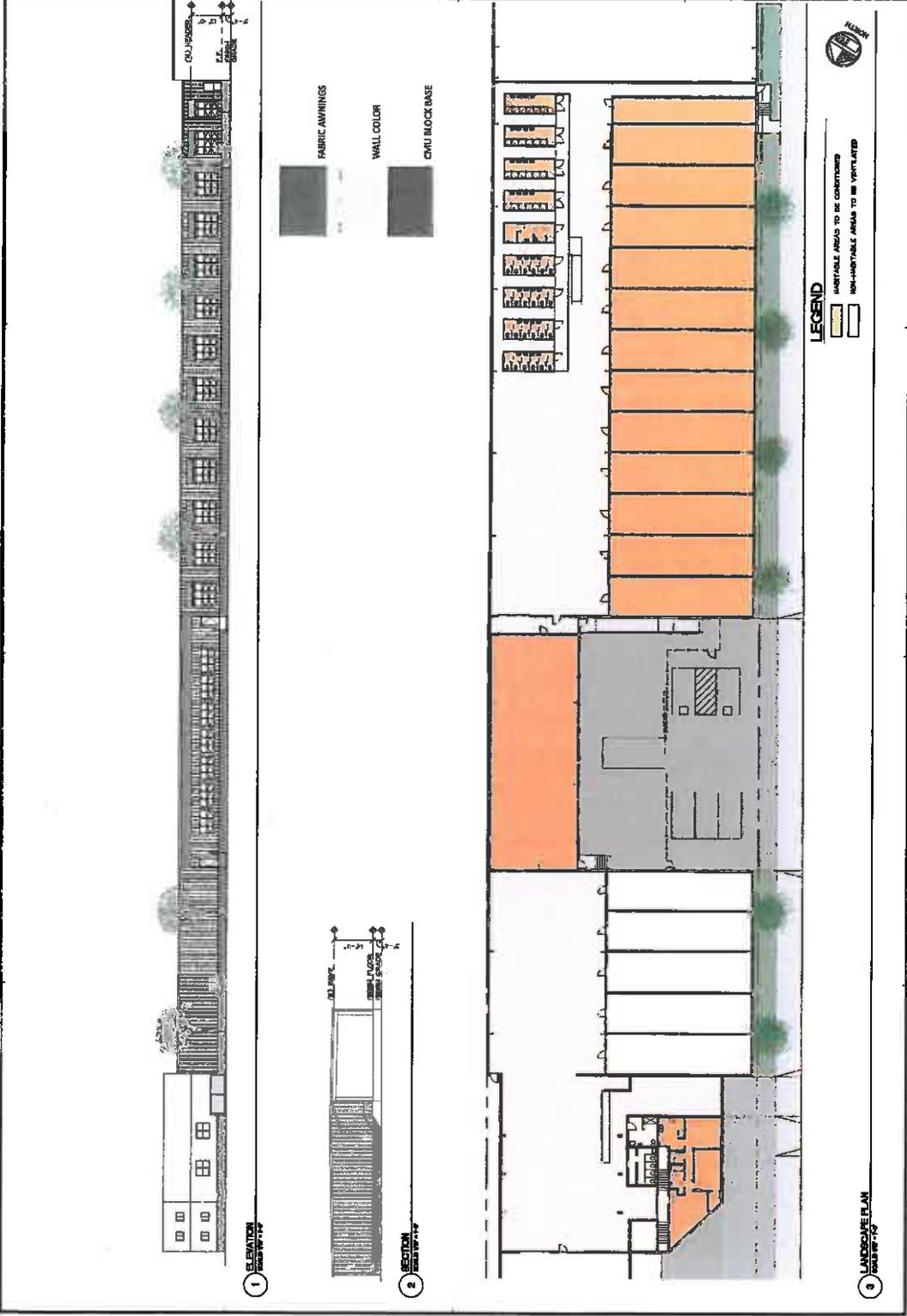
CITY OF KING
 MAY 26 2016

1 FLOOR PLAN
 SCALE: 1/8" = 1'-0"

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EXHIBIT 2

(INSERT ARCHITECTURAL RENDERING)



RECEIVED
 MAY 25 2016

CITY OF KING

**EXHIBIT 3
(CONDITIONS OF APPROVAL)**

CONDITIONS OF APPROVAL/MITIGATION MEASURE (22 May 2016)

CUP CASE NO. CUP2016-001, AR2016-001, VAR2016-001

CONDITIONS OF APPROVAL

Community Development Department (The applicant should discuss the following conditions of approval ("**COA**") with Maricruz Aguilar, 831.386.5916, if there are any questions):

1. **Project Description:** This approval is for a Conditional Use Permit ("**CUP**"), Architectural Review ("**AR**") and Variance ("**VAR**") to allow agricultural employee housing for 214 farmworkers under the H2-A Visa Farmworker Program located at 218 North First Street and as shown on **Attachment 1, Attachment 2** and **Attachment 3**. A maximum of two hundred and fourteen (214) farmworkers will reside in the facility from April to October. The project includes reduced parking and a recreational area along the front property line.

The project shall be developed in conformance with the site plan, floor plans, elevations, details and other applicable submittals approved by the Planning Commission on **June 7, 2016**, subject to the conditions of approval, mitigation measures and H2-A Visa Housing Regulations. The remaining portions of the buildings not used for H2-A Visa agricultural employee housing.

2. **Temporary Use:** The project is a temporary use for five (5) years. The applicant can request an extension of time of the CUP one-year at a time, for a total of five (5) extensions or up to a total project life of ten (10) years. The applicant shall file a written request for an extension of time thirty (30) days **prior to the expiration date of the initial five (5) year period and each one (1) year term extension**. The request shall be subject to review and approval by the Planning Commission.
3. **Structural 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 and AR applications, as applicable.
4. **Hold Harmless Clause:** 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:

- The counsel to so defend City.
- All significant decisions concerning the manner in which the defense is conducted; and
- Any and all settlements.

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' fees and costs shall be paid by the applicant. In addition, in the event of litigation, the applicant shall pay any and all City Staff and consultants' fees and costs.

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.

6. **Other County, State and Federal Permits:** Prior 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. **Sign Permit:** Before installing any signs on the property, the applicant shall obtain an approved sign permit from the Community Development Department. All signs should be compatible with the structure and site design relative to color, material, and placement. The signs shall conform to the requirements under Municipal Code §17.55.
8. **Bicycle Parking:** Prior final occupancy, the applicant shall provide bicycle racks or other secure bicycle parking to accommodate four (4) bicycles. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location of the racks, shall be to the satisfaction of the City Engineer and Community Development Department. The rack should be coated with or constructed of a durable material that prevents rust and corrosion.
9. **Outdoor Storage:** The project does not include outdoor storage. There shall be no outdoor storage of buses, portable toilets, or agricultural equipment.
10. **Fencing:** A fence shall be installed on top of the concrete wall and shall be installed along the parking lot property line adjacent to the railroad track for a total height of six (6') feet, including the concrete wall (reference Diagram 1). If a chain-linked fence is installed, slats shall be incorporated into the fence (vinyl slats preferred). If a wood fence is installed, a minimum of No. 2 grade wood is required. Fences

or walls of sheet or corrugated iron, steel, concertina wire, or aluminum are prohibited, with the exception of ornamental fences.

11. **Lighting Plan: Prior issuance of final occupancy**, lighting plan shall be submitted for Police Department, Building and Safety Department and Community Development Department approval. The Lighting Plan shall show the locations and height of all exterior lighting fixtures. Lighting: All outdoor lighting shall be hooded and directed so as not to shine on residential neighborhoods, public roads or surrounding properties. Where appropriate, light-emitting diode ("**LED**") lighting should be used for external lighting to reduce the site's electricity consumption.
12. **Landscaping Plan: Prior to final occupancy**, final landscape and irrigation plan shall be submitted for approved by the Community Development Department as part of the building permit plan. **Prior to final occupancy**, approved trees shall be planted as shown on the site plan and attached as **Exhibit 2**. Trees planted at the site shall be at least **fifteen (15) gallon** and planted.
13. **Parking: Within one-year of Planning Commission approval of this CUP**, the applicant shall submit for City review the parking space conditions. If there are issues with parking (e.g., not enough parking spaces), the applicant shall provide staff with a revised parking plan which addresses the issues for review and approval by the Project Review Committee ("**PRC**"). **If there are any reported problems regarding the parking**, the applicant shall submit to staff a revised parking plan that addresses the issue(s) for review and approval by the PRC.

Public Works Department (The applicant should discuss the following COA with contact Sal Morales, 831.386.5919)

14. **Trash Storage Area:** Trash containers shall be stored within the trash enclosure at all times, except when being unloaded. The trash enclosure shall be sized to accommodate trash, recycling, and green waste containers. A trash storage area shall be identified with bins for trash and recyclables. The storage area shall be screened from public view.
15. **Sidewalk/Public Accessibility: Before issuance of an occupancy permit**, an ADA/CA Title 24 Accessibly compliant walkway and sidewalk shall be installed from the proposed project to the sidewalk adjacent to the public right-of-way, as found acceptable by the Public Works Department, City Engineer and Building and Safety Department. All details and information applicable to this requirement shall be included on the plans submitted for ADA/CA Title 24 Accessibly review before application for a building permit. All public sidewalks shall be in existing or dedicated City right-of-way.
16. **Encroachment Permit: Prior to starting street frontage improvements**, the Applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley).
17. **Sewer Connection: Prior to issuance of an occupancy permit**, the sewer connection shall be reviewed and approved by the City Engineer.
18. **Street Frontage: Prior to issuance of occupancy permit**, the applicant shall show that right-of-way improvements, including curb, gutter, sidewalk, and existing handicap ramp. The applicant shall make upgrades to comply with ADA standards along project frontage. This includes making upgrades to sidewalk, driveways and handicap ramps that do not meet ADA standards, as necessary. The actual limits shall be reviewed and approved by the City Engineer.
19. **Parking and Circulation Plan: Prior to issuance of an occupancy permit**, the applicant shall submit a parking and circulation plan for approval by the Community Development Department, Public Works Department and Building and Safety Department. The parking and circulation plan shall address the final location of required parking spaces, including parking spaces for persons with disabilities (i.e., ADA), and ingress and egress of vehicles including but not limited to buses, vans, and garbage trucks. This includes offsite storage of buses, vans, etc. Buses and vans shall not be stored onsite. Parking and circulation shall meet the City's Municipal Code design requirements

Building and Safety Department (The applicant should discuss the following COA with Paul Hodges, Building and Safety Director, at 831.386.5932, if there are any questions.):

20. **Fire Exits: Prior to final occupancy**, fire exist plans shall be submitted for review and approval of the Building and Safety Department and Fire Department.
21. **Cafeteria/Kitchen Facility: Prior to final occupancy**, the applicant shall submit to the Building and Safety Department verification that the County Health Department has reviewed and approved the cafeteria and kitchen facility.
22. **Demolition Permit: Prior to any demolition**, the applicant shall apply for a demolition plan.
23. **Agreement for Broadway Street Extension**: Within six (6) months of project approval, the applicant/property owner shall dedicate the necessary land on the subject property at 218 North First Street, City of King, necessary to meet or accommodate the alignment of the extension of Broadway Street from the existing Broadway street location to the location of Broadway Street defined within the Downtown Addition Specific Plan area.

Fire Department (The applicant should discuss the following COA with George Young, Fire Chief, at 831.385.3343, if there are any questions.):

24. **Automated Fire Suppression System**: Concurrent with the building permit application, the applicant shall submit automated fire suppression system plans to the Building and Safety Department for review and approved by the City Engineer, Building and Safety Department and Fire Department.

Police Department (The applicant should discuss the following COA with the Police Chief, at 831.385.5944, if there are any questions):

25. **Security Plan: Prior to final occupancy**, the applicant shall submit a Security Plan for the Project which includes items such as security cameras, security gates and fences, landscaping design and other appropriate measures as approved by the Police Department and Community Development Director. **Prior to final occupancy**, the applicant shall implement the approved Security Plan.
26. **Caretaker**: A full-time caretaker shall be onsite at all times and throughout the year.
27. **Warning Sign: Prior to issuance of a final occupancy permit**, a warning sign in English and Spanish shall be posted on the new fence stating, "Warning - Active Rail Service".

Miscellaneous Conditions of Approval

27. **No Guns**: To the extent that occupants of the agricultural employee housing subject to this permit are participants of the H2-A VISA Farmworker Program and are non-citizens of the United States, they shall not possess, retain on premises, use or store any firearm, weapon or destructive devices that can be used in a manner or similar to a firearm that includes but is not limited to rifles, shotguns, pistols or destructive devices of any kind. Destructive devices shall be defined for purposes of this condition as contained within the United States Codes, 26 USC §5845.

MITIGATION MEASURES

28. **Mitigation Measure No. 3.a, b, c, d and e (Applicable to any project in the FSC and C-2 Zoning Districts where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP at 218 North First Street if any grading or trenching is proposed at that project)**: Proposed grading required for any future project in the FSC and C-2 Zoning Districts will include a condition of approval that reduces the potential of dust during grading and construction. Measures shall include, as appropriate, the following criteria:
 - a) Open graded areas shall be watered daily, especially during dry weather periods.
 - b) Excavation and grading shall be suspended during periods when winds exceed fifteen (15) miles per hour, averaged over one hour, if watering activities are inadequate to control airborne dust.

- c) Natural vegetation shall be protected wherever feasible.
 - d) Dirt stockpile areas shall also be protected from dust and rainfall erosion by a measure deemed appropriate by the City Engineer.
 - e) As soon as feasible, open dirt areas shall be planted and mulched to protect against dust and rainfall erosion.
 - f) Adjacent streets shall be swept to prevent dust pollution during dry periods and mud during wet periods.
 - **Implementation Party:** Applicant/Owner/Developers of each future development site
 - **Enforcement Agency:** City of King and Air Pollution Control District
 - **Timing:** Measures to be implemented during development stage of the project.
 - **Implementation Responsibility:** Cost and materials are responsibility of Applicant/Owner
29. **Mitigation Measure No. 5.a, 5.b, 5.c, 5.d: Cultural Resources (Applicable to any project in the FSC and C-2 Zones where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project):** In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources are found during excavation or construction, work will be halted at a minimum of **thirty (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 cultural resources, paleontological resources, historical resources or, in the case of 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 **twenty-four (24) hours**. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ("**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 §5097.98. The landowner or it'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 **twenty-four (24) hours** after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."
- **Implementation Party:** Applicant/Owner/Developers of each future development site
 - **Enforcement Agency:** City of King
 - **Timing:** Primarily during the grading portion of the project, including the excavation of foundations, pipelines, underground utilities and other similar excavation.
 - **Implementation Responsibility:** Cost and materials are responsibility of Applicant/Owner
30. **Mitigation Measure No. 7.a (Applicable to any project in the FSC and C-2 Zoning Districts where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP**

at 218 North First Street if any grading or trenching is proposed at that project): Environstor Geotracker evaluation should be conducted **prior to each future project**. If existing unknown subsurface contamination is discovered in the review or construction phase of a project, work shall cease and the contamination shall be remediated in a manner acceptable to California Environmental Protection Agency and the California State Water Resources Control Board. Subsurface contamination is often not evident on the surface. The Environstor Geotracker system can identify sites and determine what measures, if any, are required to mitigate subsurface contamination.

