

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION TUESDAY, SEPTEMBER 20, 2016 6:00 P.M.

LOCATION: CITY HALL, COUNCIL CHAMBERS  
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: September 6, 2016

7. PUBLIC HEARINGS

- a. Project: Variance (“VAR”) for lot size and parking (Paul Layous) – 324 North Third Street and 325 Copley Avenue.

Case No.: VAR 2016-003

Applicant: Paul Layous

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:** 324 North 3<sup>rd</sup> St. and 325 Copley Ave, King City, CA 93930

**Environmental**

**Determination:** Categorically exempt from CEQA pursuant to CEQA Guidelines §15061 (b) (3). This provision states that a local jurisdiction can find a project exempt from CEQA if *“the activity is covered by the general rule that CEQA, which applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”* An initial study/negative declaration was prepared on the 2015 submittal and it was found there were not significant adverse impacts. With this determination, clearly the project is exempt from CEQA. The project could also be considered a Class 1 categorical exemption (Existing Facilities). The key consideration is whether the project involves negligible or no expansion of an existing use.

**Recommendation:** Staff recommends the Planning Commission adopt the attached Resolution approving the variances for lot size and parking.

**b. Project:** Conditional Use Permit (*“CUP”*) Case No. 2016-005, to construct an 80-foot tall lattice style communications tower at 218 Bassett Street, adjacent to the SoMoCo offices.

**Case No.:** CUP Case No. 2016-005

**Location:** 218 Bassett Street, King City

**Proposal:** The Applicant proposes to add an 80-foot tall lattice style antenna tower at 218 Bassett Street in Downtown King City.

**Environmental**

**Determination:** If the Commission determines that there are no visual or design issues related to the proposed tower, the Commission can determine that the project qualifies for a CEQA Categorical Exemption, Class 3. However, should the Commission determine that the proposed tower does create significant visual impacts, the Commission may require the preparation of a Mitigated Negative Declaration, to be focused on visual issues. Recently approved new towers in the City have been required to mitigate views by various measures, including the addition of stadium lights at the High School towers and landscaping mitigation at the High School as well as landscaping mitigation at other sites in the City.

**Recommendation:** The proposed tower, as designed, will be highly visible and is height and a style that is generally more suitable for industrial type locations. As such, it may be difficult to find that the tower is “visually compatible with the City’s existing historic buildings” nor does it have a “western feel.” However, should the Planning Commission determine that the proposed tower does meet the design guidelines of the Historic Corridor Revitalization Plan and determine that the height is appropriate for the location on Bassett Street, the Commission could then approve CUP Case No. 2016-005, subject to the Conditions of Approval (“COA”).

**c. Project:** 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 **ADOPT** the attached Resolution which approves the CUP, AR and VAR.

**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>SEPTEMBER 2016</u>		
September 6 <sup>th</sup>	6:00 p.m.	Planning Commission
September 12 <sup>th</sup>	6:00 p.m.	Airport Advisory Committee
September 13 <sup>th</sup>	6:00 p.m.	City Council
September 20 <sup>th</sup>	6:00 p.m.	Planning Commission
September 27 <sup>th</sup>	6:00 p.m.	City Council

<u>OCTOBER</u>		
October 4 <sup>th</sup>	6:00 p.m.	Planning Commission
October 10 <sup>th</sup>	6:00 p.m.	Airport Advisory Committee (Canceled for holiday)
October 11 <sup>th</sup>	6:00 p.m.	City Council
October 18 <sup>th</sup>	6:00 p.m.	Planning Commission
October 25 <sup>th</sup>	6:00 p.m.	City Council

**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**

**September 6, 2016**

**1. Call to Order**

---

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:00 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:** Scott Bruce, Principal 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.

- a. Approval of Minutes:** August 16, 2016

**Action:** Motion made by Commissioner Barbree to approve minutes of August 16, 2016. Seconded by Commissioner Raschella. Motion carried 5-0.

---

**7. Public Hearing Items**

- a. Project:** 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:** Continue CUP Case No. 2016-001, AR Case No. 2016-001 and VAR Case No. 2016-001 to the **September 20, 2016** Planning Commission meeting.

Principal Planner, Scott Bruce presented this item.

**Action:** Motion made by Commissioner Raschella to **CONTINUE** the public hearing of CUP2016-001, AR2016-001, VAR2016-001, to the **September 20, 2016** Planning Commission meeting. Seconded by Commissioner Barbree. Motion carried 5-0.

- b. Project:** Repealing and Replacing Chapter 17.03 Title 17, Zoning of the City of King Municipal Code to Allow the Establishment, Operation and Regulation of Commercial Cannabis Business to include expanded Cultivation; Nurseries; Manufacturing; and, Testing of Medical Cannabis and Medical Cannabis Products

Amending the East Ranch Business Park Specific Plan to allow the location and operation Commercial Cannabis Business to include expanded Cultivation; Nurseries; Manufacturing; and, Testing of Medical Cannabis and Medical Cannabis Products

**Case No.:** Zoning Code Amendment Case No. **ZC 2016-003**  
Specific Plan Amendment Case No. **SPA 2016-001**

**Applicant:** City of King

**Project Title:** Discussion and review of Medical Cannabis Regulatory Ordinance (City of King Ordinance 2016-728) to allow for cultivation, nurseries, manufacturing and testing.

**Location:** **ZC 2016-003 (Ord 2016-728)** will impact all areas of City lying within the M-1, M-2 and M-3 Zoning Districts and within the East Ranch Business Park Specific Plan.

**Project Description:** **Establishment, Regulation and Operation of Medical Cannabis Businesses**

The proposed Regulatory Ordinance will allow and regulate the operation of Commercial Cannabis businesses. This Code Amendment will allow for the expanded commercial cultivation of cannabis and add nurseries, testing and manufacture of medical cannabis products. All other commercial or personal cannabis activity, including but not limited to cultivation, other than allowed by the ordinance, delivery, dispensary, distribution, or transporting (other than to transport cultivated product outside of the jurisdictional boundaries of the City) remains prohibited.

**Project Title:** Continuation of 2016-001 Amendment to the East Ranch Business Park Specific Plan ("ERBP-SP").

**Location:** The ERBP-SP is located in the northeast portion of the city, near the airport and bordered by Metz Road, Bitterwater Road, and Airport Drive with San Antonio Drive dissecting the Project area.

**Project Description: Amendment to allow Location and Operation of Medical Cannabis Businesses**

The Amendment will amend pertinent provisions of the ERBP-SP, including but not limited to the Development Standards, to allow for expanded commercial cultivation of Marijuana (on a large scale basis), and the addition of nurseries, testing and manufacture of medical cannabis products. All other commercial or personal cannabis activity, other than transporting the cultivated product out of the City of King to other state licensed entities, shall be prohibited and banned. This ordinance will not change any other provisions of the ERBP-SP other than those enumerated herein.

**Environmental**

**Determination:** Proposed Mitigated Negative Declaration. The period within which comments will be received from the public will be during the Public Review Period which runs from **August 17, 2016 to September 17, 2016.**

**Recommendation** Staff recommends that Planning Commission

- 1) review proposed Ordinances and Environmental Document,
- 2) receive public comment
- 3) provide recommendation to the City Council regarding Ordinances that would amend the scope of allowed Medical Cannabis Cultivation and related uses in the City
- 4) provide recommendation to the City Council Regarding the related Environmental Document (MND)

Principal Planner, Scott Bruce presented this item going through his power point.

He showed the map first to allow Planning Commission to be aware of the location.

● **REVIEW and RECOMMENDATION**

● ORDINANCE 2016 – 728. SECTION 17.03. Establishment, Operations and Regulations of Commercial Cannabis Businesses for Cultivation, Nurseries, Manufacturing and Testing

● ORDINANCE 2016 – 729. SECTIONS 17.30.020 and 17.31.020. Adding Commercial Cannabis Cultivation, Nurseries, Manufacturing and Testing in the City

ORDINANCE 2016 – 730. EAST RANCH BUSINESS PARK SPECIFIC PLAN AMENDMENT: Adding Commercial Cannabis Cultivation, Nurseries, Manufacturing and Testing

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS / MND): Assesses potential impacts associated with additional cultivation, nurseries, manufacturing and testing.

● **EXISTING CODE and CURRENT CODE AMENDMENTS**

● **EXISTING CODE: JANUARY 2016. ALLOWED TYPES 2A and 3A (plant canopy of up to 10,000 or 22,000 sf using all artificial light)**

● **ADD USE TYPES:**

- Mixed Light Cultivation      Type 2B and 3B
- Nurseries                      Type 4
- Manufacturing (Type 1)      Type 6
- Testing                          Type 8

**LAND AREA**

**EXISTING AREA:**

● EAST RANCH BUSINESS PARK =      107 AC  
 ● M-1 DISTRICT =                      20 AC  
 ● M-2 DISTRICT (adjacent to ERBP) =      40 AC

● M-2 DISTRICT (First Street/Lonoak) =      20 AC  
 187 AC

**POTENTIAL USE :**

● 1,350,000 ( 31 acres) of plant canopy

**40+ acres of structures (includes all use types) (does not include parking / landscaping)**

**○ PROPOSED-AMENDMENT(S):**

**Estimated Development**

ESTIMATED AREA BY TYPE: (canopy, structure, parking)

4 Type 2A Buildings	Cultivation	(2 AC)
13 Type 2B Buildings	Cultivation	(6.5 AC)
8 Type 3A Buildings	Cultivation	(8 AC)
34 Type 3B Buildings	Cultivation	(34 AC)
10 Type 4 Buildings	Nursery	(10 AC)
6 Type 6 Buildings	Manufacturing	(2 AC)
2 Type 8 Buildings	Testing	(.5 AC)

63 AC

Commissioner Barbree asked if it includes manufacturing process. Principal Planner stated yes.