- **Implementation Party:** Applicant/Owner/Developers of each future development site
- **Enforcement Agency:** State of California
- **Timing:** Prior to grading.
- **Implementation Responsibility:** Cost and materials are responsibility of Applicant/Owner

31. **Mitigation Measure No. 8.c and d (Applicable to any project in the FSC and C-2 Zones where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP at 218 North First Street if any grading or trenching is proposed at that project):** Grading, excavation and construction require measures to protect erosion and protect that runoff leaving each site. In addition, projects are required to meet, as applicable, the all standards contained in Municipal Code §17.56.100.

- **Implementation Party:** Applicant/Owner/Developers of each future development site
- **Enforcement Agency:** City of King
- **Timing:** Erosion and sediment control plans and other pollution control plans are required prior to any grubbing, grading, excavation or construction. Measures to prevent erosion and sediment shall occur during the entire period of grubbing, grading, excavation and construction. Measures for on-going pollution control and water quality protection shall be ongoing for the life of the project.
- **Implementation Responsibility:** Cost and materials are responsibility of Applicant/Owner

32. **Mitigation Measure No. 10.a and b (Applicable to any project in the FSC and C-2 Zoning Districts where the project is located within the 55 or higher dBA contours on the Noise Element Noise Contour Map. This condition will apply to the CUP at 218 North First Street because it is a residential use proposed in close proximity to First Street and the Union Pacific Railroad):** In a similar environmental evaluation for residential uses along the Union Railroad corridor at Mills Ranch development, measures to reduce noise for occupants of residential housing were identified. Projects, either standard residential units or facilities for the purpose of occupancy of farmworkers, shall incorporate measures similar to those for Mills Ranch if noise levels at the boundaries of the property exceed those identified in the Noise Element and Municipal Code §17. 56.030. Examples of noise mitigation used to protect occupants from excessive noise include building insulation, sound transmission reduction windows, sound walls and other typical measures.

In the case of 218 North First Street, a sound wall would be impractical. The potential feasible measure to reduce noise along the Union Pacific Railroad would be building insulation and the prevention of windows along the building exterior facing the Railroad tracks.

- **Implementation Party:** Applicant/Owner/Developers of each future development site
- **Enforcement Agency:** City of King
- **Timing:** Improvements would be installed **prior to any residential occupancy or other occupancies as required by Municipal Code.**
- **Implementation Responsibility:** Cost and materials are responsibility of Applicant/Owner

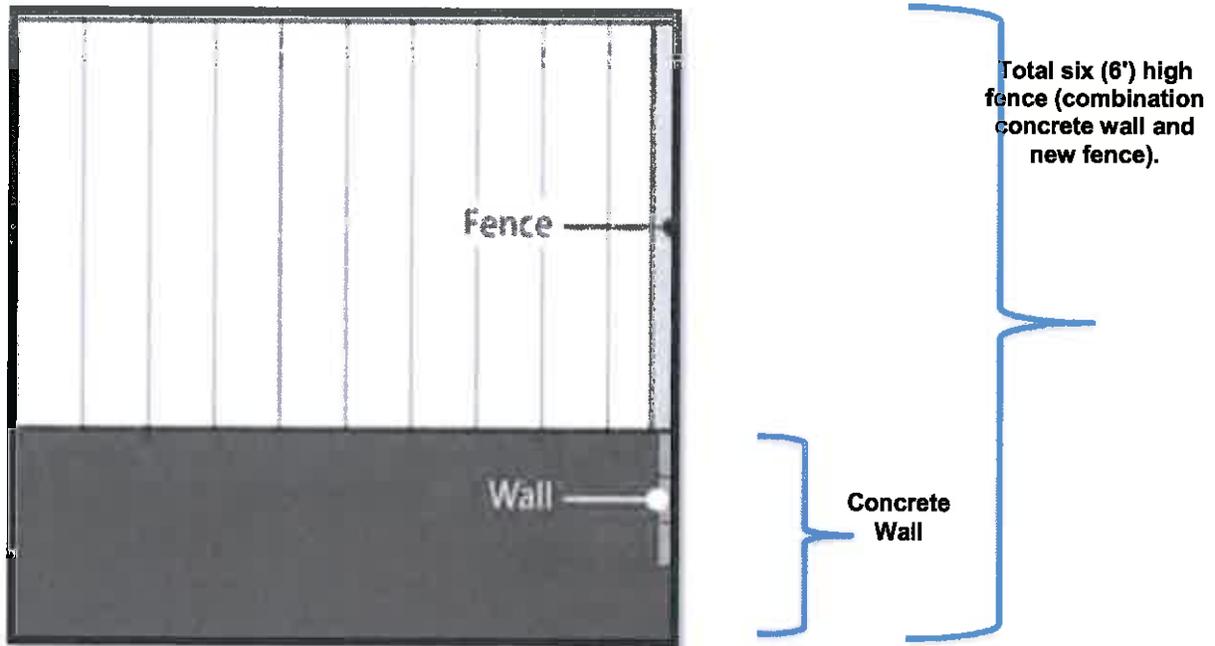


Diagram 1: Fence/Concrete Wall Height Combination

Conditional Use Permit Agreement:

The conditional use permit is not valid until all conditions of approval ("*COA*") and mitigation 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 COA and mitigation 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's Signature _____

Date: _____

EXHIBIT 4

**(INSERT ADOPTED MITIGATED NEGATIVE
DECLARATION)**

ORDINANCE NO. 722

**AN ORDINANCE OF THE CITY COUNCIL OF CITY OF KING
AMENDING SECTION 4.7 (ALLOWABLE LAND USES) AND SECTION 4.10
(GLOSSARY) OF THE CITY OF KING HISTORIC CORRIDOR REVITALIZATION
SPECIFIC PLAN TO AMEND THE ALLOWABLE USES IN THE FCS ZONING
DISTRICT FOR THE PURPOSE OF ADDING AGRICULTURAL EMPLOYEE
HOUSING**

WHEREAS, the applicant has requested the City allow for the development of a project to house agricultural located at 218 North First Street ("Subject Property"), and

WHEREAS, the project will entail the refurbishing of the Meyer Building to accommodate temporary agricultural workers in a dormitory like setting for up to ten months, and

WHEREAS, the site is 3.23 acres and with a building approximately 84,000 square feet, and

WHEREAS, the applicant is intending to participate in the H2-A federal guest worker program, that allows U.S. employers to bring foreign nationals to the U.S. to fill temporary agricultural jobs, and

WHEREAS, one of the conditions of the program is that employers must supply housing; and

WHEREAS, the City of King is in significant need of agricultural employee housing to meet the agricultural needs of the region, and

WHEREAS, the Subject Property is located in the Historic Corridor Revitalization Specific Plan and the FSC zone district; and

WHEREAS, the FSC zone district needs to be amended the allowable uses for this district to accommodate agricultural employee; and

WHEREAS, this amendment will allow for the refurbishing of the Subject Property to accommodate agricultural employees to support local agriculture.

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

Section 1: Section 4.7 (Allowed Land Uses and Permit Requirements) subsection Residential is hereby amended by adding in alphabetical order the designation of agricultural employee housing as an acceptable use by Use Permit as follows:

Land Use Type	FSC	VC	VB
Agricultural Employee Housing	UP	--	--

Section 2: Section 4.10 (Glossary) subsection F, (Definitions) is hereby amended by adding in alphabetical order the definition of agricultural employee housing as follows:

Agricultural Employee Housing: "Agricultural employee housing" means housing for agricultural workers that is available to, and occupied by, only agricultural employees and their households.

Section 5: All ordinances and parts of ordinances in conflict with those sections amended or added herein are hereby repealed.

Section 6: This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

PASSED ADOPTED AND APPROVED THIS 22 day of March, 2016.



Mayor Robert Cullen, City of King

ATTEST:



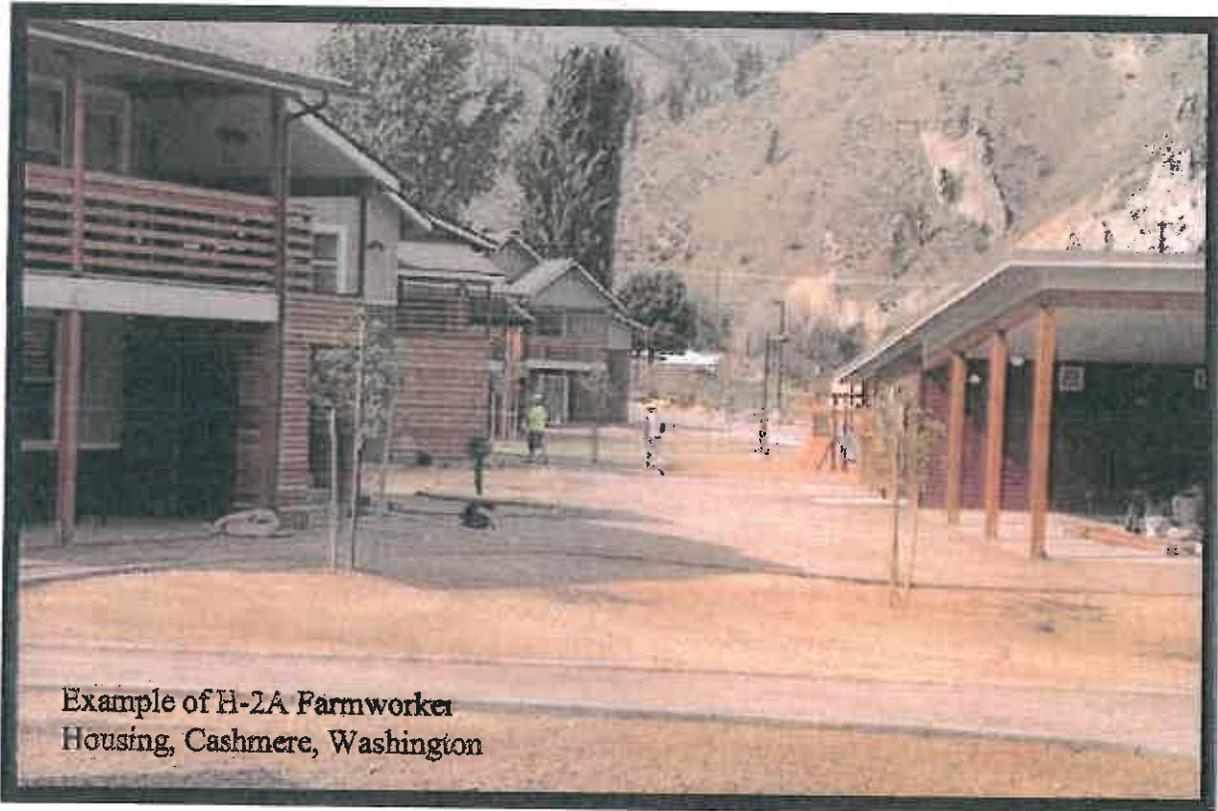
City Clerk of the Council of the
City of King



INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

Draft: February 10, 2016

Modification of the FSC Zone Criteria which will allow, under Conditional Use Permits ("CUPs"), Farmworker Housing. Mitigated Negative Declaration also includes proposed remodel of vacant warehouse into temporary barracks style farmworker housing facility for 216 farmworkers at 218 North First Street, King City



Example of H-2A Farmworker
Housing, Cashmere, Washington

**In Compliance with the
California Environmental Quality Act ("CEQA")**

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

General Information About This Document

What's in this document?

The City of King has prepared this Initial Study and Mitigated Negative Declaration ("**IS-MND**") which examines the potential environmental impacts of the proposed project. The document describes the project, which represents a text amendment to the City Zoning Ordinance FSC zone district, to permit, under a Conditional Use Permit ("**CUP**") farmworker housing referred to herein as "the project". The FSC Zone District is east of and part of the Historic Downtown. The amendment will also permit Farmworker Housing within the C-2 District because that district allows uses that are permitted in the FSC Zone.

The project also includes a proposal, under a Conditional Use Permit (CUP) to remodel an old vacant warehouse located at 218 North First Street (at the intersection of Broadway Street and First Street) into a temporary farmworker housing facility for 216 farmworkers.

The Mitigated Negative Declaration also describes the existing environment that could be affected by the project, potential impacts, if any, of the proposed project, and proposed avoidance, minimization, and/or mitigation measures.

What should you do?

- Please read this document. Additional copies of this document are available for review at the City Community Development Department, 212 South Vanderhurst Avenue, King City, California.
- Attend the Public Hearings. The Planning Commission will conduct a public hearing on the Initial Study and Mitigated Negative Declaration on **March 1, 2016** at City Hall, 212 South Vanderhurst Avenue. The City Council is scheduled to review the Initial Study and Mitigated Negative Declaration on Tuesday, **March 8, 2016** at the City Council Chambers, 212 South Vanderhurst Avenue
- We welcome your comments. If you have any concerns about the proposed project, please attend the City Council Public Hearing on **March 8, 2016**, the Planning Commission Hearing on **March 1, 2016** and/or the City Council Public Hearing on **March 22, 2016** at the City Council Chambers. The deadline for written comments ends on **March 7, 2016**.
- If you have any questions, please contact the Community Development Department:

Attn: Maricruz Aguilar-Navarro, City Planner
Community Development Department
City of King
212 South Vanderhurst Avenue
King City CA 93930
Phone: 831-385-3281
Fax: 831-386-5968

Or you can send questions via email to: maguilar@kingcity.com

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

What happens next?

After comments are received from the public and reviewing agencies, the City Council, on March 22, 2016, may:

- 1) give environmental approval and approval of the proposed changes to the FSC Zoning Criteria, or
- 2) require additional environmental studies, or
- 3) require changes to the project or deny the project, if there are issues that cannot be mitigated.

If the City Council approves the Mitigated Negative Declaration ("**MND**") and the project allowing farmworker housing under the FSC zoning criteria, those changes will become effective 30 days after the second reading and will govern the development and land uses allowable in the FSC zoning criteria. Note that approval of the addition of farmworker housing in the FSC zone will, unless otherwise prohibited, also allow farmworker housing in the C-2 Zone under the approval of a CUP.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

CONTENTS:

I. PROJECT INFORMATION	Page 4
II. DETERMINATION OF MITIGATED NEGATIVE DECLARATION	Page 19
III. ENVIRONMENTAL SETTING	Page 20
IV. ENVIRONMENTAL CHECKLIST AND IMPACT REVIEW	Page 22
V. INFORMATION SOURCES	Page 34
VI. MANDATORY FINDINGS OF SIGNIFICANCE	Page 35
VII. INITIAL STUDY DETERMINATION	Page 37
VIII. MITIGATION MONITORING AND REPORTING PROGRAM	Page 38

ATTACHMENTS

Addition of "farmworker housing" in the table of uses for the FSC Zone

Letter from Steve Scaroni to King City Police Chief Anthony Sollecito

Letter of Project Description from Wes Beebe

Example Noise Reduction Provisions at Mills Ranch

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

I. PROJECT INFORMATION

Project Title: The Mitigated Negative Declaration addresses the proposed modification of the FSC Zone Criteria which will Allow, under Conditional Use Permits ("CUPs"), Farmworker Housing.

In addition, the Mitigated Negative Declaration also includes the environmental evaluation of the proposed remodel of vacant warehouse into temporary barracks style farmworker housing facility for 216 farmworkers at 218 North First Street, King City

Case Number: RZ 2016-001, CUP2016-001, AR2016-001, VAR2016-001

Project Applicant: David Gill Phone: 831-385-6225
Rio Farms Fax:
King City, CA 93930
Rep: Wes Beebe

Project Landowner: The proposed Zoning Amendment applies to all properties in the FSC and C-2 Zones. Phone: 831-385-4047

The proposed temporary farmworker housing facility at 218 N. First Street:
Property Owner: Robert Meyers
Purchaser: David Gill

Project Lead: Doreen Liberto-Blanck, Community Development Director & Don Funk, Principal Planner Fax:
Phone: 831.386.5916

Maricruz Aguilar-Navarro, Assistant Planner
212 So. Vanderhurst Ave.,
King City, CA 93930

Project Description: **Proposal:**

The proposal involves two separate but related "projects." One is a zoning text amendment of the FSC Zone. The second project being reviewed in this Mitigated Negative Declaration is a proposed remodel of 218 North First Street from a vacant former tomato processing plant to a farmworker housing facility.

1. Zoning Text Amendment: The applicant has requested an amendment to the First Street Corridor (FSC) Zone text to allow "farmworker" housing with a Conditional Use Permit (CUP). The Zoning Text Amendment of the FSC Zone will, if adopted, also allow farmworker housing with a CUP in the C-2 Zone because the C-2 Zone allows all uses permitted and conditionally permitted in the FSC Zone. The FSC and C-2 Zones are primarily located east, northeast and southeast of the Historic Downtown, and are primarily along First Street, from Division on the south to King Street on the north.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

The new Zoning designation, if approved, would allow farmworker housing to be occupied by only farmworkers and their families under the provisions of a CUP. Said housing would be required to be large enough and have adequate heating, recreation area and other amenities deemed necessary for the farmworkers and their families. The farmworkers in the FSC Zone District may include workers from H2A programs as well as other farmworker programs and would serve farms and ranch worker needs within the Salinas Valley and nearby agricultural region.

The new regulation will include provisions that ensure that the housing provides, at a minimum, the following:

a) Create a definition of farmworker and farmworker housing to allow farmworkers, who do or do not work on the property where the employee housing is located, to live in the housing consistent with the provisions of Sections 17021.5 and 17021.6 of the California Health and Safety Code, and

b) The ordinance should contain measures that will minimize potential impacts. The new standards would include but are not limited to ensuring the units are occupied only by farm workers and their families. The measures should also ensure that the housing is large enough to accommodate the number of individuals occupying each unit or facility. Each facility would be required to have a designated manager or overseer to ensure that provisions of each CUP are met. Each use permit application will be reviewed by Planning Commission for consistency with the ordinance, prior to approval. Community Development Department staff will, for each CUP, provide draft findings and conditions of approval for consideration by the Planning Commission prior to approval.

2. Proposal for remodel conversion for Farmworker Housing at 218 N. First Street: The Mitigated Negative Declaration also includes a review of the potential impacts of a CUP request for an approximately 36,700 square feet remodel and conversion of a portion of an existing vacant former tomato processing plant into a barracks style temporary farmworker housing facility to house a maximum of 216 H2A farmworkers. The CUP request for 218 North First Street includes modular restrooms, a dining area, a small outdoor recreation area, parking, bus loading/unloading area and a one-bedroom caretaker/manager unit.

The proposed facility is anticipated to have a temporary permit for a period of approximately five years. The site is located northeast of the intersection of Broadway Street and First Street, between First Street and the Union Pacific Railroad. West of the project is the Historic Downtown Area and east of the project is the Downtown Addition Area.

Background:

1. **Proposed Ordinance Change:** The ordinance change will add farmworker housing to the FSC Zoning category with a CUP. Since the C-2 Zone also permits uses allowed in the FSC Zone, the change will also allow farmworker housing in the C-2 Zone with a CUP. (see **Figures 1 and 2** for area affected by proposed change to Zoning Ordinance)

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

2. Proposed Project at 218 North First Street: Additionally, the Mitigated Negative Declaration addresses the impacts of the proposed temporary barracks style farmworker housing facility within a former tomato processing plant located at 218 North First Street, at the northeast corner of the intersection of Broadway and First Streets. (see Figures 3, 4, 5 6, 7 and 8 photos of proposed area addressed by CUP application and Figures 9, 10 and 11 showing plans for remodel of building into farmworker housing) The gross area of the remodel is approximately 36,700 square feet, including the sleeping area, dining area and manager's apartment. The applicant proposes that the facility would be occupied by H2A farmworkers, a program that provides for laborers from outside of the United States are brought to the area for a period of approximately nine or ten months to work on local farms and ranches.

Will the Changes Modify coverage, setback or height zoning and Historic Downtown Revitalization Plan standards?:

No.

Uses Being Proposed:

1. Proposed Ordinance Change: The ordinance change will allow farmworker housing in the FSC as well as the C-2 Zone. The zone change applies to the entire zoning districts. The proposed changes to the FSC and C-2 Zones would permit, with a CUP, farmworker housing in locations that are deemed appropriate by the Planning Commission.

2. Proposed Project at 218 North First Street: The specific project involves the interior remodel of the former Meyer Tomato processing facility for farmworker housing. The proposed CUP is for the remodel of a portion of the building located at 218 First Street. The remodel will provide barracks style housing for 216 male farmworkers through an H2A migrant program. In addition, a one-bedroom apartment is proposed for an on-site manager of the facility.

The farmworker facility is proposed to have an initial permit covering a five (5) year period. It is also proposed to have a dining area. Food would be prepared off-site and brought to the facility for consumption by the farmworkers. Restrooms and showers would be within temporary modular containers placed along the outer edge of the main room.

Farmworker sleeping areas would be within large remodeled bays of the old tomato processing facility. Windows to provide light and air are proposed to be added along the street side of the building. These windows would also provide required emergency exiting should a fire or other emergency occur within the building.

A small recreation area is proposed in an area that was a previous parking area for the tomato processing plant. A fence would be constructed to provide security and privacy of the recreation area. Several parking spaces are proposed, including handicap parking. Some of the parking would be outside the fenced recreation area. A bus and van pick-up and drop-off is proposed for another paved area north of the manager's unit. A handicap ramp is proposed to be

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

located at the north edge of the proposed recreation area.

The Union Pacific Railroad right-of-way is adjacent to and east of the proposed farmworker housing. Old vacant areas of the tomato processing facility, north and south of the proposed housing, will remain vacant. First Street is located to the west of the proposed temporary housing.

In general, the project will serve several purposes:

1. Provide local farmers with a ready source of farm employees to assist in the production of food products.
2. Reduce travel of farmworkers who now are being bused from long distances to serve local farm owners.
3. The project will result in a restoration of an old and decaying former tomato processing plant.
4. The project will add local employees who will undoubtedly purchase products, including food and clothing, in King City, helping the economy of the City.
5. The project will not block the potential extension of Broadway Street.
6. The project will provide comfortable (heated in the winter) accommodations.
7. The project will include, as required by code, a heating system and insulation in the walls and ceiling adequate to meet Title 24 requirements as well as to help reduce noise from the adjacent railroad to acceptable levels per the Noise Element.
8. The project will have a limited time span, giving the applicant time to find more permanent solutions for farmworker housing in or near King City.
9. The operator of the facility has committed to ensure that the workers in the facility will be a monitored addition of temporary residents in the City.

Parking:

1. Proposed Ordinance Change: Parking regulations for farmworker housing will not be different than that required for similar housing requirements. For example, if the farmworker housing is for individuals living in apartment-type structures, the parking for each apartment would be determined using the apartment standards for parking spaces, including number of spaces, landscaping standards for parking lots and surfacing requirements for said parking spaces and driveways.

On the other hand, if the farmworker housing is to be occupied by individuals who will not have personal automobiles, the Planning Commission may determine that less off-street spaces are required. For example, H2A farmworker housing typically has workers that don't own or operate cars. In H2A housing, very few spaces are required for the facility. In such cases, vehicle parking would be provided for managers and visitors.

In other farmworker housing where the workers may own and operate vehicles, off-street parking would be necessary for workers similar to

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

apartment uses. The proposed ordinance will include provisions for adequate parking and van or bus pick-up and drop-off provisions, as applicable for each type of facility.

2. **Proposed Project at 218 North First Street:** In the case of the proposed project at 218 North First Street, said housing will be occupied only by H2A workers. The applicant has indicated that they will provide for transportation to and from Mexico as well as bus or van pool transportation from the proposed farmworker facility to the local farms and ranches around and near King City. The farmworkers in the proposed building are not anticipated to have their own personal vehicles. Within the City, the occupants of the proposed farmworker facility on First Street are expect to either walk or use bicycles around town. For that reason, off-street parking will be limited to that necessary for the on-site manager, other staff and a few guest spaces, estimated to be approximately one space for each 20 workers living at the facility.

Architectural Review:

1. **Proposed Ordinance Change:** The standards for architectural review are not being altered by the proposed ordinances. Each project involving new buildings as well as modifications to existing buildings would require the architectural review standards, including Zoning requirements, Historic Downtown Revitalization Plan, First Street Corridor and other plans currently applicable to that location.

2. **Proposed Project at 218 North First Street:** In the case of the project proposed for 218 North First Street, said facility is being proposed to occupy a long-vacant vegetable packing plant. The proposal includes very limited exterior changes, including the addition of windows and awnings along the First Street frontage. Said improvements will result in an improved exterior appearance of the building. While the proposed building design is not consistent with the Historic Downtown Revitalization Plan, it does improve the appearance of an old warehouse and packing plant.

Additionally, the farmworker housing use is anticipated to be of limited duration at 218 N. First Street. It is likely that the building, after the term of the CUP has expired, will be converted to another use allowed in the FSC zone such as visitor serving commercial, offices or other similar use. Those future uses may involve the additional remodel and subsequent architectural improvement of the appearance of the buildings, more consistent with the Historic Downtown Revitalization Plan design standards.

Landscaping, Coverage and Other Similar Code Standards:

1. **Proposed Ordinance Change:** New farmworker facilities will have the same building standards as other land uses within the respective zoning criteria and will require the addition of landscaping consistent with the zoning category and consistent with the standards for new landscaping in parking lots.

Farmworker housing, like other residential uses, would require provisions to ensure that residents are protected from excessive noise, odors or other obtrusive conditions. The proposed standards for farmworker housing assume that provisions will be similiar to those for

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

occupants in standard multi-family housing residential buildings.

2. Proposed Project at 218 North First Street: In the case of 218 North First Street, the existing building has 0 ft. front and 0 ft. rear setbacks and there is an existing narrow grass strip within the First Street right-of-way frontage. Plans do not appear to make any substantial changes in landscaping. The front and rear of the main building is located with 0 foot setback. The use is temporary at this location, so improvements are expected to be minimized.

In the case of the remodel of the building at 218 N. First Street, the building proposed to be remodeled into a farmworker housing facility was originally constructed under old Zoning standards and does not meet the standards of the current FSC Zone.