**REGULATORY**

**ORDINANCE**

**SECTION 17.03**

- **REPEALS and REPLACES 17.03.**
- **“MEDICAL MARIJUANA DISPENSARIES” BECOMES “MEDICAL CANNABIS ACTIVITY” (Example Topics)**
  - **Purpose and Definitions**
  - **Licenses**
  - **Security, Employee Background Check**
  - **Compliance with State Law**
  - **Fees**
  - **Operating, Packaging, Labeling**
  - **Application (CUP) Requirements, Development**
  - **Standards**

**WILL BE REVISED OVER TIME**

---

**LAND USE ORDINANCES: SECTIONS 17.30.020 and 17.31.020; ERBP SP**

- **M-1 and M-2 Zoning Districts and ERBP SP**
- **Amends “Uses Permitted Subject to Obtaining A Use Permit”**
- **Allows Mixed Light Cultivation, Nurseries, Manufacturing and Testing**
- **Refers Development Standards to Section 17.03**

**RECENT REVISIONS:**

- **SECTIONS 17.03.220. 250. 270 (Use of alcohol)**
- **SECTION 17.03.090 (600’ Separation)**
- **SECTION 17.30.050: Section 6. (Development Standards)**
- **SECTION 17.31.150: Section 10 (Development Standards)**

Commissioner Barbree asked about natural gas heating for the building. Principal Planner Bruce stated that this would not be related to the Medical cannabis but to the building.

Commissioner Lee wanted to know if the Police Chief has read this and has signed off on it. Principal Planner Bruce stated that the City Council has been working with the Chief.

Brandon Gesicki stated that he has had a conversation with the Chief and that he can do an unannounced visit at any time. They can use the video feed and look at it at any time.

#### **IS / MND: ESTIMATING DEVELOPMENT IMPACTS**

- **MAXIMUM ULTIMATE PROJECT: 1,350,000 sf of CANOPY AREA (Based on earlier water discussions)**
- **METHOD: ESTIMATED NUMBER OF STRUCTURES BY COMBINING INFORMATION FROM POTENTIAL APPLICANTS and FROM STAFF RESEARCH**
- **PRIMARY ANTICIPATED IMPACTS FROM CULTIVATION: WATER, POWER, WASTEWATER and TRAFFIC**
- **MANUFACTURING AND TESTING: MINIMAL IMPACTS**
- **ADDITIONAL ENVIRONMENTAL REVIEW WILL BE NEEDED ON A PROJECT BY PROJECT BASIS (particularly to evaluate water and power use)**

#### **IS / MND**

- **Available for Public Review beginning August 17, 2016. Included in Public Hearing Notice and noted at Commission / Council Information Sessions.**
- **Initial Study: Proposed Code Amendments do not create Significant Environmental Impacts – A Mitigated Negative Declaration is appropriate**
- **Need for Additional Review will be evaluated on a Project by Project basis**

#### **FOUR QUESTIONS: ADDRESSED**

- **PROXIMITY TO SENSITIVE USES: 600' to Schools (per recent CA Dept of Food and Ag Notice of Environmental Preparation**
- **LIMITS ON MANUFACTURING LICENSES: Six (6)**
- **CANNABIS EXTRACTION and MANUFACTURING (alcohol use): Allowed solely for cleaning and wax extraction**
- **COMPRESSED GAS (CO2): Eight (8) One hundred fifty (150)lb canisters**

#### **600 ft. Zoning Map**

Chair Nuck opened the public hearing.

Commissioner Barbree asked if pesticides would be an issue in the ag fields. Principal Planner stated that this growing would be all in doers.

Chair Nuck asked about the 600ft. for cultivation would it apply to manufacturing? Principal Planner Bruce stated that information

Commissioner Barbree asked about the growing process and if it is in rotation. Principal Planner stated that yes they grow in rotation also canopy space and cannot go over 22,000 sq. ft.

Principal Planner Bruce stated that there could be an addition of definition

Josie Roberto, Santa Cruz herbalist is concerned about why the City is banning alcohol extraction. She explained that the same equipment is used for CO2 extraction. She stated that medicine is given better with alcohol extraction and it is a supreme form. Principal Planner Bruce explained that the code could be changed down the road.

Chair Nuck closed the public hearing.

**Action:** Motion made by Commissioner Barbree to *approve the Resolution 2016-158 as presented by staff*. Seconded by Commissioner Raschella. Motion carried 5-0.

**8. Regular Business-**

None

**9. Planning Commission Report –**

**10. Director Reports-**

**11. Written Correspondence– None**

**12. Adjournment**

There being no more business, the Planning Commission meeting was adjourned at 6:46 p.m.

---

David Nuck  
Planning Commission Chairperson  
City of King

---

Erica Sonne  
Planning Commission Secretary  
City of King

**PLANNING COMMISSION**

---

**DATE:** SEPTEMBER 20, 2016  
**TO:** PLANNING COMMISSION  
**FROM:** DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** VARIANCES FOR LOT SIZE AND PARKING (PAUL LAYOUS)- 324 NORTH THIRD STREET AND 325 COPLEY AVENUE

---

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the attached Resolution approving the variances for lot size and parking.

**SUMMARY**

On September 1, 2015, the Planning Commission approved variances for lot size and parking at 324 North Third Street and 325 Copley Avenue. The variance was approved for one-year and the Municipal Code does not allow extensions of time. Therefore, the applicant submitted a new request for the variance.

The variances are for reduced: 1. parking size, and 2. parking for a single vehicle carport. The variances would allow future creation of two (2) 4,375 square foot parcels and reduce the parking for a single vehicle carport. The project is the same one approved in 2015. (The original staff report is attached as Exhibit 3.)

**BACKGROUND**

The project site has two (2) zoning categories. Half of the lot is designated R-4 (nearest Third Street) and the other half is zoned R-1. Both zoning districts require a minimum of six-thousand (6,000') foot lots. The applicant proposes to remove an existing garage and divide the property into two (2) substandard 4,375 square foot lots. The applicant proposes to demolish an existing two (2) car garage that straddles the proposed new rear lot line. The applicant will eventually submit a tentative parcel map to create two (2) lots.

The project is categorically exempt from CEQA pursuant to CEQA Guidelines §15061 (b) (3). This provisions states that a local jurisdiction can find a project exempt from CEQA if *"the activity is covered by the is covered by the general rule that CEQA, which applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."* An initial study/negative declaration was prepared on the 2015 submittal and it was found there were not significant adverse impacts. With this determination, clearly the project is exempt from CEQA. The project could also be considered a Class 1 categorical exemption (Existing Facilities). The key consideration is whether the project involves negligible or no expansion of an existing use.

As mentioned above, the applicant desires to divide an existing parcel into two (2) parcels. He is requesting a variance to create two (2) substandard size parcels, removal of an existing two (2) car garage and construction of a new carport for 324 North Third Street.

The proposed variances will not change the density nor result in major changes in the existing appearance.

1. The two (2) existing residences will remain. The existing two (2) car garage would be removed in order to accommodate the new lot line splitting the property into two (2) parcels.
2. The Initial Study/Negative Declaration does not indicate any significant environmental impacts.
3. Other than the removal of the garage and construction of the carport, no other significant changes will occur.
4. The proposed use is not in conflict with the General Plan.
5. Findings are attached to address the adoption of the Negative Declaration and the approval of the two (2) variances.
6. The COA are those conditions that area necessary to:
  - a. Protect the health, safety and general welfare of the public.
  - b. Make possible the development of the City in an orderly and efficient manner.
  - c. Make possible the development of the City in a manner that conforms with the purpose and intent set forth in the Zoning Code and in the General Plan.

The attached September 1, 2015 staff report and applicant submitted material provide additional information on the project.

#### **Variance Findings**

The Planning Commission may grant a variance, when all of the following conditions are found to apply:

#### **Municipal Code §16.20.020 Findings for Lot Size Reduction:**

- (1) The Planning Commission finds that approval of the variance shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity. In doing so, the Planning Commission finds that the subject proposal will create two (2) parcels that will be identical in size to the two (2) existing parcels located adjacent to the subject property.
- (2) The Planning Commission finds that because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity. In doing so, the Planning Commission specifically finds that the subject property is almost identical to the size, use and configuration of the adjacent two (2) properties and that denial of the application would deprive the applicant of the same privileges that are enjoyed by the adjacent neighboring property owner.

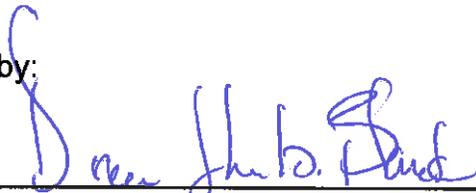
- (3) The Planning Commission finds that the circumstances of this particular case, the approval of the lot size variance, rather than the sections at issue in this title related to minimum lot size, carry out the spirit and intent of this title, with little or no impact on the site appearance or existing density.
- (4) The Planning Commission, by approval of the conditions, has created adequate guarantees that the conditions imposed will be complied with.

**Municipal Code §17.62.010 Findings for Approval of the Parking Variance:**

- (1) The Planning Commission finds that approval of the variance for off-street parking is subject to such conditions that will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated. In doing so the Planning Commission specifically finds that there are existing properties with single car width carport. Further, the Commission finds that extending the depth of the carport to forty (40') feet will provide adequate covered parking for the existing residence and substantially result in no reduction in existing covered off-street parking. Tandem parking is only justifiable in this case due to the small size of the property.
- (2) The Planning Commission finds that, because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. In doing so, the Planning Commission specifically finds that the removal of the existing two (2) car garage and construction of a two (2) car tandem carport will effectively retain the number of off-street spaces at two (2) with no reduction of off-street parking. Further, the Planning Commission finds that it is likely that the two tandem spaces will be just as functional as would the two (2) existing garage parking spaces.