Drainage:

Regulations for water quality protection are applicable to all farmworker housing projects: The State Water Resources Control Board ("**SWRCB**") and Regional Water Quality Control Board ("**RWQCB**") standards will continue to apply to development of properties in the City. The State requires Best Management Practices ("**BMPs**") for grading, construction and development. Low Impact Development ("**LID**") criteria is the best management tool for reducing water pollution and increasing percolation. Future landscape areas can be incorporated into the LID measures. In this way, the future landscaping areas will have multiple benefits of improving water quality and improving the appearance of the district. Projects are required to meet these standards. In addition, projects involving over one acre of area are required to further include Stormwater Pollution Prevention Plans ("**SWPPPs**") as provided by the RWQCB.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

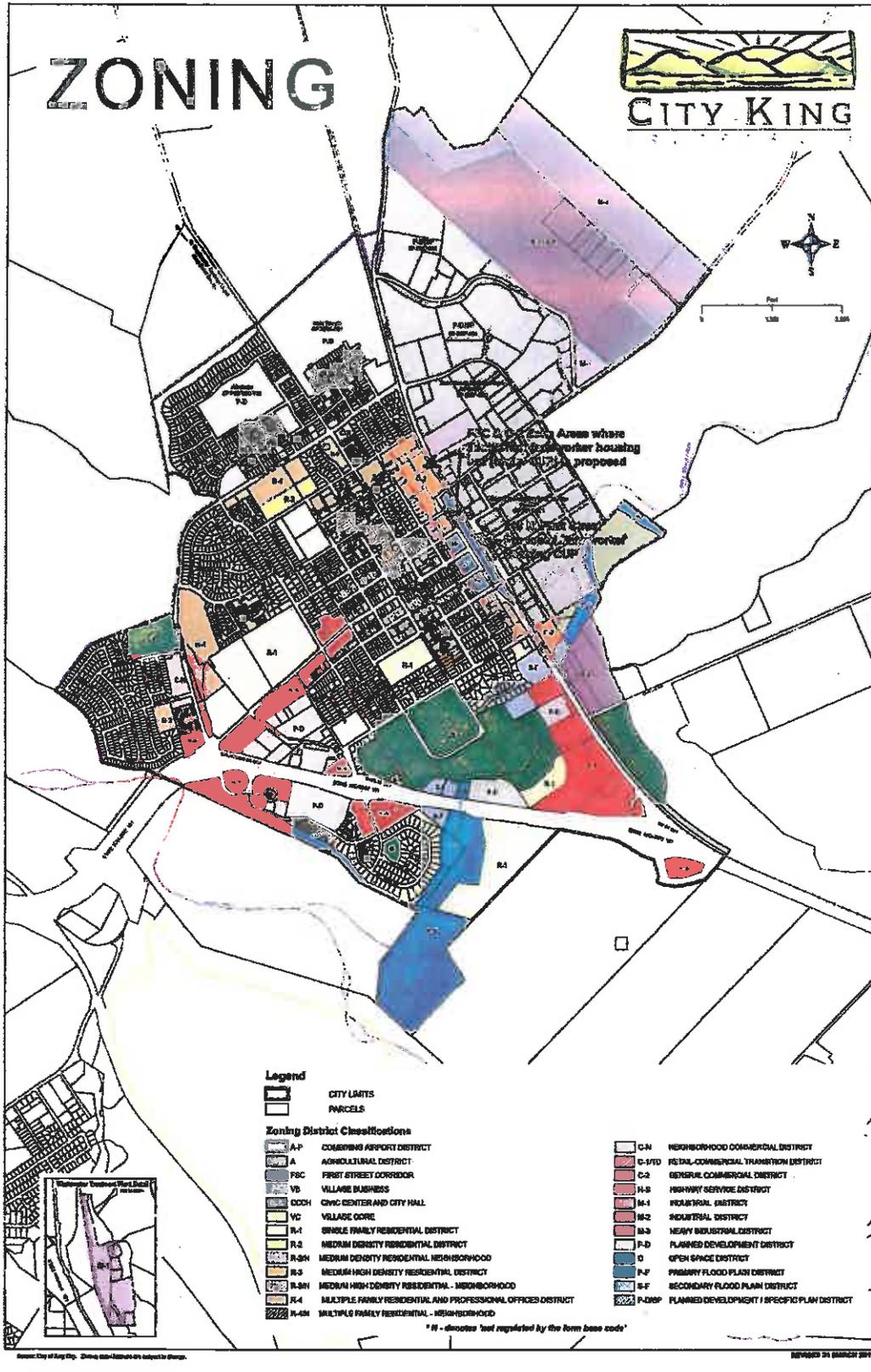


Figure 1. Showing FSC and C-2 Zoning Districts and proposed site 218 N. First St.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

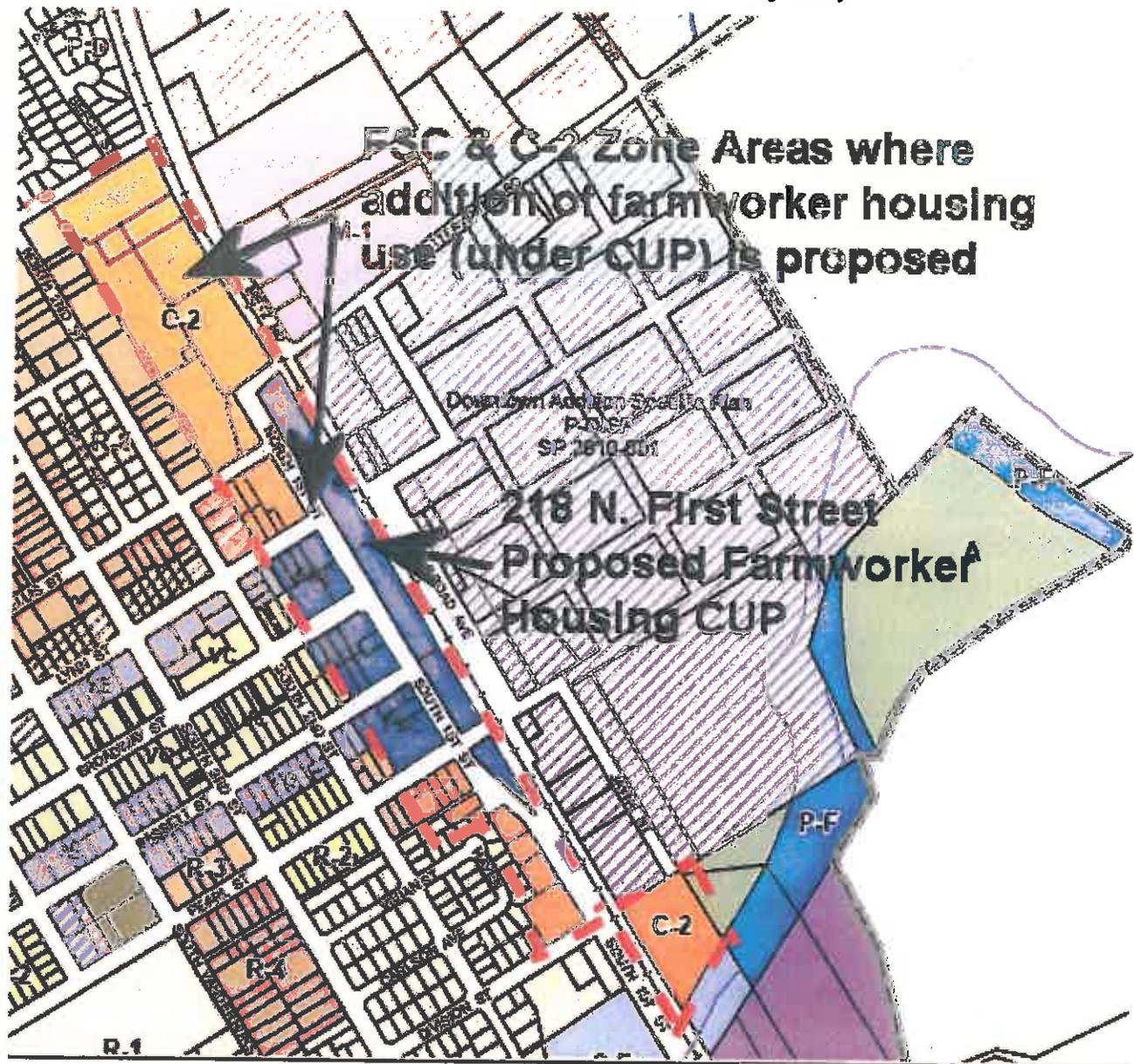


Figure 2. Detail of FSC (blue) and C-2 Zones and location of CUP at 218 N. First St.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.



Figure 3. View of Front of former Tomato Processing Plant, Now Proposed as Temporary Farmworker Housing, 218 N. First Street



Figure 4. View of Proposed Parking and Recreation Area for Farmworkers 218 N. First Street

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.



Figure 5. View of Rear of Building Proposed for Farmworker Housing, 218 First St.

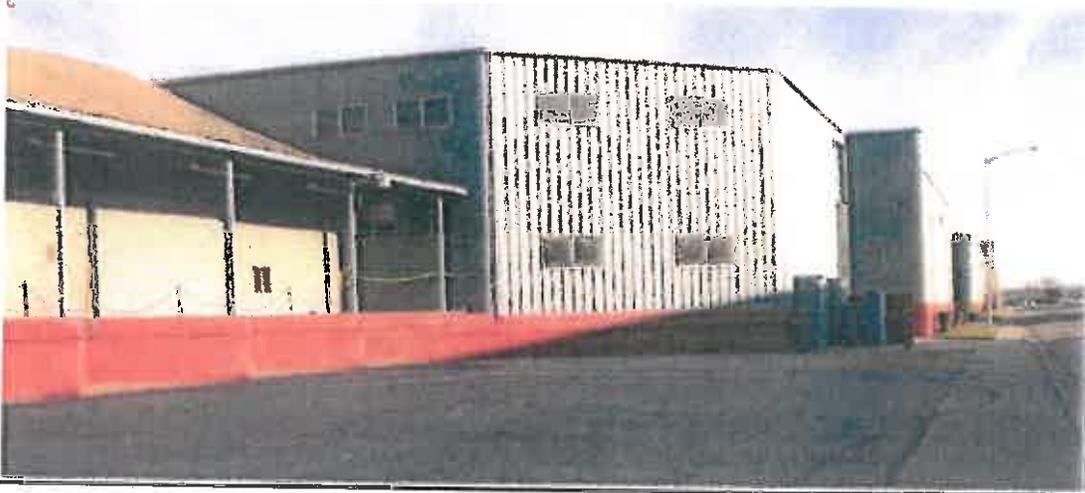


Figure 6. View of Bus and Van Pool Pick-Up Area, 218 N. First Street

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.



**Figure 7. Interior of Building Proposed for Farmworker Housing at 218 N. First St.
View looking south.**



**Figure 8. Interior of Building Proposed for Farmworker Housing at 218 First St.
View looking north.**

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

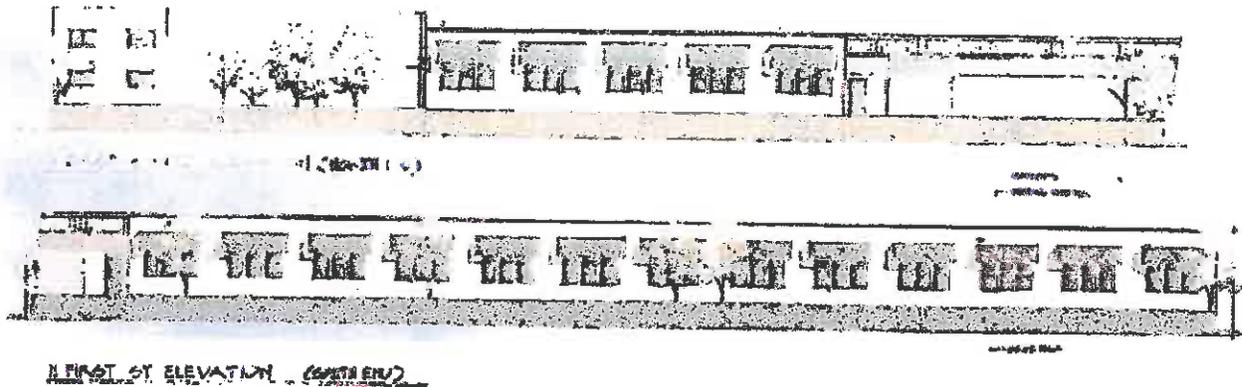


Figure 9. Initial Proposed Project Building Elevation, First Street View 218 N. First Street

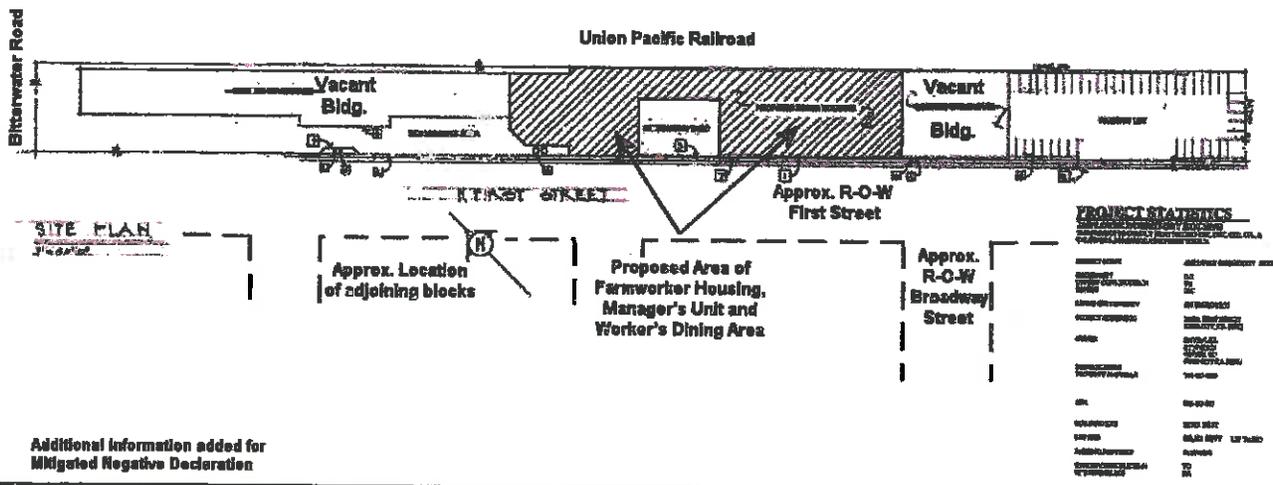


Figure 10. Initial Plot Plan of Farmworker Housing with added information, 218 N. First Street