Prepared by and

Approved by:



---

DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR

## EXHIBIT 1

### RESOLUTION NO. 2016-159

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,  
APPROVING VARIANCE PERMIT CASE NO. VAR 2016-003 FOR PAUL LAYOUS  
FOR REDUCTION OF LOT SIZES AND REDUCTION OF OFF STREET PARKING  
LOCATED ON APN: 026-183-009-000  
324 NORTH 3RD STREET AND 325 COPLEY AVE, KING CITY, CALIFORNIA.**

**WHEREAS**, On **September 1, 2015**, the Planning Commission ("**Commission**") approved a variance application to reduce lot size from 6,000 square feet to 4,375 square feet and reduce parking from two (2) covered spaces to one covered space located at 324 North 3<sup>rd</sup> and 325 Copley Avenue proposed by Paul Layous ("**Applicant**");

**WHEREAS**, the application expired after one-year and the Municipal Code does not provide a provision for extensions of time;

**WHEREAS**, on August 11, 2016, the Applicant submitted new applications for the variances approved by the Commission in 2015;

**WHEREAS**, the project is categorically exempt from CEQA pursuant to CEQA Guidelines §15061 (b) (3). This provisions states that a local jurisdiction can find a project exempt from CEQA if the activity is covered under the general rule that CEQA, which applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. An initial study/negative declaration was prepared on the 2015 submittal and it was found there were no significant adverse impacts. With this determination, clearly the project is exempt from CEQA. The project could also be considered a Class 1 categorical exemption (Existing Facilities) listed under CEQA guidelines §15301. The key consideration of a Class 1 categorical exemption is whether the project involves negligible or no expansion of an existing use;

**WHEREAS**, an Initial Study/Negative Declaration ("**IS/ND**") was prepared and circulated for public and agency review with a twenty (20) day review period starting on **August 6, 2015** and **ending on August 26, 2015**, and provided an opportunity for the public and agencies to review the issues addressed and offer comments on any aspect of the environmental review process, or the adequacy of the evaluation;

**WHEREAS**, no significant environmental impacts were identified with the project and therefore, CEQA Guidelines §15061 (b) (3) is applicable;

**WHEREAS**, a Notice of Public Hearing was noticed in the City Rustler Newspaper and Notice of Public Hearing was sent to all property owners within three-hundred feet (300') of the Project;

**WHEREAS**, on **September 20, 2016**, the Planning Commission held a public hearing for the project at which time the public could provide testimony;

**WHEREAS**, the Commission reviewed all supporting documents, and all information, whether written or oral, presented prior to making a decision; and

**WHEREAS**, the Commission makes the following Findings of Facts:

**Variance for Lot Size Findings of Fact**

- a. The Planning Commission finds that approval of the variance shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity. In doing so, the Planning Commission finds that the subject proposal will create two (2) parcels that will be identical in size to the two (2) existing parcels located adjacent to the subject property.
- b. The Planning Commission finds that because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity. In doing so, the Planning Commission specifically finds that the subject property is almost identical to the size, use and configuration of the adjacent two (2) properties and that denial of the application would deprive the applicant of the same privileges that are enjoyed by the adjacent neighboring property owner.
- c. The Planning Commission finds that the circumstances of this particular case, the approval of the lot size variance, rather than the sections at issue in this title related to minimum lot size, carry out the spirit and intent of this title, with little or no impact on the site appearance or existing density.
- d. The Planning Commission, by approval of the conditions, has created adequate guarantees that the conditions imposed will be complied with.

**Findings for Approval of the Parking Variance**

- (1) The Planning Commission finds that approval of the variance for off-street parking is subject to such conditions that will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated. In doing so the Planning Commission specifically finds that there are existing properties with single car width carport. Further, the Commission finds that extending the depth of the carport to forty (40') feet will provide adequate covered parking for the existing residence and substantially result in no reduction in existing covered off-street parking. Tandem parking is only justifiable in this case due to the small size of the property.
- (2) The Planning Commission finds that, because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. In doing so, the Planning Commission specifically finds that the removal of the existing two (2) car garage and construction of a two (2) car tandem carport will effectively retain the number of off-street spaces at two (2) with no reduction of off-street parking. Further, the Planning Commission finds that it is likely that the two (2) tandem spaces will be just as functional as would the two (2) existing garage parking spaces.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King recommends the City Council adopt the Negative Declaration ("**ND**"), and approve Variance Permit VAR Case No. 2016-003, for the permits for the reduced lot size and reduced parking consistent with the Conditions of Approval (**Exhibit 2**) and the project submittals (**Exhibit 3**) as presented.

This resolution was passed and adopted this 20<sup>th</sup> day of September, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
DAVID NUCK, CHAIRPERSON

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

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**VARIANCE CASE NO. 2016-003**

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

1. **Project Description:** VAR Case No. 2015-001 is a request for variances permit ("**VAR**") to reduce: 1. lot size, and 2. parking for a single vehicle carport. The variance submitted by Paul Layous ("**Applicant**"). Variance Application, Case No. VAR2016-003 would allow future creation of two (2) 4,375 square foot substandard size parcels and a variance to allow a two (2) car tandem 12'x40' carport at 324 North Third Street and 325 Copley Avenue, King City. The Project shall be consistent with all Exhibits and conditions of approval.
2. **Prior to review of a tentative parcel map,** the plans shall be amended to increase the size of the tandem carport to twelve (12") x forty (40') feet. As part of that design, the driveway may require minor changes to properly access the new carport.
3. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval.
4. **Lighting:** Security lighting shall be provided as deemed appropriate by the Community Development Director. Any and all outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties.
5. **City Noise Ordinance:** The project shall comply with the City of King Noise Ordinance.
6. **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:
  - a. *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*
  - b. *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), if made necessary by said proceeding, and if the applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

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

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

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

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

negligence or willful misconduct of the indemnified party or of any agent, employee or licensee of the indemnified party.

7. **Other County, State and Federal Permits:** Before initiation of the proposed use, the Applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
8. **Cultural Resources:** In the event of an accidental discovery or recognition of any human remains on the project site, the City of King will ensure that the applicant includes this language in all construction and bid documents, in accordance with CEQA Guidelines §15064.5(e): *"If human remains 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 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. 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 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 twenty-four (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."*
9. **Structural and Design Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in connection with the project. No conditions, colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable. Minor changes, which are determined by the Community Development Director to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Planning Commission, may be granted by the Community Development Director.

**Building and Safety Department** (Applicant should discuss the following COA with Paul Hodges, 831-386-5916, if there are any questions):

10. **Building and Safety Department:** Prior to construction, the Applicant shall obtain a building permit with the Building and Safety Department.

All COA shall be imprinted on plans submitted for building permits and two (2) sets of structural analysis reports shall be submitted with the building permit application, or

as requested by the Building and Safety Director.

11. **Business License: Before issuance of a building permit**, a business license shall be obtained for every person conducting or carrying on the business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.

Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.

Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.

Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.

**Miscellaneous Requirements** (Applicant should discuss the following COA with Community Development Department Staff):

12. **Parking:** The existing two (2) car garage located behind the existing residence at 324 North Third Street will be removed from the property after approval of the tentative parcel map and **prior to recordation of the parcel map**. The new tandem carport will be constructed **prior to recordation of the parcel map**.

Any other structures on both new parcels located within ten (10') feet of the new rear property line will be removed prior to recordation of the parcel map.

**Conditional Use Condition Agreement:**

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

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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### EXHIBIT 3

## SEPTEMBER 1, 2015 PLANNING COMMISSION STAFF REPORT AND APPLICANT SUBMITTAL MATERIAL

CITY OF KING  
PLANNING COMMISSION  
September 1, 2015

### PROJECT SUMMARY:

Paul Layous, ("**Applicant**") requests variances for lot size and parking. On **August 4, 2015**, the Planning Commission held an initial public hearing to consider the Applicant's request. The hearing was continued to **September 1, 2015** to allow sufficient time for the public to review the draft Initial Study and Negative Declaration. The Applicant has requested variances for: 1. Reduced lot size, and 2. Reduced parking for a single vehicle carport submitted by the Applicant. Variance Application, Case No. VAR2015-001 would allow future creation of two (2) 4,375 square foot substandard size parcels and a variance to allow one single 12'x22' carport at 324 N. Third Street and 325 Copley Ave., King City. One part of the variance would reduce lot size for the required minimum six thousand (6000') building site for residential uses per Municipal Code §§17.12.060 and 17.18.060. If the variance for lot size is approved, the Applicant will submit a parcel map to create the two (2) lots. The second part of the variance request would the removal of an existing two-car garage and construct one (1) carport for the required two-car garage or carport per Municipal Code §17.52.010. Staff is recommending that the new carport be enlarged to forty (40') feet in length to accommodate two vehicles. The property is located at 324 N. Third Street and 325 Copley Ave. (APN: 026-183-009) and is located within the Multiple Family Residential ("**R-4**") and Single-Family Residential ("**R-1**") Zoning District and within the High-Density Residential ("**HDR**") area of the General Plan.

### FILE NO.:

Case No. VAR 2015-001

### LOCATION:

324 North 3<sup>rd</sup> Street & 325 Copley Ave.

APN: 026-183-009

### APPLICANT:

Paul Layous

### APPLICANT/CONTACT

PHONE No.: (831) 385-3227

### LANDOWNER:

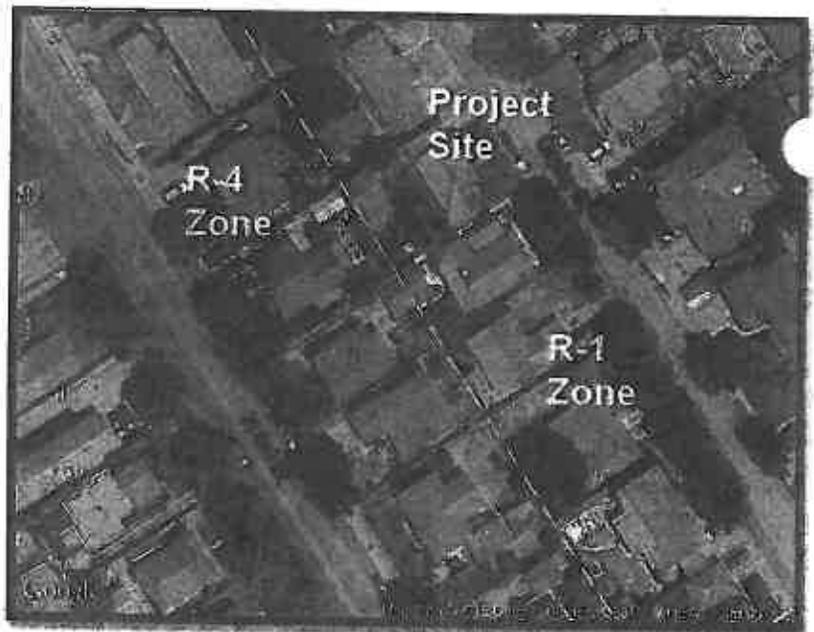
Barbara Sargenti

### EXHIBITS:

1. Findings for Negative Declaration and Variance
2. Resolution for approval of the Negative Declaration and Variance
3. Conditions of Approval
4. Site Plan and Design Plans
5. Initial Study and Negative Declaration

### Vicinity Map

N



### ISSUE SUMMARY

This is a continued public hearing from **August 5, 2015**. Paul Layous ("**Applicant**") has submitted a request for variances, Variance Application Case No. VAR2015-00. The requested variances would: 1. Create two (2) future 4,375 square foot substandard sized parcels, and 2. Allow removal of an existing two car garage and construct a one single 12'x22' carport at 324 N. Third Street and 325 Copley Ave., King City. The variance would reduce lot size for the required minimum six thousand (6,000') building site for residential uses per Municipal Code §§17.12.060 and 17.18.060. The variance request would construct one (1) carport

for the required two-car garage or carport per Municipal Code §17.52.010. Staff is recommending that the proposed carport be extended to forty (40) feet in length as a tandem two-car carport, similar to those constructed with mobile homes. The property is located at 324 N. Third Street and 325 Copley Ave. (APN: 026-183-009) and is located within the Multiple Family Residential ("**R-4**") and Single Family Residential ("**R-1**") Zone District and within the High-Density Residential ("**HDR**") General Plan Land Use Designation. For that reason, the variance is required if the property is subdivided.

The project, since it involves a future parcel map, does not qualify for a Categorical Exemption. Categorical Exemption, Class 15, reads as follows,

**15315. Minor Land Divisions**

*Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than twenty(20%) percent.*

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

Therefore, an Initial Study and Negative Declaration were prepared. The Initial Study and Negative Declaration are attached as **Exhibit 5**.

**I. STAFF RECOMMENDATION AND ALTERNATIVES**

Staff recommends the Planning Commission:

1. Open the Public Hearing after a staff presentation;
2. After closing the public hearing, staff recommends that the Commission approve the Resolution of approval of the Negative Declaration and approve the variance for lot size and a variance for a two car tandem carport based on the findings and conditions included in this staff report;
3. Optional decisions:
  - a. The Commission can also consider approval of the one car carport
  - b. The Commission may also deny the request, providing findings supporting the denial. In this option, the permit is continued to a future Planning Commission hearing and staff would prepare a revised resolution for denial including the revised findings from the Commission.

**II. MUNICIPAL CODE REQUIREMENTS**

**A. Zoning and Subdivision Requirements**

The project site has two zoning categories. Half of the lot is zoned R-4 (nearest Third Street) and the other half is zoned R-1. Both zoning districts require a minimum six-thousand (6,000') square foot lot. The Applicant is proposing to remove an existing garage and divide the property into two (2) substandard 4,375 square foot lots. The Applicant proposes to demolish an existing two car garage that straddles the proposed new rear lot line. The proposed one (1) car-carport, also requiring a variance (two (2) covered spaces are required) is being proposed by the Applicant. Variances creating substandard size lots are not permitted unless the Planning Commission can make findings of fact identified below. Criteria for both Subdivision Regulations and Zoning Regulations will apply to this variance request. Staff recommends that the carport be extended to forty (40') feet in length to accommodate two (2) vehicles, thus not reducing covered parking from the existing two (2) spaces in the existing garage. Condition of Approval No.1.c addresses this issue.

**Subdivision Criteria:** For residential subdivisions on flat terrain, the following criterion applies:

**For Flat 0—10% Cross slope lots**

**Minimum Lot Size: 6,000 square feet.** The applicant proposes two (2) 4.375 sq. ft. lots.

**Minimum Width: 60 feet.** The proposed lots will both have 50 ft widths.

**Minimum Lot Depth: 90 feet.** The proposed lots will both have 87.5 ft depths.

**Zoning Criteria:** The existing residence at 324 North Third St has a two-car garage at the rear of the existing home. That garage serves the existing home facing Third Street. A two-car garage or carport is required for each single-family residence. The proposal, if approved as originally designed, will have a single car carport for each residence. Staff recommends that the proposed new carport for the Third Street residence be extended to forty (40') feet in length. Condition of Approval No. 1.c addresses this issue

Following are the standards for granting variances. Note that it's mandatory that the variances only be granted if the Planning Commission can find that the granting of the variances will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity. The Planning Commission, when it makes its decision, will need to consider other properties located in the immediate vicinity of the proposal. It should be noted that the property to the south and immediately adjacent to the proposal was previously subdivided into two (2) 4,375 square foot lots.

**1. Following are Subdivision Regulations applicable to the project for reduced lot sizes:**

**§16.20.010 Based on hardships:**

It is realized that there are certain parcels of land of such dimension, subject to such title restrictions, so affected by physical conditions and/or devoted to such use that it is impossible for the subdivider to conform to all of the foregoing rules when subdividing property. (Ord. 355 § 6.00, 1973)

**§16.20.020 Recommendation when:**

The planning commission may grant a variance from the foregoing requirements, when all of the following conditions are found to apply:

- (1) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.
- (2) Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity.
- (3) Under the circumstances of this particular case, the variance, rather than the sections at issue in this title, actually carries out the spirit and intent of this title.
- (4) The city may require adequate guarantees that the conditions imposed will be complied with. (Ord. 652 § 4, 2004; Ord. 355 § 6.00, 1973)

**2. Following are the Zoning Regulations applicable to the proposed variance:**

**§17.62.010 Granted when:**

Applications for variances from the strict application of the terms of this title may be made and variances granted when the following circumstances are found to apply:

- (1) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.
- (2) Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (Ord. 354 § 17.8.2, 1973)

Applications for variance shall be made in writing by a property owner, lessee, purchaser in escrow or optionee with the consent of the owners on a form prescribed by the planning commission of the city. They shall be accompanied by a fee, set by the city council, a plan of details of the variance requested, and evidence showing:

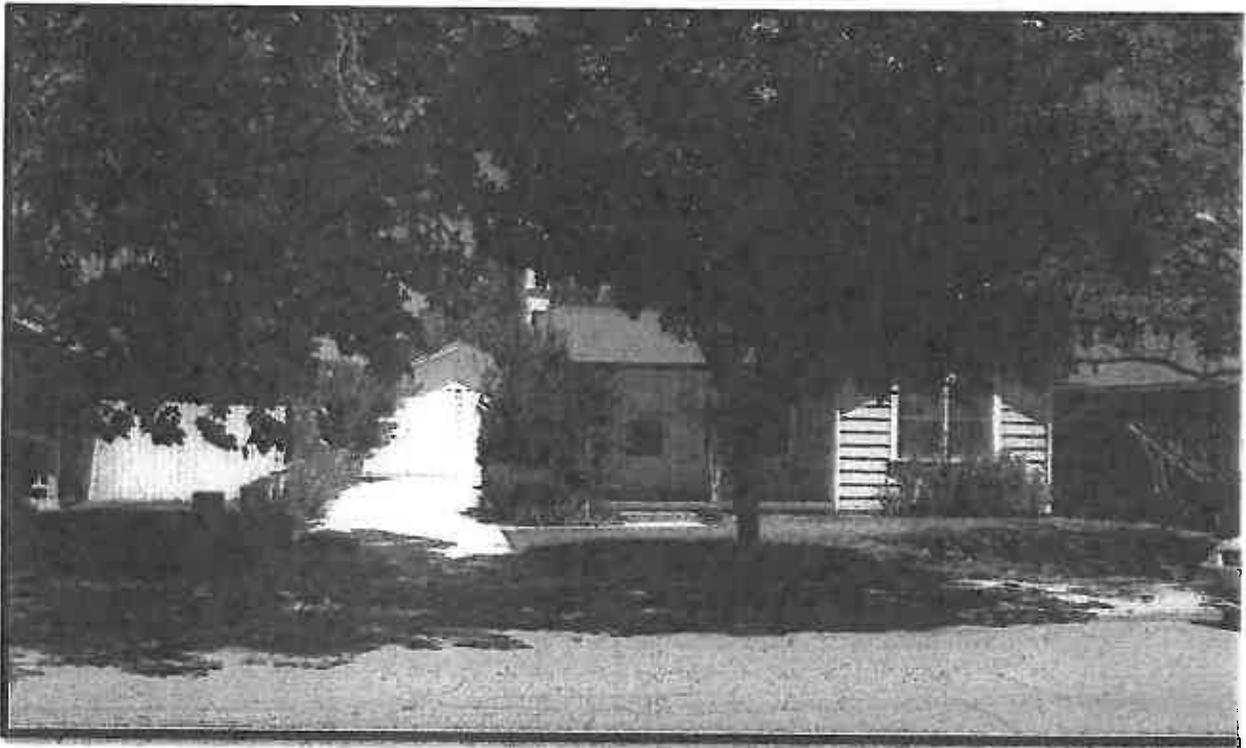
- (1) The granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and
- (2) Due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship. (Ord. 354 § 8.2.2, 1973)

**§17.62.050 Approval—Modification:**

After the conclusion of the public hearing or continuations thereof, the planning commission shall grant or deny a permit to modify the application of the restrictions established by this title. The commission, if the applicant for the variance consents thereto, may require a change or modify the extent of the variance requested but only if such change or modification constitutes a more restrictive variance than that requested by the applicant. (Ord. 652 § 8, 2004)