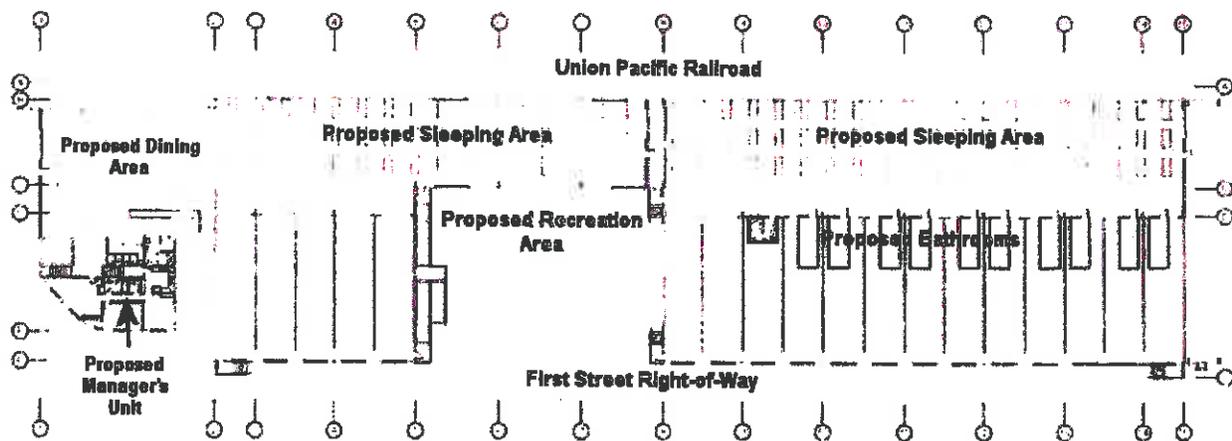


Figure 11. Revised Floor Plan Farmworker Housing 218 N. First Street

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

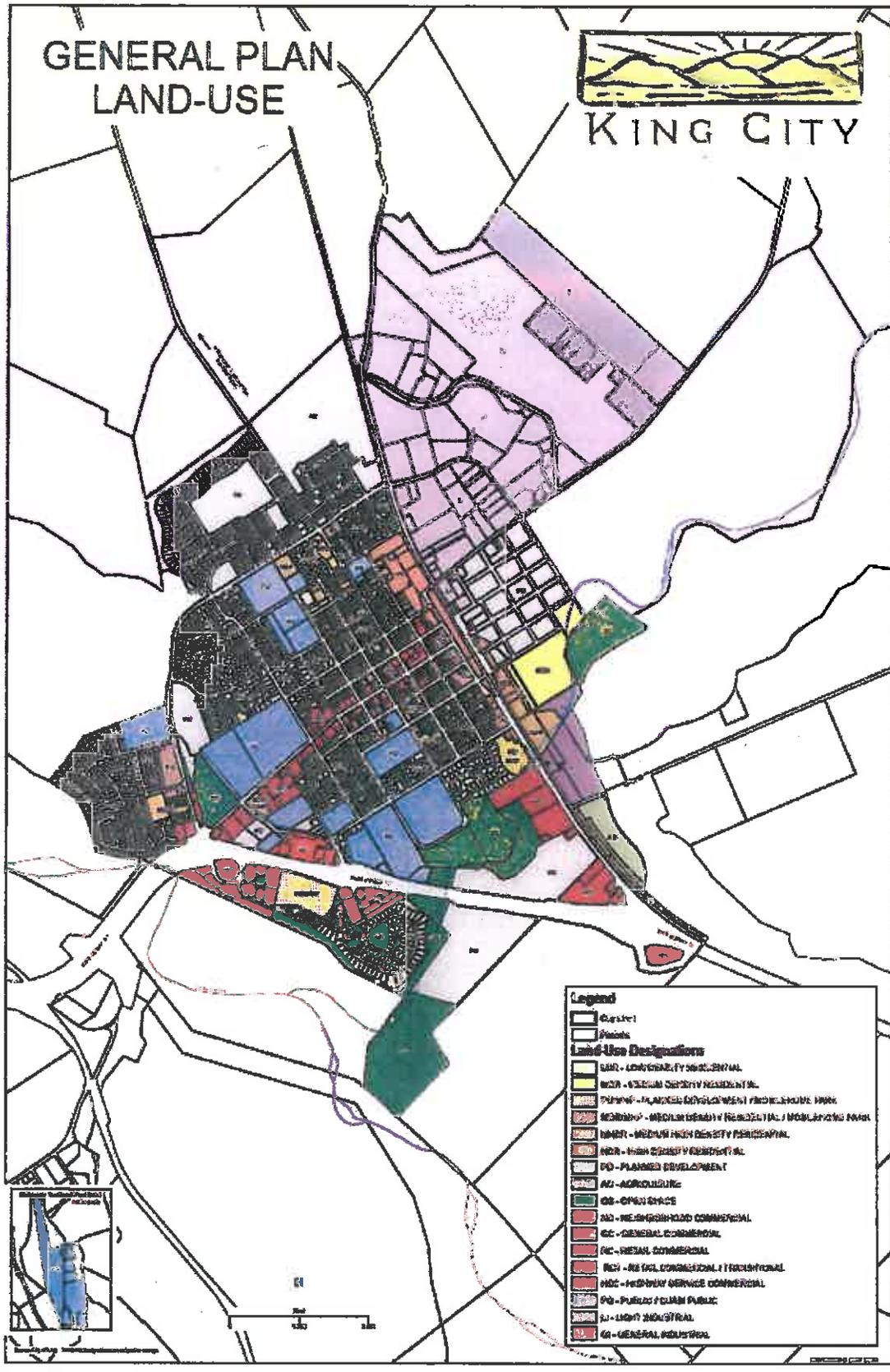


Figure 12. General Plan Land Use Map

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

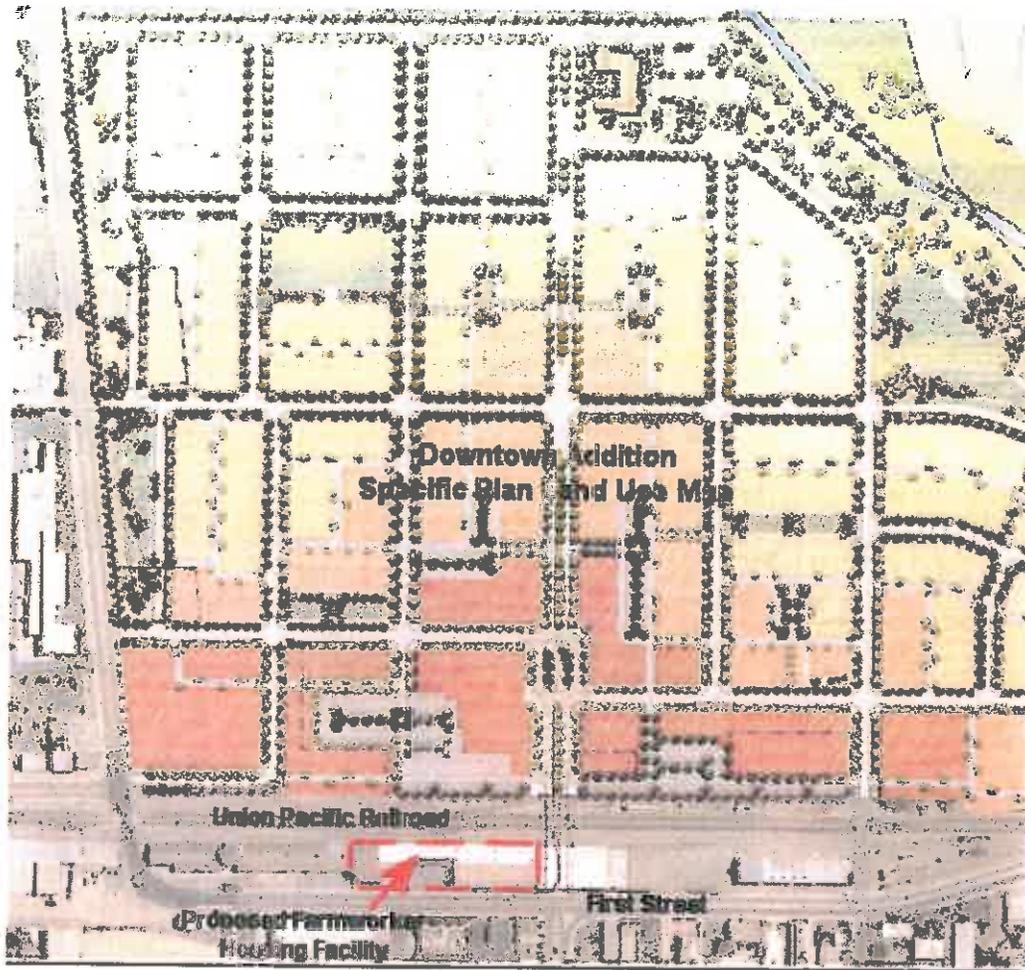


Figure 13. Land Use Designation of Adjoining Downtown Addition Specific Plan

General Plan Designation:

General Commercial Designation

The area proposed for the amendment of the FSC and C-2 Zones in the General Plan is designated as "General" Commercial and High Density Residential in the Use Plan Map (Figure 12) and as First Street Corridor uses in the Historic Downtown Revitalization Plan, which implements the General Plan. The proposed change to add "farmworker housing" to the FSC Zone within the Historic Downtown Revitalization Plan and Zoning Ordinance is not substantially different from "Multi-Family Four-Plex or Larger" residential use that is currently permitted in the FSC district with a CUP. While the proposal for 218 N. First Street is for barracks style housing, it is possible that other farmworker housing in the FSC district may be more similar to apartment style housing in the future. (see Figure 13 for location of project in relation to surrounding uses)

The proposed changes to the code will provide the potential for additional housing for farmworkers. Currently there are insufficient quarters for farmworkers in and near King City. Farm owners indicate that they bus farmworkers from long distances to work the local farms. The 2007 Housing Element indicated that "according to the USDA, in 2002 there were over 31,000 farmworkers in Monterey County and that

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

"many farmworkers reside in substandard living conditions."

In addition, the following Housing Element Goal #3 and Policy #4.3 apply to the proposed change to the proposed changes to the Zoning Ordinance for the FSC Zone and the C-2 Zone:

Housing Element Goal 3: To meet the housing needs of special groups of City residents, including a growing senior population, large families, single mothers, farmworkers, homeless, seniors and the disabled.

Housing Element Policy 4.3 Encourage housing opportunities for those residents who have special housing needs, such as farm workers, large families, elderly, disabled persons, and other identified special needs groups.

Response to the Housing Element Goal 3 and Policy 4.3: The proposed changes will expand the allowable uses in the FSC Zone and the C-2 Zone to include potential farmworker housing. Currently, only the Agriculture Zone allows farmworker housing in the City.

In addition, the CUP proposal for the conversion of a long empty tomato processing plant into farmworker housing at 218 N. First Street will provide for temporary housing to meet local farmworker labor needs, providing the applicant with the time needed to develop more permanent farmworker housing at another location in or near the City.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

II. DETERMINATION OF MITIGATED NEGATIVE DECLARATION

This proposed Draft MND is included to give notice to interested agencies and the public that it is the City of King's intent to adopt a MND for this project. This MND is subject to change based on comments received by interested agencies and the public. The project is not expected to have a significant effect on the environment. The proposed changes will not result in an intensification of uses on FSC or C-2 zoned properties. Instead, the proposed changes will provide for a needed housing for local farmworkers.

In addition, the proposal for the conversion of the long empty tomato processing facility at 218 N. First Street will not have significant environmental impacts if the mitigation measures identified in this Mitigated Negative Declaration are implemented as conditions of the CUP for said project.

The City of King prepared the IS-MND for this project and pending public review, expects to determine from this study that the project, if developed and operated consistent with any mitigation measures specified in this document, would not have a significant effect on the environment for the following reasons:

- The proposed project would have no significant effect on: growth, farmland/timberland, the community, cultural resources, geology/soils/seismic/topography, hazardous waste or materials, air quality, noise or vibration, Land Use, Parks and Recreational Facilities, Utilities/ Emergency Services, Traffic and Transportation, Visual/ Aesthetics, Hydrology and Floodplain, Water and Storm Water Runoff, Animal Species, Invasive Species, Construction Impacts, or Climate Change, or historical/archaeological/paleontological resources, natural communities, and threatened and endangered species because the following mitigation measures would reduce potential effects to insignificance.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

III. ENVIRONMENTAL SETTING

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:

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

Surrounding Land Use			
North:	Vacant & Industrial	East:	Agriculture (designated for commercial)
South:	Vacant & mixed use	West:	Historic commercial downtown

Environmental Setting:

The FSC and C-2 zoned areas addressed by the proposal to allow farmworker housing with a CUP are located in the central part of the City between the Historic Downtown and the Downtown Addition Specific Plan. The City of King is located in the southern end of Salinas Valley along the US Highway 101 freeway approximately in the center of Monterey County. King City is the hub of the southern part of the agricultural industry of the Salinas Valley. The Salinas Valley is one of the most productive agricultural valleys in the world, producing many of the fruits and vegetables consumed throughout the United States. It is also at the northern edge of the Paso Robles Wine Region, recently named the Wine Enthusiast's Magazine "Wine Region of the Year award for 2013. A major regional winery, Monterey Wine Company, is located in King City near the airport. The Highway 101 corridor connects the San Francisco Bay Area and the Central Coast.

The area affected is partially developed, with a few interspersed vacant properties. The area has access to First Street as well as other streets providing ready access to First Street and Broadway Street, the two main arterials within the City. (See Figure 14)

The proposal for the CUP for the conversion, creating barracks style farmworker housing within a portion of the existing old tomato processing building at 218 N. First Street has access to First Street and potential access to the proposed extension of Broadway Street, if and when that street extension is constructed. The site at 218 First Street is bounded on the west by First Street and on the east by the Union Pacific Railroad and the future Downtown Addition area. The Downtown Addition will include a commercial area east of the Railroad as well as planned residential uses and a linear park along San Lorenzo Creek.

The City is approximately 50 miles south of the City of Salinas, 145 miles south of San Francisco, 105 miles south of San Jose, 50 miles north of Paso Robles and 250 miles north of Los Angeles. The City of King is important for its proximity to Pinnacles National Park and as the hub of south Salinas Valley agricultural center. It is a relatively small agriculture-based community located south of the small towns of Greenfield, Soledad, and Gonzales, other agricultural communities in the Salinas Valley.

The topography of the City and surrounding valley is flat alluvial plane between mountain ranges to the east and west of the City. San Lorenzo Creek and Salinas River floodplains are a potential hazard, bordering the southwestern portion of the City and traversing the City in a northeasterly direction to intersect the Salinas River. The City is located near the border of the Pacific and Continental Plates and is within an area known to have frequent seismic movement.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.



Figure 14. Aerial of Proposed Farmworker Housing at 218 N. First Street

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

IV. ENVIRONMENTAL CHECKLIST AND IMPACT REVIEW

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 which 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 (Section 21094 of CEQA and Section 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	

Impact Discussion:

The proposed language changes to the FSC and C-2 Zones will not change the existing design review process nor will those changes result in any significant negative impacts on aesthetics. Each project involving new buildings as well as modifications to existing buildings would require the architectural review standards, including Zoning requirements, Historic Downtown Revitalization Plan, First Street Corridor and other plans currently applicable to that location.

The specific CUP proposed for 218 North First Street, said facility is being proposed to occupy a long-vacant aging former tomato packing plant. The proposed remodel of the building includes very limited exterior changes, including the addition of windows and awnings along the First Street frontage. The remodel only applies to the middle portion of a long series of connected buildings. The ends of the building will remain vacant until some future use is proposed for those vacant areas. Said improvements will result in an improved exterior appearance of the building. While the proposed building design is not consistent with the Historic Downtown Revitalization Plan, it does improve the appearance of an old warehouse and packing plant.