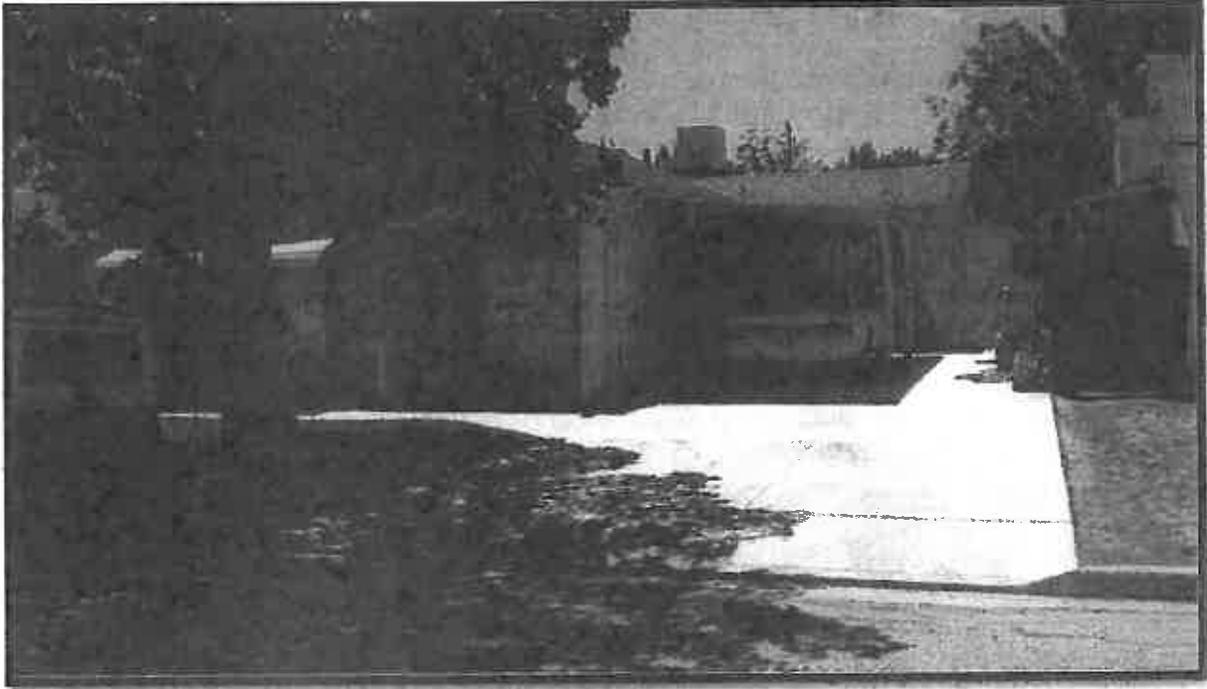
**Figure 1**

**Existing Home At 324 North Third Street, View Of The Third Street Side Of The Property**

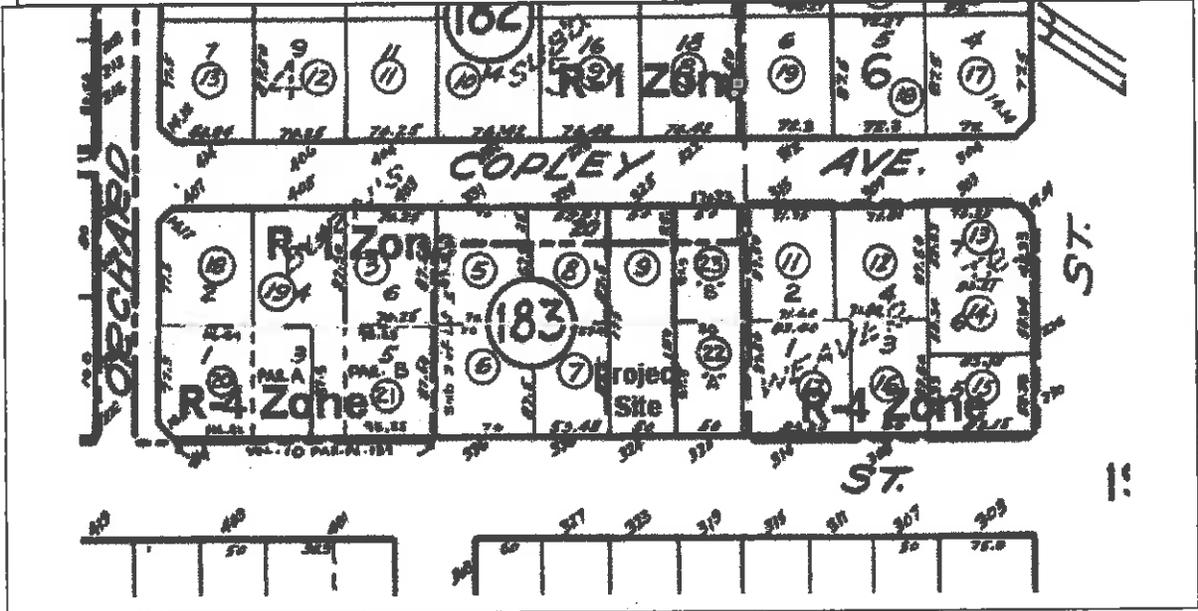


Note in the photo of the residence on Third Street, there is an existing two-car garage. That garage is proposed to be demolished in order to accommodate the new lot line. Staff recommends that the proposed new carport be extended in length from twenty-two (22') feet to forty (40') feet to accommodate two covered vehicle spaces.

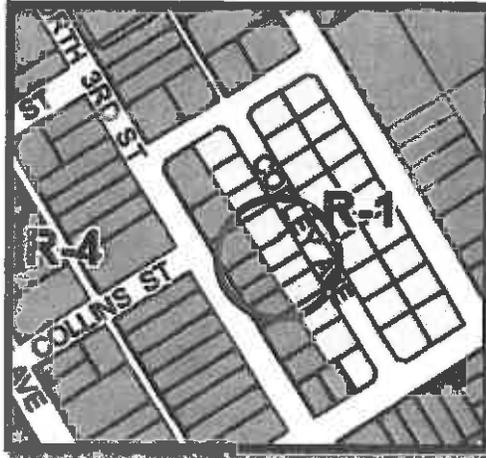
**Figure 2**  
View of of the home at 325 Copley Ave, on the rear half of the subject property.



**Figure 3**  
Assessor's Map showing property, outlined in red. Note that parcels 22 and 23 next door are similar to the proposal of the applicant



**Figure 4**  
**Zoning Map**



## II. PROJECT EVALUATION

### A. Proposed Use and Background

The applicant desires to divide an existing parcel into two parcels. He is requesting a variance to create two substandard size parcels, removal of an existing two-car garage and construction of a new carport for 324 North Third Street.

The proposed variances will not change the density nor result in major changes in the existing appearance.

1. The two existing residences will remain. The existing two-car garage would be removed in order to accommodate the new lot line splitting the property into two parcels.
2. The Initial Study/Negative Declaration does not indicate any significant environmental impacts.
3. Other than the removal of the garage and construction of the carport, no other significant changes will occur.
4. The proposed use is not in conflict with the General Plan.
5. Findings are attached to address the adoption of the Negative Declaration and the approval of the two (2) variances.
6. The COA are those conditions that area necessary to:
  - a. Protect the health, safety and general welfare of the public.
  - b. Make possible the development of the City in an orderly and efficient manner.
  - c. Make possible the development of the City in a manner that conforms with the purpose and intent set forth in the Zoning Code and in the General Plan.
7. In researching the issue of tandem parking, normally, for conforming size parcels, tandem parking would not be recommended. However, tandem parking could be justified for a substandard size parcel if the Planning Commission determines that said parking is appropriate and that findings for the variance are made by the Planning Commission. In light of the fact that a two-car garage is being removed to accommodate a new lot line, the Planning Commission could determine that a two-car tandem carport would adequately replace two covered spaces being removed from the property. Findings for a variance would be required to allow tandem parking.

III. PROJECT EVALUATION

B. Surrounding Uses

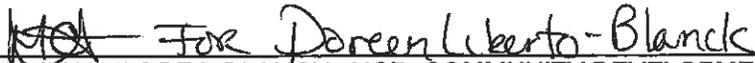
**Table 1** provides an overview of the adjacent zoning and land use. The site is accessed from Pearl Street and a rear alley. There are existing residential and church uses adjacent to and east and west of the property. The surrounding zoning and land use designations are:

Table 1 Adjacent Zoning/Land Use			
<b>North:</b>	<b>R-1 and R-4 (zoning)</b> Low density and high density residential(land use)	<b>West:</b>	<b>R-4 (zoning)</b> High Density Residential <b>High Density (land use)</b>
<b>South:</b>	<b>R-1 and R-4 (zoning)</b> Low density and high density residential(land use)	<b>East:</b>	<b>R-1 (zoning)</b> Low Density Residential (land use)

Prepared by:

  
DONALD J. FUNK, PRINCIPAL PLANNER

Approved by:

  
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR

**EXHIBIT 1**  
**VAR2015-001**  
**FINDINGS OF FACTS**

The Municipal Code gives the Planning Commission ("**Commission**") the authority to approve a project provided that the Commission can make certain findings. Written "findings of fact" are required in order to support the decision of the hearing body to approve or deny a project. Furthermore, a project must meet certain conditions to be categorically exempt from the California Environmental Quality Act ("**CEQA**"). Staff presents the required findings to aid the Commission in making the resolution of approval or denial.

**Variance Permit Findings**

The Commission decision criteria is stated in Municipal Code §16.20.020 for the lot size and §17.62.010 for covered off-street parking. Whenever the Commission of the City is called to determine whether or not variance is justifiable, the Commission shall determine whether or not the factors satisfactorily meet the criteria for the variance. Variances consider both the subject property and the nearby properties and uses.

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

**§16.20.020 Findings for Lot Size Reduction:**

The planning commission may grant a variance from the foregoing requirements, when all of the following conditions are found to apply:

- (1) The Planning Commission finds that approval of the variance shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity. In doing so, the Planning Commission finds that the subject proposal will create two parcels that will be identical in size to the two existing parcels located adjacent to the subject property.
- (2) The Planning Commission finds that because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity. In doing so, the Planning Commission specifically finds that the subject property is almost identical to the size, use and configuration of the adjacent two properties and that denial of the application would deprive the applicant of the same privileges that are enjoyed by the adjacent neighboring property owner.
- (3) The Planning Commission finds that the circumstances of this particular case, the approval of the lot size variance, rather than the sections at issue in this title related to minimum lot size, carry out the spirit and intent of this title, with little of no impact on the site appearance or existing density.
- (4) The Planning Commission, by approval of the conditions, has created adequate guarantees that the conditions imposed will be complied with.

**§17.62.010 Findings for Approval of The Parking Variance:**

- (1) The Planning Commission finds that approval of the variance for off-street parking is subject to such conditions that will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated. In doing so the Planning Commission specifically finds that there are existing properties with single car width carport. Further, the Commission finds that extending the depth of the carport to forty (40') feet will provide adequate covered parking for the existing residence and substantially result in no reduction in existing covered off-street parking. Tandem parking is only justifiable in this case due to the small size of the property.
- (2) The Commission finds that, because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. In doing so, the Planning Commission specifically finds that the removal of the

existing two car garage and construction of a two car tandem carport will effectively retain the number of off-street spaces at two with no reduction of off-street parking. Further, the Planning Commission finds that it is likely that the two tandem spaces will be just as functional as would the two existing garage parking spaces.

**Findings for the Initial Study and Negative Declaration:**

An Initial Study was prepared for the proposed project. Because the project is not listed as a categorical exemption and variances for lot size require, at a minimum, a Negative Declaration and there is a potential for the project to have significant environmental impacts on the environment, based upon the requirements of the California Environmental Quality Act ("**CEQA**") it was determined that a Negative Declaration would be prepared. The Negative Declaration is attached to this report.