Additionally, the farmworker housing use is anticipated to be of limited duration at 218 N. First Street. It is likely that the building, after the term of the CUP has expired (estimated to be a period of five years), will be converted and/or redeveloped to another use allowed in the FSC zone such as visitor serving commercial, offices or other similar use. Those future uses may involve the additional remodel and subsequent architectural improvement of the appearance of the buildings, more consistent with the Historic Downtown Revitalization Plan design standards. The proposed project at 218 N. First Street will not impact the potential

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

future architectural improvement of the site and surrounding area. (Figure 15 (Downtown Revitalization Plan and Downtown Addition Specific Plan) shows artist concept for potential building frontages in future remodels or redevelopment of the site)

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts on aesthetics nor will it change any of the applicable plans for the area, including the Historic Downtown Revitalization Plan, the First Street Master Plan, the Downtown Addition Plan or the proposed plans for the nearby Multi-Modal Transit Center..



Figure 15. Artist Concept of Future Appearance of Site as Viewed from First Street, looking eastward along the possible future alignment of the extension of Broadway (Historic Downtown Revitalization Plan and Downtown Addition Specific Plan)

2.	AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
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	

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

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	
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Impact Discussion:

The proposed language changes to the FSC and C-2 Zones will not impact agricultural uses. None of the FSC and C-2 area is developed with agricultural uses. The provision of potential farmworker housing will provide a net benefit for local farm and ranch owners by encouraging additional farmworkers to live in close proximity to local farms and ranches. The proposed change will be a positive impact on agriculture. In addition, the 2007 Housing Element encourages the addition of farmworker housing.

The proposed CUP for Farmworker housing at 218 N. First Street is proposed to be for H2A farmworkers who are proposed to be bused or driven in van pools to nearby farms and ranches. The proposal will have a positive impact on agriculture.

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts.

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		

Impact Discussion:

The proposed language changes to the FSC and C-2 Zones will not change the standards applying to the protection of the public from dust or other air quality standard. In addition, the changes to allow farmworker housing, if it is in the form of apartment units, is not anticipated to have any greater impact than the Multi-Family Four-Plex or Larger residential use that is already permitted in the FSC and C-2 Zone under a CUP.

The proposed CUP for Farmworker housing at 218 N. First Street is proposed to be for H2A farmworkers who are not anticipated to include any significant grading. Therefore, dust is not anticipated to be a significant issue at the project site for 218 N. First Street.

Mitigation Measure No. 3.a, b, c, d and e: Proposed grading required for any future project in the FSC and C-2 Zones will include a condition of approval that reduces the potential of dust during grading and construction. Measures shall include, as appropriate, the following criteria:

- a) Open graded areas shall be watered daily, especially during dry weather periods.
- b) Excavation and grading shall be suspended during periods when winds exceed 15 miles per hour, averaged over one hour, if watering activities are inadequate to control airborne dust.
- c) Natural vegetation shall be protected wherever feasible.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

d) Dirt stockpile areas shall also be protected from dust and rainfall erosion by a measure deemed appropriate by the City Engineer.

e) As soon as feasible, open dirt areas shall be planted and mulched to protect against dust and rainfall erosion.

f) Adjacent streets shall be swept to prevent dust pollution during dry periods and mud during wet periods.

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	
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	

Impact Discussion:

The FSC and C-2 zoned areas are located within the built-up area of the City and do not include areas of rare or endangered plant or animal species. No impacts are anticipated.

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts.

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 Section 15064.5?			X		
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?			X		
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

d.	Disturb any human remains, including those interred outside of formal cemeteries?				X	
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Impact Discussion:

The FSC and C-2 Zoned area is predominantly developed with less than 20 acres of vacant land. There are no known archaeological sites on or near the FSC or C-2 Zoning Districts. However, should resources be discovered in the review of future projects, those resources would be required to be protected in a manner consistent with State and local laws. In the event that historical, paleontological or archaeological resources are discovered during demolition or grading. All work will be required to stop and the resources shall be evaluated by qualified professionals in those fields.

The development of each future project will be so conditioned:

Mitigation Measure No. 5.a, 5.b, 5.c, 5.d: Cultural Resources: In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources 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 cultural resources, paleontological resources, historical resources or, in the case of 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. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ("**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 it'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 descendent identified fails to make a recommendation; or c) the landowner or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

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:				X	
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist 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	
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	

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

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	

Impact Discussion:

The proposed language changes to the FSC and C-2 Zoning Districts will not affect geology or soils. Buildings will continue to be required to meet the requirements of the seismic location which depends on soil conditions, proximity of ground water, potential for ground motion and other factors. Certain buildings, such as hospitals and schools, may be required to meet more strict structural criteria as defined by the building code.

The valley is generally described as having quaternary deposits according to the State of California Department of Conservation "Geologic Map of California." Quaternary means "belonging to the geologic time, system of rocks, or sedimentary deposits of the second period of the Cenozoic Era, from the end of the Tertiary Period through the present, characterized by the appearance and development of humans and including the Pleistocene and Holocene epochs." (Source: Free Dictionary website.) The Salinas Valley is made up of primarily alluvial soils deposited over time by the periodic flooding processes of the Salinas River and its tributaries. In this sense, flooding is normal and beneficial process in which soils are built up in valley floors.

The City of King is located in the Salinas Valley between the Santa Lucia and Gabilan mountain ranges which is a broad basin filled with several thousand feet of sediment. The City is within close proximity to numerous fault lines, the most prominent being the San Andreas east of the City and the Rinconada to the west. According to the AMBAG 2035 MTP/SCS and RTPs for Monterey, San Benito, and Santa Cruz EIR, Section 4.7 Geology and Soils Section, Monterey County "is susceptible to high levels of groundshaking due to the numerous active faults which pass through or border the area. The portions of Monterey County with the highest susceptibility to ground-shaking are the lower Salinas Valley (northward from the City of Gonzales), the peninsular area from Carmel to the Santa Cruz County line, and in the southeast around Parkfield." According to the EarthquakeTrack.com, in 2013, there were 754 earthquakes of magnitude 1.5 or larger in the region near the City of King, with 63 earthquakes within the past month (at the time of the preparation of this Initial Study). Most of those earthquakes have occurred east of Gonzalez, Soledad, Greenfield and City of King in clusters along the San Andreas Fault which parallels the Salinas Valley.

Future major earthquakes in or near the City of King appear likely. Local building standards require each structure to be designed to meet building code standards.

The proposed remodel of 218 N. First Street is primarily within an existing older tomato processing plant. The capability of that building to meet applicable standards will be considered during the building permit review.

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts.

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	

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

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 which is included on a list of hazardous materials sites compiled 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	
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	

Impact Discussion:

7.a The Environstor Geotracker website indicates two identified subsurface sites near the FSC and C-2 Zoned area. The location of each future project is not known at this time. To ensure that no subsurface contamination has occurred, each site should be evaluated for the potential for subsurface pollution.

Mitigation Measure No. 7.a: Environstor Geotracker evaluation should be conducted prior to each future project. If existing unknown subsurface contamination is discovered in the review or construction phase of a project, work shall cease and the contamination shall be remediated in a manner acceptable to California Environmental Protection Agency and the California State Water Resources Control Board. Subsurface contamination is often not evident on the surface. The Environstor Geotracker system can identify sites and determine what measures, if any, are required to mitigate subsurface contamination.

8.	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	
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 which 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 which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or fail to meet the new CCRWQCB standards for stormwater control?				X	
f.	Otherwise substantially degrade water quality?				X	

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

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	

Impact Discussion:

8.c and d: Grading and development in the FSC and C-2 Zones may create impacts on surface stormwater quality. Developers are required to meet all measures for stormwater pollution control, waste management, and provide public utility connections that comply with the City and other service providers including the requirements of Municipal Code Section 17.56.100 Stormwater Pollution Prevention. These standards protect against stormwater pollution during the grading, construction and post construction stages of each project. As long as projects meet the City and State requirements for pollution prevention, additional mitigation measures are not necessary.

In regards to the project proposed at 218 N. First Street, work is proposed to occur within existing structures. The City Engineer would determine the applicability of standards protecting against pollution are met.

Mitigation Measure No. 8.c and d: Grading, excavation and construction require measures to protect erosion and protect that runoff leaving each site. In addition, projects are required to meet, as applicable, the all standards contained in Municipal Code Section 17.56.100.

9.	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	

Impact Discussion:

The proposed changes add the potential for farmworker housing in the FSC and C-2 Zoning Districts. This use is encouraged in the Housing Element and will result in no substantial negative impacts..

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts.

10.	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 ground borne vibration or ground borne noise levels?			X		

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

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	

Impact Discussion:

The Noise Element (Figure 10 Noise Contour Map) identifies several corridors as high noise levels requiring measures to reduce noise for occupants of residential housing. The proposed changes to the FSC and C-2 Zones may expose farmworker residents who occupy any housing facility within the identified corridors to unacceptable noise levels. Noise corridors include First Street and the Union Pacific Railroad.

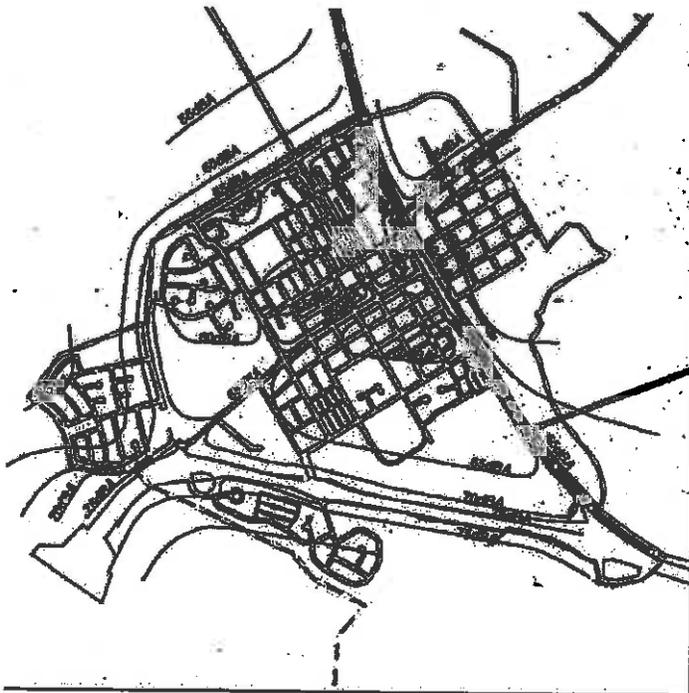


Figure 10. Noise Contours, 2005

Proposed Mitigation Measures:

Mitigation Measure No. 10.a and b: In a similar environmental evaluation for residential uses along the Union Railroad corridor at Mills Ranch development, measures to reduce noise for occupants of residential housing were identified. Projects, either standard residential units or facilities for the purpose of occupancy of farmworkers, shall incorporate measures similar to those for Mills Ranch if noise levels at the boundaries of the property exceed those identified in the Noise Element and Municipal Code Section 17. 56.030. Examples of noise mitigation used to protect occupants from excessive noise include building insulation, sound transmission reduction windows, sound walls and other typical measures.

In the case of 218 N. First Street, a sound wall would be impractical. The potential feasible measure to reduce noise along the Union Pacific Railroad would be building insulation and the prevention of windows along the building exterior facing the Railroad tracks.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

11. 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	

Impact Discussion:

The proposed changes to the FSC and C-2 Zoning Districts will not significantly impact population or housing. Both categories already allow multi-family development with a CUP. The proposed addition of farmworker housing will be similar to the use already included in the FSC and C-2 Zones with a CUP.

In addition, farmworker housing is encouraged within the Housing Element. Furthermore, farmworker housing is acutely needed within and near King City to provide housing for those working in agriculture.

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts.

12. 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	
e.	Other governmental services?				X	

Impact Discussion:

The proposed changes to the FSC and C-2 Zoning District categories will not require significantly greater public services than those uses that are currently allowed under the existing criteria.

It should be noted that buildings may be required to additional fire sprinkler systems as specified by fire standards.

13. RECREATION		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	
b.	Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	

Impact Discussion:

The proposed changes to the FSC and C-2 Zoning Districts will not impact recreational services any more than multi-family residential uses already allowed within those Districts within the City of King. It is anticipated that large facilities may be required to provide on-site recreation facilities for the farmworker residents.

The proposed remodel of 218 N. First Street includes a small recreation yard for the farmworker residents. This recreation yard will reduce the impact of the future residents in the facility on other public City parks and recreation facilities.

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts.

14. TRANSPORTATION/CIRCULATION		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
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	

Impact Discussion:

Future uses, including farmworker housing, in the FSC and C-2 Zoning Districts will continue to be required to meet all access and parking requirements of the City. The changes are not anticipated to create significant impacts to traffic or the street system.

The proposal for the remodel for farmworker housing at 218 N. First Street is likely to have a smaller impact on traffic and parking than other potential uses within this building. The residents at 218 N. First are not anticipated to have personal vehicles. They will be bused or taken in van pools to farms near King City. They likely will walk or use bicycles to get around town. The impact on traffic from this proposed project at 218 N. First Street will be less than significant.

In addition, the proposed project design for 218 N. First Street does not preclude the future potential extension of Broadway Street as planned for the Downtown Addition Specific Plan circulation system.

Proposed Mitigation Measures:

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

None necessary. The proposed language changes will not have any significant impacts.

15. UTILITIES & SERVICE SYSTEMS		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	

Impact Discussion:

15.d The proposed changes to the FSC and C-2 Zoning Districts are not projected to be any greater than the uses already identified in those zones. The change will be less than significant. Fire water supply is also required for buildings.

Water for the FSC and C-2 Zoned area is provided by Cal Water. From the 2010 Water Management Plan for Cal Water Service: "The water supply for the King City District is very reliable. Even in drought years there has always been sufficient supply to meet demand.. Because of the reasons outlined earlier in this chapter, Cal Water makes the assumption that an adequate supply will be available to its customers in all years.. According to well level records, the groundwater level has been consistent over time."