**California Environmental Quality Act ("**CEQA**") Findings of Fact:**

This Project's environmental review was prepared for the Project pursuant to the California Environmental Quality Act ("**CEQA**").The **Negative Declaration** contains a list of mitigations that will result in a project that will not have significant environmental impacts provided that the project applicant implements the mitigation measures. The Mitigation Measures identified in the initial study would reduce the impacts to a less than significant level.

- a. The proposed project does 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, the proposed project would not have the potential to generate significant storm-related runoff pollutants.
- c. The proposed project would not result in construction dust or equipment exhaust emissions, or noise that could cause a substantial adverse effect on human beings.
- d. The proposed project, with the variances, is consistent with the City of King requirements and provisions of the General Plan and Zoning Ordinance.

EXHIBIT 2

RESOLUTION NO.2015-139

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,  
APPROVING VARIANCE PERMIT CASE NO. VAR 2015-001 FOR PAUL LAYOUS FOR REDUCTION  
OF LOT SIZES AND REDUCTION OF OFF STREET PARKING  
LOCATED ON APN: 026-183-009-000  
324 NORTH 3RD STREET & 325 COPLEY AVE, KING CITY, CALIFORNIA.

**WHEREAS**, On **June 3, 2015**, Paul Layous submitted a variance application to reduce lot size from 6,000 square feet to 4,375 square feet and reduce parking from two covered spaces to one covered space located at 324 North 3<sup>rd</sup> and 325 Copley Avenue;

**WHEREAS**, on June 30, 2015, the application was found to be complete;

**WHEREAS**, pursuant to the California Environmental Quality Act ("**CEQA**") Guidelines (14 Cal. Code Regs. §15000 et. seq.) and in accordance with the California Environmental Quality Act of 1970, the proposed project has the potential to result in significant adverse environmental impacts. The project does not require approval of an agency other the City of King;

**WHEREAS**, the Negative Declaration ("**ND**") was prepared and circulated for public and agency review with a twenty (20) day review period starting on **August 6, 2015** and **ending on August 26, 2015**, and provided an opportunity for the public and agencies to review the issues addressed and offer comments on any aspect of the environmental review process, or the adequacy of the evaluation;

**WHEREAS**, no significant impacts are deemed to apply to the project and therefore no Mitigation Monitoring and Reporting Program ("**MMRP**") is required;

**WHEREAS**, no later than **August 5, 2015**, the Intent to Adopt the ND was noticed in the King City Rustler Newspaper, and July 22, 2015, a Notice of Public Hearing was noticed in the City Rustler Newspaper and Notice of Public Hearing was sent to all property owners within three-hundred feet (300') of the Project;

**WHEREAS**, on **August 5, 2015**, the Planning Commission held the first public hearing for the project and there was no testimony against the project at that hearing;

**WHEREAS**, the ND and supporting documents have been reviewed, and all information, whether written or oral, presented during the public review period, has been considered by the Commission;

**WHEREAS**, the Commission has reviewed and considered the information provided in the Staff Report, ND, and testimony presented during the public hearing, and accepts the **Findings of Fact** as outlined in **Exhibit 1**, the ND as outlined in **Exhibit 5**, and the applicant's submittals shown in **Exhibit 4**;

**WHEREAS**, the Commission of the City of King, California, met at the duly noticed public hearings on **August 5, 2015** and **September 1, 2015**, at which time all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Commission makes the followings Findings of Facts:

**California Environmental Quality Act ("**CEQA**") Findings of Fact**

This Project's environmental review was prepared for the Project pursuant to the California Environmental Quality Act ("**CEQA**"). **The Initial Study and Negative Declaration indicated that the proposed project has no potential to result in significant adverse environmental impacts. (Reference Exhibit 5.)**

- a. The proposed project does 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, the proposed project would not have the potential to generate significant storm-related runoff pollutants.
- c. The proposed project would not result in construction dust and equipment exhaust emissions, and noise that could cause a substantial adverse effect on human beings.

**Variance for Lot Size Findings of Fact**

- a. The Planning Commission finds that approval of the variance shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity. In doing so, the Planning Commission finds that the subject proposal will create two parcels that will be identical in size to the two existing parcels located adjacent to the subject property.
- b. The Planning Commission finds that because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity. In doing so, the Planning Commission specifically finds that the subject property is almost identical to the size, use and configuration of the adjacent two properties and that denial of the application would deprive the applicant of the same privileges that are enjoyed by the adjacent neighboring property owner.
- c. The Planning Commission finds that the circumstances of this particular case, the approval of the lot size variance, rather than the sections at issue in this title related to minimum lot size, carry out the spirit and intent of this title, with little or no impact on the site appearance or existing density.
- d. The Planning Commission, by approval of the conditions, has created adequate guarantees that the conditions imposed will be complied with.

**Findings for Approval of the Parking Variance**

- a. The Planning Commission finds that approval of the variance for off-street parking is subject to such conditions that will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated. In doing so the Planning Commission specifically finds that there are existing properties with single car width carport. Further, the Commission finds that extending the depth of the carport to forty (40') feet will provide adequate parking for the existing residence and substantially result in no reduction in existing covered off-street parking.
- b. The Planning Commission finds that, because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. In doing so, the Planning Commission specifically finds that the removal of the existing two car garage and construction of a two car tandem carport will effectively retain the number of off-street spaces at two with no reduction of off-street parking. Further, the Planning Commission finds that it is likely that the two tandem spaces will be just as functional as would the two existing garage parking spaces.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King recommends the City Council adopt the Negative Declaration ("**ND**"), and approve Variance Permit VAR Case No. 2015-001, for the permits for the reduced lot size and reduced parking consistent with the Conditions of Approval (**Exhibit 3**) and the project submittals (**Exhibit 4**) as presented.

This resolution was passed and adopted this 1<sup>st</sup> day of September, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

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

### EXHIBIT 3

#### VAR CASE NO. 2015-001 CONDITIONS OF APPROVAL

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

1. **Project Description:** VAR Case No. 2015-001 is a request for a Variance permit ("**VAR**") to:
  1. Reduce lot size, and 2. Reduce parking for a single vehicle carport. The variance submitted by Paul Layous ("**Applicant**"). Variance Application, Case No. VAR2015-001 would allow future creation of two (2) 4,375 square foot substandard size parcels and a variance to allow a two car tandem 12'x40' carport at 324 N. Third Street and 325 Copley Ave., King City. The following apply to the approval of the CUP:
    - a. Within ninety (90) days, the applicant shall complete a tentative parcel map and submit and completed application, including all applicable processing fees and supporting materials for said parcel map with the City.
    - b. The Project shall be consistent with **Exhibit "4" except as modified in condition 1.c. below.**
    - c. Prior to review of the tentative parcel map, the plans shall be amended to increase the size of the tandem carport to twelve (12") x forty (40') feet. As part of that design, the driveway may require minor changes to properly access the new carport.
2. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. However, should the applicant not complete the application for the tentative parcel map within the time indicated in Condition #1.a above, the approval of this Variance shall expire within ninety (90) days of the approval of this variance. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. It is the Applicant's responsibility to request an Extension of Time before the one (1) year expiration date so the approval does not become null and void.
3. **Lighting:** Security lighting shall be provided as deemed appropriate by the Community Development Director. Any and all outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties.
4. **City Noise Ordinance:** The project shall comply with the City of King Noise Ordinance.
5. **Hold Harmless and Indemnification Clause:** The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**") and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "*proceeding*") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Koczanowicz and Hale, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:
  - a. *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*
  - b. *Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or involved in such proceeding.*

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

The applicant agrees to defend, indemnify and **hold harmless** City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), attorneys, employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, sphere of influence amendment, annexation, pre-zoning, general plan amendment, specific plan, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

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

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

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

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

6. **Other County, State and Federal Permits:** Before initiation of the proposed use, the Applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
7. **Cultural Resources:** In the event of an accidental discovery or recognition of any human remains on the project site, the City of King will ensure that the applicant includes this language in all construction and bid documents, in accordance with CEQA Guidelines §15064.5(e): *"If human remains are found during excavation or construction, work will be halted at a minimum of 30 feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely 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 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."

8. **Structural and Design Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in connection with the project. No conditions, colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable. Minor changes, which are determined by the Community Development Director to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Planning Commission, may be granted by the Community Development Director.

**Building and Safety Department** (Applicant should discuss the following COA with Paul Hodges, 831-386-5916, if there are any questions):

9. **Building & Safety Department: Prior to construction**, the Applicant shall obtain a building permit with the Building and Safety Department.

All COA shall be imprinted on plans submitted for building permits.

Two (2) sets of structural analysis reports

10. **Business License: Before issuance of a building permit**, a business license shall be obtained for every person conducting or carrying on the business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.

Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.

Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.

Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.

**Miscellaneous Requirements** (Applicant should discuss the following COA with Community Development Department Staff):

11. **Parking:** The existing two (2) car garage located behind the existing residence at 324 North Third Street will be removed from the property after approval of the tentative parcel map and **prior to recordation of the parcel map**. The new tandem carport will be constructed **prior to recordation of the parcel map**.

Any other structures on both new parcels located within ten (10) feet of the new rear property line will be removed prior to recordation of the parcel map.

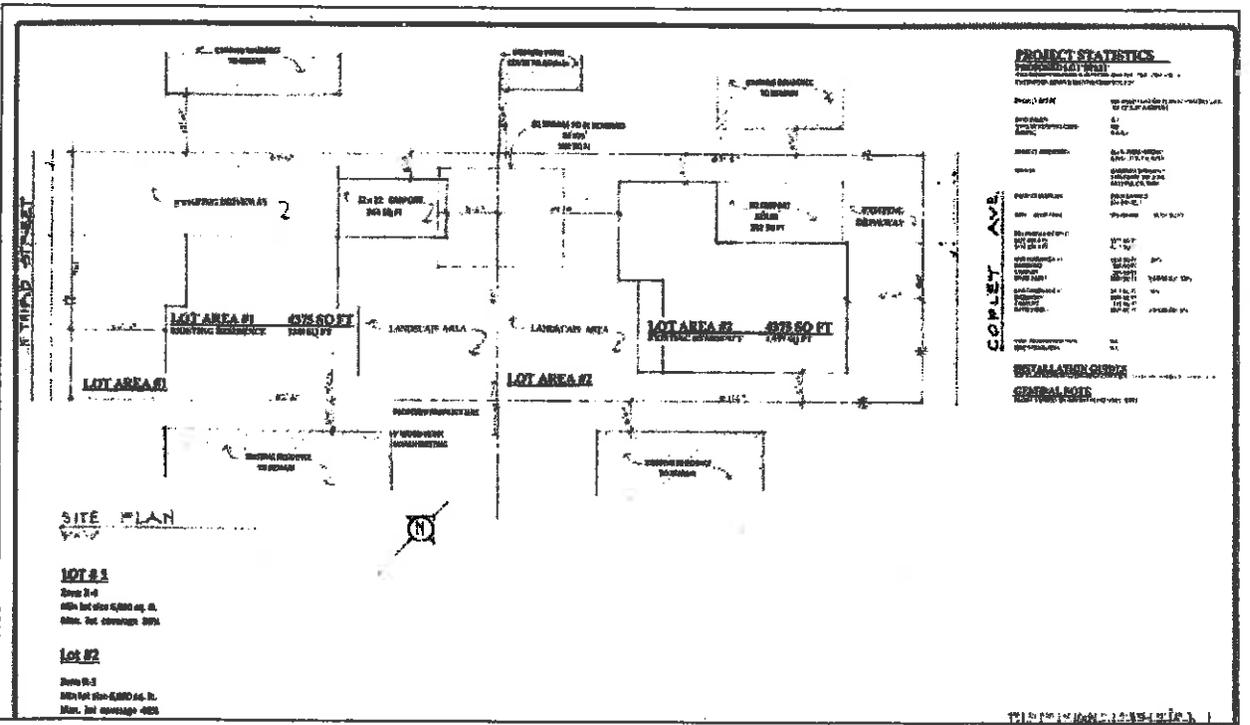
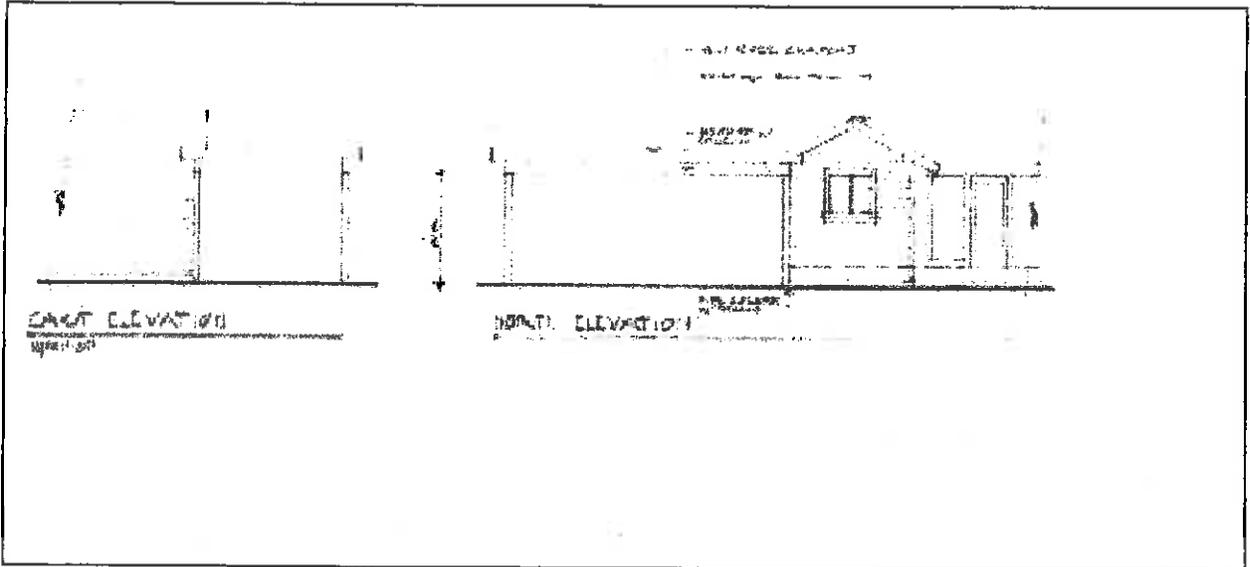
**Conditional Use Condition Agreement:**

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

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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Site Plan Map and  
Elevation Drawing of Proposed New Carport**



**EXHIBIT**

**4**

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

**WESLEY BEEBE ARCHITECTURE**

---

**PROJECT DESCRIPTION**

Barbara Sargenti  
324 N Third St.  
King City, Ca.

PROJECT: Lot split and construction of a 20' x 14' carport

**Project description**

The site has two residences one on Third Street with and old garage and a residence that fronts on Copley Avenue with a carport. The owner would like to split the lot and tear down the old garage and build a new carport. We are asking for a variance for the size of the two lots and construction of a single car port and reduced setbacks for the new carport.

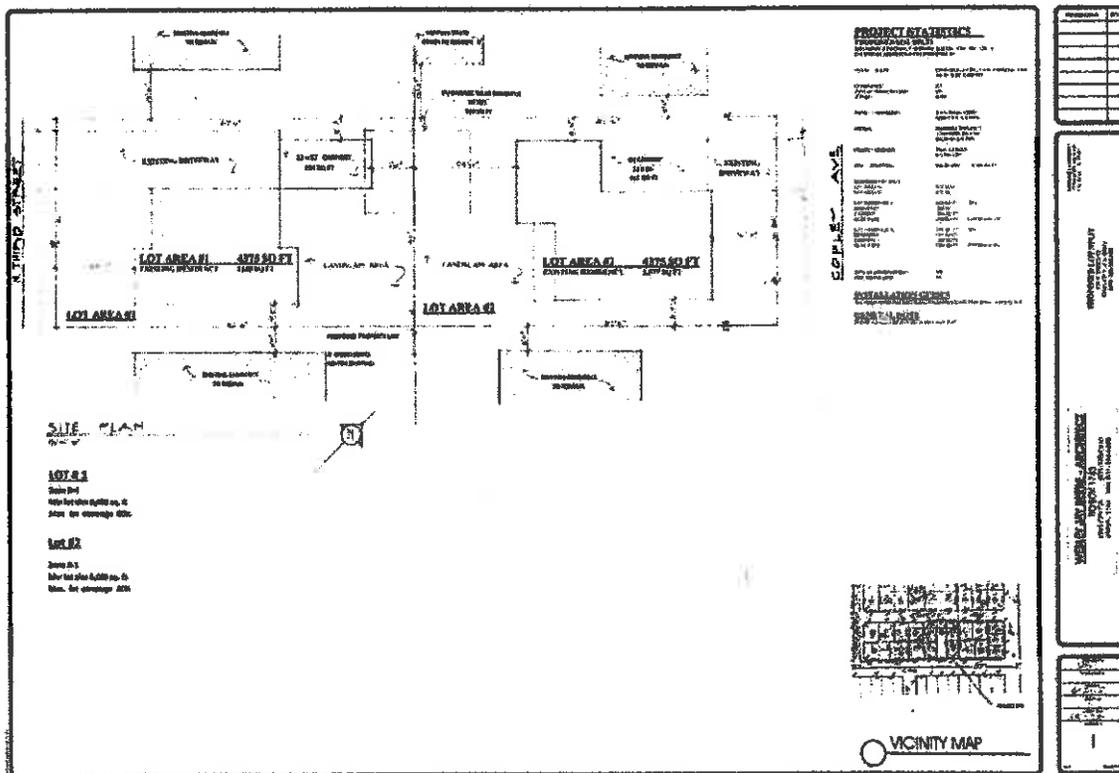
If you have any questions please call

Wes Beebe



**INITIAL STUDY AND DRAFT NEGATIVE DECLARATION**  
**August 6, 2015**

**Proposed Variance for Lot Size and Single-Car Carport**  
**324 3<sup>rd</sup> Street and 325 Copley Avenue, King City, California**



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

**Case No. VAR 2015-001**  
**August 6, 2015**

## **General Information About This Document**

### ***What's in this document?***

The City of King has prepared this Initial Study and Negative Declaration which examines the potential environmental impacts of the proposed project in the area north of the Downtown within the City. The document describes the project, the existing environment that could be affected by the project, potential impacts 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 Hearing on Tuesday, September 1, 2015 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 Planning Commission Public Hearing or send your written comments to the Community Development Department by the deadline. Submit comments via U.S. mail to the following address:

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

Submit comments via email to: [maguilar@kingcity.com](mailto:maguilar@kingcity.com)

Please submit written comments by August 25, 2015.

### ***What happens next?***

After comments are received from the public and reviewing agencies, the City Planning Commission may

- 1) give environmental approval and approval of the CUP for the proposed project, 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 project is given environmental approval and the Variance is approved by the City Planning Commission, the permit would become active unless the Planning Commission decision is appealed within ten (10) days of the approval of the Variance and Negative Declaration.

**CONTENTS:**

<b>I. PROJECT INFORMATION</b>	<b>Page 3</b>
<b>II. DETERMINATION OF NEGATIVE DECLARATION</b>	<b>Page 10</b>
<b>III. ENVIRONMENTAL SETTING</b>	<b>Page 11</b>
<b>IV. ENVIRONMENTAL CHECKLIST AND IMPACT REVIEW</b>	<b>Page 12</b>
<b>V. INFORMATION SOURCES</b>	<b>Page 20</b>
<b>VI. MANDATORY FINDINGS OF SIGNIFICANCE</b>	<b>Page 21</b>
<b>VII. INITIAL STUDY DETERMINATION</b>	<b>Page 23</b>
<b>VIII. MITIGATION MEASURES</b>	<b>Page 24</b>
<b>ATTACHMENTS</b>	<b>Page 25</b>

## I. PROJECT INFORMATION

**Project Title:** Paul Layouts Proposed Office Building

**Case Number:** VAR 2015-001

**Project Applicant:** Paul Layouts Phone: (831) 385-3227  
1320 Padre Dr. #340 Fax:  
Salinas, CA 93901

**Project Landowner:** Barbara Sargenti Phone:

**Project Designer:** Wesley Beebe, Architect Phone: 831-385-0810  
PO Box 1743, King City 93930-1743 Fax: 831-385-0688

**Project Description:**

**Project Site and Land Uses Existing and Proposed:**

Paul Layouts ("**Applicant**") has submitted a request for variances, Variance Application Case No. VAR2015-00. The requested variances would: 1. provide for the creation of two (2) future 4,375 square foot substandard sized parcels, and 2. allow one single 12'x22' carport at 324 N. Third Street and 325 Copley Ave., King City. The variance, if approved, would reduce lot size for the required minimum six thousand (6,000') building site for residential uses per Municipal Code §§17.12.060 and 17.18.060. The variance request would construct one (1) carport for the required two-car garage or carport per Municipal Code §17.52.010. The property is located at 324 N. Third Street and 325 Copley Ave. (APN: 026-183-009) and is located within the Multiple Family Residential ("**R-4**") and Single Family Residential ("**R-1**") Zone District and within the High-Density Residential ("**HDR**"). For that reason, the variance is required if the property is subdivided. If approved by the Planning Commission, the variances would be valid for up to one year from the date of the Planning Commission decision

The project, since it involves a future parcel map, does not qualify for a Categorical Exemption. Categorical Exemption, Class 15, reads as follows,

**15315. Minor Land Divisions**

*Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.*

**Note:** Authority cited: Section 21083, Public Resources

*Code; Reference: Section 21084, Public Resources Code.*

Therefore, an Initial Study and Negative Declaration are required.