Proposed Mitigation Measures:

None necessary. The proposed language changes will not have any significant impacts.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

V. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

- Envirostor
GIS
Geotracker
subsurface
contamination
sites
- California
Water
Services
Company
- City
Department
Heads and
staff
- Monterey County
Environmental
Hazards

B. General Plan

- | | |
|--|--|
| <u> X </u> Land Use Element | <u> X </u> Conservation Element |
| <u> X </u> Circulation Element | <u> X </u> Noise Element |
| <u> X </u> Seismic Safety/Safety Element | <u> X </u> First Street Corridor Master Plan |
| <u> X </u> Zoning Ordinance | <u> X </u> Housing Element |
| <u> X </u> Economic Development Element | <u> X </u> Historic Corridor Revitalization Plan and Form Based Code |
| <u> </u> | <u> </u> |

C. Other Sources of Information

- | | |
|-------------------------------------|--|
| <u> </u> Field work/Site Visit | <u> NA </u> Ag. Preserve Maps |
| <u> </u> Calculations | <u> X </u> Flood Control Maps |
| <u> X </u> Project Area History | <u> X </u> Other studies, reports |
| <u> NA </u> Traffic Study | <u> X </u> Archaeological reports previous studies |
| <u> X </u> Records | <u> X </u> Seismic activity website information |
| <u> X </u> Zoning Maps | <u> X </u> Waste disposal sites |
| <u> X </u> General Plan Map | <u> X </u> Other websites and technical studies |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

VI. MANDATORY FINDINGS OF SIGNIFICANCE (Cal. Pub. Res. Code §15065)

A project may have a significant effect on the environment and thereby require a focused or full environmental impact report to be prepared for the project where any of the following conditions occur (CEQA §15065):

	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	
Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	
Substantial adverse: Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

a. The proposed changes to the FSC and C-2 Zoning District use criteria list do not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species. It is possible during grading and construction activities that unknown cultural resources may be unearthed, which may result in a potentially significant impact. Implementation of the mitigation measures for Cultural Resources would ensure the proposed project would not eliminate important examples of the major periods of California history or prehistory.

b. During construction related activities of land uses permitted under the proposed changes to the FSC and C-2 Zones, the proposed changes would have the potential to generate storm-related runoff pollutants. Future projects will be required to prepare a plan that addresses all potential pollutants, including but not limited to soil erosion and sediment, and that plan shall be followed during grading and construction as well as maintained for the entire term of the use of the properties within the District. Other measures to address the protection against all subsurface and surface pollution shall be implemented during construction and for the full duration of the use of the properties.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

c. The proposed changes to the FSC and C-2 Zoning Districts that could potentially result in construction dust and equipment exhaust emissions, and noise will be required to reduce dust and emissions to reduce substantial adverse effect on human beings to less than significant levels.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

VII. INITIAL STUDY DETERMINATION

On the basis of the Initial Study evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared

I find that the proposed project **MAY** have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

Initial Study Determination With Public Hearing

Initial Study Determination Without Public Hearing

Previous Document:

Initial Study Project Evaluator:

Donald J. Funk CPESC, QSD/QSP

Signature

February 9, 2016
Initial Study Date

Printed Name

City of King
Lead Agency

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

VIII. MITIGATION MONITORING AND REPORTING PROGRAM OF THE MITIGATED NEGATIVE DECLARATION

Following are the mitigation measures that have been incorporated into the FSC and C-2 District standards and will reduce the potential impacts of the project to less than significant. Each of these mitigation measures are to be incorporated into the revised FSC and C-2 Zoning District language.

In addition, as applicable, said mitigations will be applied to the proposed Conditions of Approval of the proposed farmworker housing project located within a part of an existing building at 218 North First Street.

Mitigation Measure No. 3.a, b, c, d and e (Applicable to any project in the FSC and C-2 Zones where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project): Proposed grading required for any future project in the FSC and C-2 Zones will include a condition of approval that reduces the potential of dust during grading and construction. Measures shall include, as appropriate, the following criteria:

- a) Open graded areas shall be watered daily, especially during dry weather periods.
- b) Excavation and grading shall be suspended during periods when winds exceed 15 miles per hour, averaged over one hour, if watering activities are inadequate to control airborne dust.
- c) Natural vegetation shall be protected wherever feasible.
- d) Dirt stockpile areas shall also be protected from dust and rainfall erosion by a measure deemed appropriate by the City Engineer.
- e) As soon as feasible, open dirt areas shall be planted and mulched to protect against dust and rainfall erosion.
- f) Adjacent streets shall be swept to prevent dust pollution during dry periods and mud during wet periods.

Implementation Party: Applicant/Owner/Developers of each future development site

Enforcement Agency: City of King and Air Pollution Control District

Timing: Measures to be implemented during development stage of the project.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 5.a, 5.b, 5.c, 5.d: Cultural Resources (Applicable to any project in the FSC and C-2 Zones where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project): In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources 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 cultural resources, paleontological resources, historical resources or, in the case of 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. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ("**MLD**") from the deceased Native American. The MLD may then

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

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 its 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 descendent identified fails to make a recommendation; or c) the landowner or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

Implementation Party: Applicant/Owner/Developers of each future development site

Enforcement Agency: City of King

Timing: Primarily during the grading portion of the project, including the excavation of foundations, pipelines, underground utilities and other similar excavation.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 7.a (Applicable to any project in the FSC and C-2 Zones where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project): Environstor Geotracker evaluation should be conducted prior to each future project. If existing unknown subsurface contamination is discovered in the review or construction phase of a project, work shall cease and the contamination shall be remediated in a manner acceptable to California Environmental Protection Agency and the California State Water Resources Control Board. Subsurface contamination is often not evident on the surface. The Environstor Geotracker system can identify sites and determine what measures, if any, are required to mitigate subsurface contamination.

Implementation Party: Applicant/Owner/Developers of each future development site

Enforcement Agency: State of California

Timing: Prior to grading.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 8.c and d (Applicable to any project in the FSC and C-2 Zones where grubbing, grading, excavation and construction occurs. This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project): Grading, excavation and construction require measures to protect erosion and protect that runoff leaving each site. In addition, projects are required to meet, as applicable, the all standards contained in Municipal Code Section 17.56.100.

Implementation Party: Applicant/Owner/Developers of each future development site

Enforcement Agency: City of King

Timing: Erosion and sediment control plans and other pollution control plans are required prior to any grubbing, grading, excavation or construction. Measures to prevent erosion and sediment shall occur during the entire period of grubbing, grading, excavation and construction. Measures for on-going pollution control and water quality protection shall be on-going for the life of the project.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 10.a and b (Applicable to any project in the FSC and C-2 Zones where the project is located within the 55 or higher dBA contours on the Noise Element Noise Contour Map.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

This condition will apply to the CUP at 218 N. First Street because it is a residential use proposed in close proximity to First Street and the Union Pacific Railroad): In a similar environmental evaluation for residential uses along the Union Railroad corridor at Mills Ranch development, measures to reduce noise for occupants of residential housing were identified. Projects, either standard residential units or facilities for the purpose of occupancy of farmworkers, shall incorporate measures similar to those for Mills Ranch if noise levels at the boundaries of the property exceed those identified in the Noise Element and Municipal Code Section 17. 56.030. Examples of noise mitigation used to protect occupants from excessive noise include building insulation, sound transmission reduction windows, sound walls and other typical measures.

In the case of 218 N. First Street, a sound wall would be impractical. The potential feasible measure to reduce noise along the Union Pacific Railroad would be building insulation and the prevention of windows along the building exterior facing the Railroad tracks.

Implementation Party: Applicant/Owner/Developers of each future development site

Enforcement Agency: City of King

Timing: Improvements would be installed prior to any residential occupancy or other occupancies as required by Municipal Code.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

Attachment A

Addition of "farmworker housing" in the table of uses for the FSC Zone

LAND USE TYPE ^{1,2,3}	ZONE		
	FSC	VC	VB
Recreation, Education & Public Assembly			
Commercial recreation facility - indoor			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	-	UP
Health/fitness facility			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	-	UP
Library, museum, or art gallery			
Meeting facility, public or private			
Park, playground			
School, public or private			
Studio, art, dance, martial arts, music, etc.			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	UP	UP
Theater, cinema, or performing art			
• <5000 sf	P	P	UP
• >5000 sf	UP	UP	-
Residential			
• Ancillary building	P	P	P
Dwellings:			
• Single family	-	-	P
• Multi-family - Rowhouse	-	-	P
• Multi-family-Duplex	-	-	P
• Multi-family-Triplex	-	-	P
• Multi-family - Fourplex or larger	UP	-	P
Group Homes:			
• Six (6) or fewer resident	p ⁴	p ⁴	P
• Seven (7) or more residents	P ⁴	p ⁴	UP
• Live/work unit	p ⁴	p ⁴	P
• Mixed-use project residential component	P ⁴	p ⁴	p ⁴
<u>Farmworker housing</u>			
Retail			
• Artisan shop	P	P	P
• Bar, tavern, night club	UP	UP	-
• Farmers market*	UP	UP	UP
• General retail, except with any of the following features:	P	P	P
o Alcoholic beverage sales, off-premise	UP	UP	UP
o Floor area over 8,000 sf	UP	UP	-
o Onsite production of items sold	UP	UP	-

1. A definition of each Land Use Type can be found in the Glossary.
 2. Similar uses permitted or conditionally permitted, as determined by the Director or the Planning Commission to be of the same general character as the listed uses.
 3. Drive-thrus are not allowed with any use in any Zoning District.
 4. Residential allowed on upper floors only.
 *See Section 4.9 (Miscellaneous Standards) for additional standards.

LAND USE TYPE AND ZONE AND PERMITTED RESOURCES

LAND USE TYPE ^{1,2,3}	ZONE		
	FSC	VC	VB
○ Operating between 9 p.m. and 7 a.m.	UP	UP	-
• Neighborhood Market <8,000 sf	P	P	UP
• Nursery <10,000 sf	UP	-	-
• Restaurant, cafe, coffee shop	P	P	UP
Services: Business, Financial, Professional			
• ATM or bank	P	P	P
• Business support service	P	P	P
• Medical services: Clinic, urgent care	UP	-	UP
• Medical services: Doctors office	P	P	P
• Medical services: Extended care	P	-	P
• Office: Business, service	P	P	P
• Office: Professional, administrative	P	P	P
• Financial services	P	P	P
Services: General			
• Bed & Breakfast			
○ Four (4) guest rooms or less		-	P
○ Greater than 4 guest rooms	UP	-	UP
• Child day-care center	P	-	P
• Child day-care center: Large family day-care homes	P	-	P
• Child day-care center: Small day-care homes	P	-	P
• Lodging	P	UP	UP
• Personal Services	P	P	P
Transportation, Communication, Infrastructure			
• Parking facility, public or private	UP	UP	UP
• Train/multi-modal depot	UP	UP	-
• Wireless telecommunication facility	UP	UP	-

1. A definition of each Land Use Type can be found in the Glossary.
 2. Similar uses permitted or conditionally permitted, as determined by the Director or the Planning Commission to be of the same general character as the listed uses.
 3. Drive-thrus are not allowed with any use in any Zoning District.
 4. Residential allowed on upper floors only.
 *See Section 4.9 (Miscellaneous Standards) for additional standards.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

Letter from Steve Scaroni to King City Police Chief Anthony Sollecito



Dear Chief Anthony J. Sollecito:

Thank you for your questions regarding our project to convert the Meyer tomato packing shed for use as H-2A housing.

During the past 11 years, we have utilized the H-2A program for temporary agricultural workers in order to provide the needed labor for our various customers in both Arizona and California. A major component of the H-2A program is that we must provide housing for these employees.

In 2015, we managed and operated over 26 housing units, 8 different motels and 5 labor camps throughout Arizona and California in order to house these employees under the H-2A program.

Your questions and concerns can best be addressed by understanding the philosophy of how we run this program:

1. Because of the nature of the program, we impose some very strict and rigid rules for those living in our housing projects.

1.1 The H-2A employees sign a contract with us which lists our rules, which include: no drinking, no drugs and no problem rules in all of our housing units. We believe these issues, with which you may also agree, are the gateway to bigger problems.

1.2 Although each H-2A employee signs a document listing these rules as part of their contract for employment under the H-2A program, knowing the rules does not guarantee that said rules are always followed. Thus, we have a ZERO tolerance policy in order to enforce and bring teeth to our rules. Any employee found breaking these rules is immediately sent back to Mexico.

1.3 Furthermore, said employee is also "blackballed" from our system whereby they will not be able to return to any future employment opportunity with us.

2. We have a housing team dedicated only to our housing, maintenance and security projects. They continually monitor whether all employees are following the rules. We

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JAN - 5 2016



exercise as much control and supervision as allowed under the H-2A program and the laws of the jurisdiction.

3. All of our housing projects have an in-house supervisor, as will this project, who will be on-site at all times and monitor the conduct of our employees.

4. However, with that being said, these people are recruited for their work skills and effort. They are here to work. We are very disciplined in our recruiting process and have been successful in that a high percentage of the people who come to the US under our program are focused on working and making money to send home to better their life as well as the life of their families in Mexico.

5. As the owner of the company, I am personally involved in the recruitment and selection of the workers. Our recruitment process places a high priority on integrity and character of the people we recruit in Mexico for the US H-2A program.

6. Our experience has been, as well as the experience of our landlords, is that once these H-2A employees arrive at the housing in the evening, they are tired and are looking forward to a hot shower, a good meal and sleep in order to get ready for the next work day. (please see attached reference letter)

7. We have also learned that our H-2A employees, for the most part, are good neighbors and spend money in the communities and neighborhoods in which they are living. We are anticipating a substantial and noticeable bounce in Tax revenue and business with the local merchants around the Meyer building once we have these H-2A employees living in the Meyer project.

8. I, along with my sons, Matt and David, as well as my Chief Operating Officer, Leticia Ridaura, are extremely hands-on business operators. You will have our cell phone numbers and we are available 24/7 to personally assist to solve any problems you may have with our H-2A employees in your communities.

9. We will also install video surveillance cameras which will be monitored in our 24/7 Dispatch Center in Heber, California.

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10. We will have on-site security during the off-season. An alarm system and video camera system will also be in operation during the off season.

11. By law, we cannot impose curfews on the people while they are contractually obligated to work for us. They still have the freedom afforded them like any other person working and living in the US. However, as I have stated, our H-2A employees know that we take a dim view of bad conduct and being bad neighbors to the communities in which we live and operate. They know such conduct will be cause for termination and/or the very least, not being invited back to this program.

The proposition that they may not be invited back the following year alone is very compelling as our program pays these people more for one hour of work, plus free housing, than they make in one day in Mexico.

Best Regards,

Steve Scaroni

President

(760) 592-2300

Cell : (760) 427 4000

steve@vegpacker.com

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Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

Letter of Project Description from Wes Beebe

P.O. BOX 1743
220 LYNN ST.
KING CITY, CA. 93930
(831)385-0810 PHONE
(831)385-0688 FAX

WESLEY BEEBE ARCHITECTURE

PROJECT DESCRIPTION

David Gill and Steve Scaroni
218 N. First Street

PROJECT: Conversion of existing 36,712 sq. ft., warehouse building to a Dormitory style complex housing 216 Employees.

Project location is a warehouse building located at 218 N. first in King City, ca.

The project is to take and convert a vacant warehouse and bring everything up to code and provide seasonal farm workers with a safe and clean living and working environment here in King City. This project would provide both desperately needed farm workers and it would improve housing and living conditions for many workers that are now living in garages or parked cars here in town.

The total site is 3.23 acres that was once used to process tomatoes. Total building size is 84,000 sq. ft. total. The project would use the middle portion of the building leaving warehouse space at each end.

The operation of the building would be from April – October of each year and remain vacant the rest of the year. The employees would be housed and given meals on site with restrooms and recreation facilities provided. Busses would transport the employees to work and back each day. Total bus trips would consist of at most 10 bus trips a day. Parking has been provided on site for a total of 44 spaces. There would be a live- in on site manager for the facility at all times.

The neighborhood consists of existing farming offices and farming warehouse operations and farming fabrication shops all this is located across the street on North First Street. Small retail commercial consisting of a convenience store and a walk-in laundry facility that would greatly benefit from a live –in population base next door.

Traffic on First Street would not be greatly affected by this project. The workers will be driven to the work sites in busses for a total of five to ten bus trips daily. The H2A program brings workers into this county from Mexico in busses and returns them to Mexico at the end of the season. Presently at other H2A sites in the State the need for large parking lots does not exist because the workers do

CITY OF KING

workers 3 2016

not need or want to own cars.

The project would bring 216 customers to the city that would help generate more sales tax revenue. The season for the workers is from March to October they live and work and spend their money here. They do not impact the schools, Hospital of social welfare system.

The owners of this project David Gill and Steve Scaroni are willing to work with Smith –Monterey to allow the Broadway crossing to become reality at some time in the future as the market for Smith –Monterey project allows. The overall business plan for this project is for a Five to Seven year period after that time the present building would give way to future market needs.

If you have any questions please call

Wes Beebe

Example Noise Reduction Provisions at Mills Ranch

Final Conditions of Approval/Mitigation Measures

City Council Approved August 30, 2005

Mills Ranch General Plan Amendment/Specific Plan/Vesting Tentative Tract Map/Design Manual

Condition No. 86:

86. (MM 3.6-4a) During construction, the applicant shall install windows rated minimum Sound transmission Class (STC) 34, in all residential structures within 250 feet of the tracks. The STC 34 windows must contain at least one pane of laminated glass. All residential structures between 250 feet to 400 feet of the tracks, the project applicant shall install windows rated at a minimum STC 30. The

applicant shall install in all residential structures between 400 and 700 feet of the tracks STC 26 rated windows at minimum. Mechanical ventilation should be provided in all residential structures. Windows and doors should remain closed to ensure that noise levels can adhere to the 45 dB standard. Building plans shall be subject to review and approval by the City Engineer.

Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.

Attachment B
CORRESPONDENCE

Exhibit 5

**(INSERT PLANNING COMMISSION RESOLUTION
NO. 2016-152)**

RESOLUTION NO. 2016-152

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING APPROVING THE CONDITIONAL USE PERMIT CASE NO. 2016-001 AND ARCHITECTURAL REVIEW CASE NO. 2016-001 APPLICATIONS FOR 218 FIRST STREET TO ALLOW H2-A AGRICULTURAL EMPLOYEE HOUSING

WHEREAS, on January 13, 2016, David Gill and Steve Scaroni ("**Applicants**") submitted zoning text amendment, conditional use permit ("**CUP**") and architectural review ("**AR**") applications to house two-hundred, fourteen (214) agricultural employees at 218 First Street in a portion of the 36,700 square foot Meyer Building as part of the H2-A Visa Farmworker Housing Program ("**Project**");

WHEREAS, on March 22, 2016, the City Council ("**Council**") approved Ordinance No. 722 to allow agricultural employee housing in the FSC Zoning District and adopted a Mitigated Negative Declaration for all submitted applications;

WHEREAS, the Planning Commission ("**Commission**") considered the CUP and AR applications on March 1, 2016, April 19, 2016, May 17, 2016 and June 7, 2016, which remodels the Meyer Building at 218 First Street, as shown on **Exhibit 1**;

WHEREAS, on May 12, 2016, the applicant's representative submitted amended site plan and architectural plan of the Meyer Building; and

WHEREAS, On June 7, 2016, the Commission listened testimony and reviewed the staff report, and other material.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of King makes the following findings of fact for the CUP and AR:

1. The Project will not effect upon the public health, safety and general welfare of the neighborhood involved and the city at large. The project will be a positive addition to the city by providing agricultural employee housing.
2. The Project will not effect upon traffic conditions. The previous uses of the site have been warehousing and office. The H2-A Program requires that the employer provide transportation. The employer will use shuttles to take the employees to and from the agricultural fields.
3. The Project will not effect upon the orderly development of the area because it will stimulate the Historic downtown area. Two-hundred and fourteen (214) people will resident in the structure and patronize the Historic downtown area.
4. The proposed use is in conformance with the goals, policies and objectives of the General Plan and the purpose and intent of the FSH Zoning District.

BE IT FURTHER RESOLVED that the Planning Commission of the City of King approves CUP Case No. 2016-001 and AR Case No. 2016-001, attached as **Exhibit 1**.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of King on the 7th day of June 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David Nuck, Chairperson

Erica Sonne, Planning Commission Secretary

I, Erica Sonne, Planning Commission Secretary to City Planning Commission, do hereby certify that Resolution No. 2016-152 was duly and regularly passed and adopted by the Planning Commission 7th day of June, by the roll call vote as noted above and as the same appears on file and of record in the Office of the Community Development Department.

Erica Sonne,
Planning Commission Secretary
City of King



Item No. **7 (b)**

REPORT TO THE PLANNING COMMISSION

DATE: JUNE 7, 2016
TO: PLANNING COMMISSION
FROM: DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REZONE OF BROADWAY PROPERTY (1023 Broadway Street)

RECOMMENDATION

Adopt the attached resolution, which recommends the City Council approve a Zoning District change from PD to H-S on property at 1023 Broadway Street.

SUMMARY

During the General Plan update process the land use designation was changed on the rear portion of 1023 Broadway Street and the adjoining property on Franciscan Way from PD to HS. (*Reference Diagrams 1 and 2.*) The total area being proposed for change is about five (5) acres. The request before the Planning Commission is to recommend approval of the zoning so it is consistent with the new land use designation. The properties are separately owned by the city Successor Agency and the Hearnes Family

DISCUSSION

The approved updated General Plan Land Use Element included a modification of the General Plan Map land use designation on a small five (5) acre area located at 1023 Broadway Street (including a two (2) acre site on Franciscan Way south east of Broadway) from Planned Development ("**PD**") to Highway Service Commercial ("**HSC**"). This modification was made because the site is deemed to be too small to warrant the preparation of a Specific Plan and will result in the reduction of allowable uses at the site, eliminating industrial as a possible use. The Zoning District needs to be amended to reflect the new General Plan designation. Therefore, this proposal includes a Zoning District changed from PD and Highway Service ("**HS**"). The changes eliminate the need for a Specific Plan preparation. Uses will generally require the approval of the Planning Commission under a Conditional Use Permit and Architectural Review. The visual integrity of the site will be maintained. The change in designation will result in a slight net beneficial improvement in the environment by eliminating potential industrial uses at this location.

The General Plan land use change and Zoning District amendment were assessed in the Mitigated Negation Declaration ("**MND**") prepared on the General Plan amendments. The City Council adopted the MND on March 22, 2016. Staff recommends the Planning Commission adopt the attached Resolution based on the following findings of fact:

Findings of Facts

1. The Zoning District amendment is consistent with the General Plan.
2. The Zoning District amendment from PD to HS is compatible with adjacent zoning and uses in the neighborhood.
3. The zoning change amendment is appropriate due to the sizes, shapes and location of the properties.

Attachment: 1. Resolution

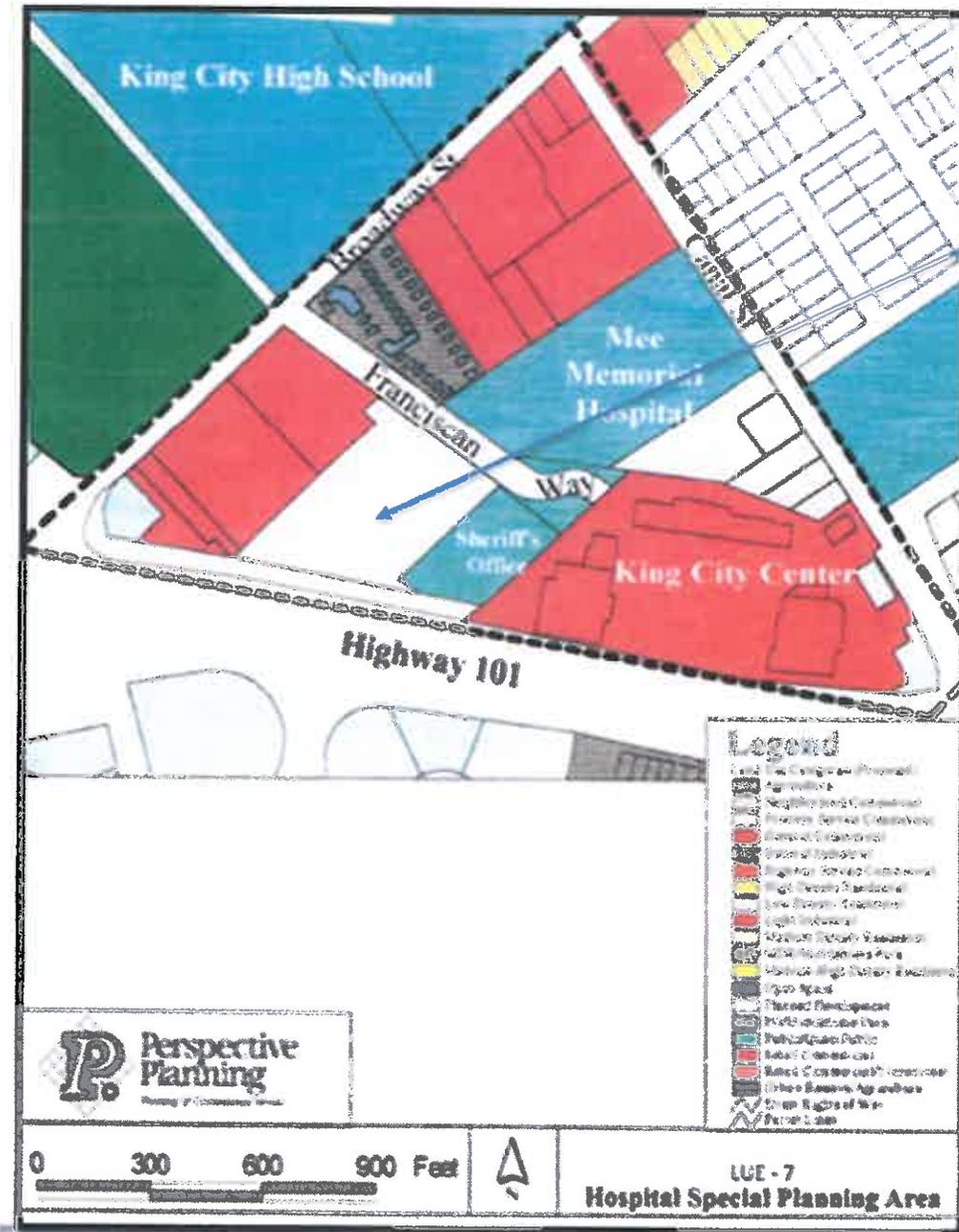
Prepared by: DLB for Doreen Liberto Blanck
Doreen Liberto-Blanck, AICP, Community Development Director



Diagram 1

View of rear of property located at 1023 Broadway, area proposed to change from PD to HS.

Diagram 2
Zoning District Amendment



Zoning
Change from
PD to HS

RESOLUTION NO. 2016-153

PLANNING COMMISSION RESOLUTION RECOMMENDING THE CITY OF KING CITY COUNCIL ADOPT A ZONING DISTRICT CHANGE FROM PD TO HS ON APPROXIMATELY FIVE (5) ACRES LOCATED AT AND ADJACENT TO 1023 BROADWAY STREET

WHEREAS, on March 1, 2016 the Planning Commission ("**Commission**") made a recommendation to the City Council to amend the General Plan land use designation at and adjacent to 1023 Broadway Street;

WHEREAS, on March 22, 2016, the City Council ("**Council**") approved the General Plan land use amendment from Planned Development ("**PD**") to Highway Service Commercial ("**HSC**");

WHEREAS, the property on and adjacent to 1023 Broadway Street needs Zoning District amendment from PD to Highway Service ("**HS**"), attached as **Exhibit 1**;

WHEREAS, on March 22, 2016, the Council adopted a Mitigated Negative Declaration ("**MND**") that analyzed the environmental impacts of the Zoning District amendment;

WHEREAS, a public hearing notice was legally and duly noticed on May 25, 2016, in the King City Rustler newspaper;

WHEREAS, on June 7, 2016, the Commission conducted a public hearing, listening to public testimony, considered the staff report and other documentation;

WHEREAS, the Zoning District amendments will not adversely affect the general health, safety and welfare of the community; and

WHEREAS, the Commission adopted the findings of fact found in the staff report, attached as **Exhibit 2**.

NOW, THEREFORE, be it resolved that the Planning Commission recommends the City Council approve the Zoning District Amendment Case No. ZC2016-002, on approximately five (5) acres and located at and adjacent to 1023 Broadway Street, as shown on **Exhibit 1**.

PASSED AND ADOPTED on 7th June, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David Nuck, Chairperson

Erica Sonne, Planning Commission Secretary

I, Erica Sonne, Planning Commission Secretary to City Planning Commission, do hereby certify that Resolution No. 2016-153 was duly and regularly passed and adopted by the Planning Commission this 7th day of June, by the roll call vote as noted above and as the same appears on file and of record in the Office of the Community Development Department.

**Erica Sonne,
Planning Commission Secretary
City of King**