**Background, Lot Size Reduction Request:**

There are two existing dwellings on the property, one fronting on 3<sup>rd</sup>. Street and the other fronting on Copley Avenue. The minimum required size of new parcels on level terrain is 6,000 square feet. The applicant is requesting a reduction of lot size to 4,375 square feet. Reductions in lot size are not permitted unless the Planning Commission makes findings that there are special circumstances applicable to the subject property. Typically, those circumstances involve unusual terrain or elements that apply to his/her parcel that differ from other parcels in the vicinity. In this case, the neighboring property, under the identical zoning criteria, has two parcels that are also 4,375 square feet. This fact may be considered by the Planning Commission when they consider the Variance.

The subdivision, however, will not create any new units since the site already has two residences. Density will not increase nor will there be any environmental impacts should the Planning Commission grant the variance or subsequent land division.

**Parking and setbacks:**

Lot coverage propos

The specific Municipal Code sections are identified below.

**Municipal Code §17.52.010 Off Street Parking Requirements**

Single Family homes are required to provide a minimum of two covered off-street parking spaces. The applicant is proposing to provide a single vehicle carport. (see standards for variances below)

The Planning Commission will review whether the project qualifies for a variance. This issue is not a significant environmental concern.

**Municipal Code §16.12.040 Residential Subdivision Standards**

The minimum size parcel is required to be 6,000 square feet. The applicant is requesting a variance to reduce the size of the parcel to 4,375 square feet. Variances creating substandard size lots are not permitted unless the Planning Commission can make findings identified in Section 16.20.020 (see below). Criteria for both Subdivision Regulations and Zoning Regulations will apply to this variance request. There will be no significant environmental impacts should the Planning Commission approve the variance since there are already two homes and no density changes will result.

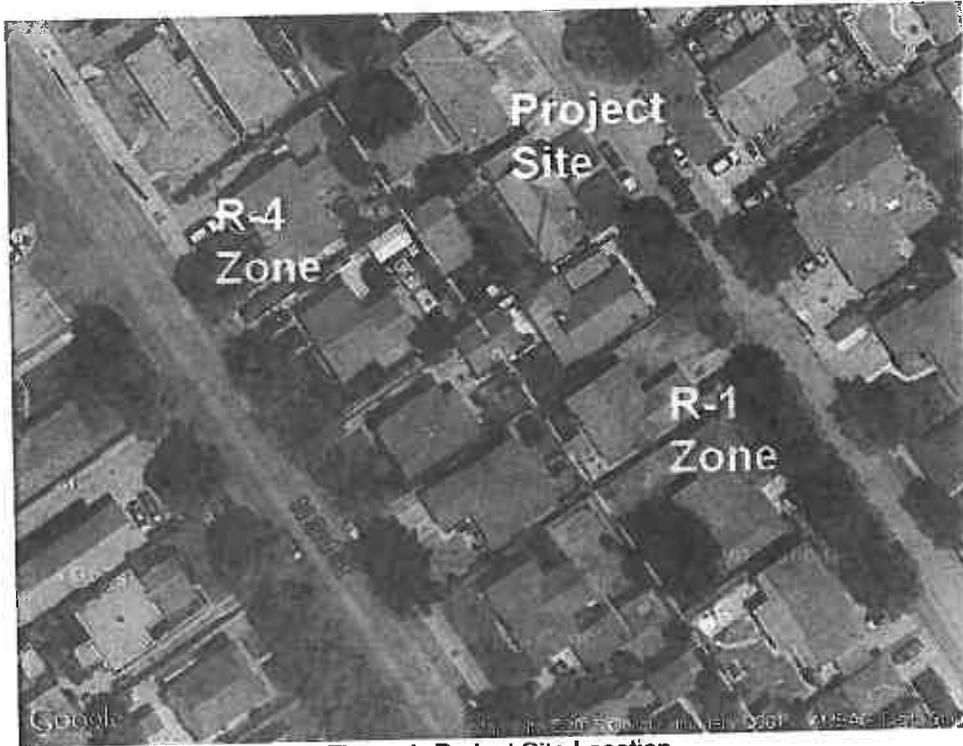
**Lead Agency:**

City of King	Phone: 831.385.3281
212 S. Vanderhurst Avenue	Fax: 831.385.0373
King City, CA 93930	

Mitigated Negative Declaration and Initial Study, Paul Layous

**Project Location:** 324 3<sup>rd</sup> Street and 325 Copley Avenue, King City

The site location is shown on the following aerial photo of the area.



**Figure 1: Project Site Location**

**Assessor Parcel Number(s)** 026-183-009

**General Plan Designation:**

**High Density Residential**

The proposed variance is not inconsistent with the General Plan designation.

**Zoning:**

**R-4 High Density Residential and R-1 Single Family Residential**

The existing two single family residences are consistent with the Zoning designations. The applicant is requesting variances for lot size and parking. Those requests, if approved, will not create any significant environmental impacts since the residences already exist and since other properties nearby also have the same density.

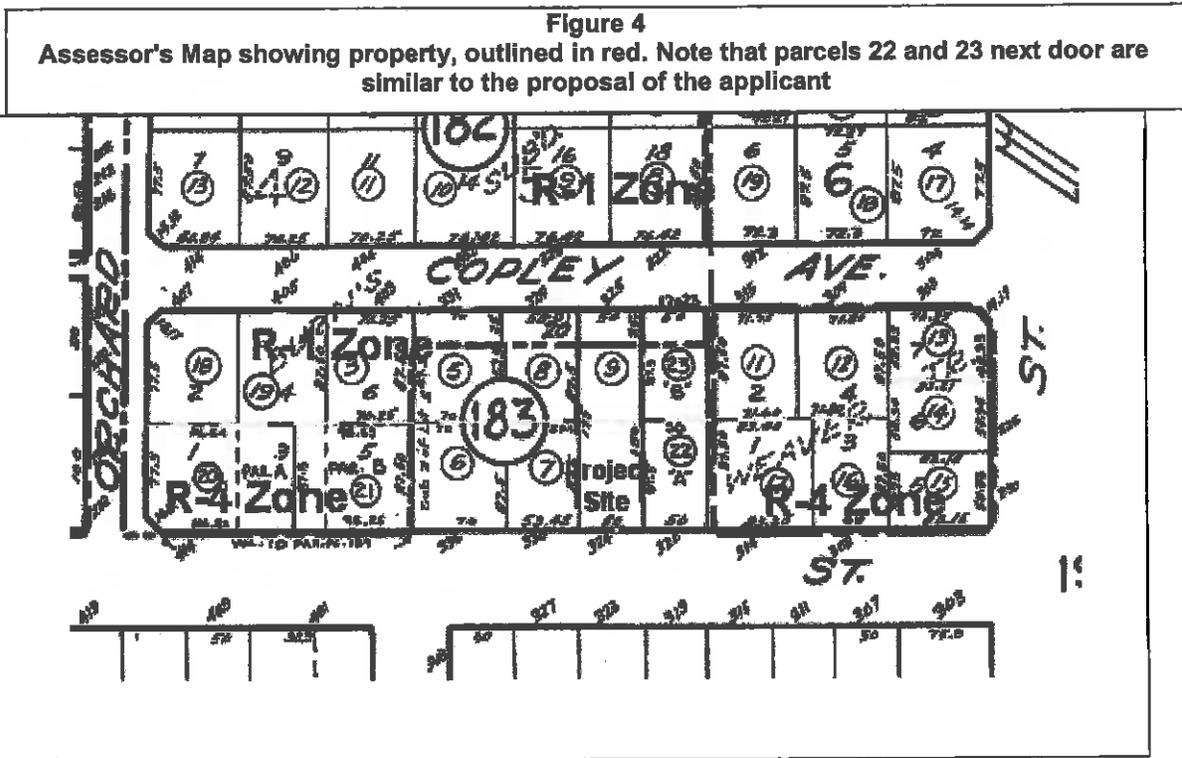
**Figure 2**  
**Existing Home at 324 3<sup>rd</sup> Street, View of the 3<sup>rd</sup> Street side of the property**



**Figure 3**  
**View of of the home at 325 Copley Ave, on the rear half of the subject property.**



Mitigated Negative Declaration and Initial Study, Paul Layout



**Applicable Municipal Code Sections.**

Following are the provisions applicable to the proposal. The Planning Commission will determine if the criteria for special circumstances are met. There are properties in the vicinity of the proposal with similar size parcels. Also, since there are already two residences existing on this site, there will be no potential environmental impacts resulting from the proposed variances.

**Title 16, Subdivisions:**

**16.12.040 Residential subdivisions.**

(a) Minimum lot area and width shall be as follows, unless a greater lot size or width is stipulated in the zoning ordinance, except where the lot size is reduced through the use of section herein. The following shall serve as the criterion for determining gross lot density requirements.

(b) Table of areas, widths and depths

Topography of Area**	Lot Size**			Grading: Following portion of the ground surface shall remain in its natural state no cut or fill**
	Min. Area	Min. Width*	Min. Depth	
Flat 0—10% Cross slope	6,000	60"	90"	0%
Hillside 10—15% Cross Slope	8,000	80"	120"	15%

**Mitigated Negative Declaration and Initial Study, Paul Layouts**

Steep hillside 15—25% Cross slope	10,000	90"	130"	30%
Very steep hillside 25% Cross slope	20,000	120"	150"	60%
Rugged above 35% Cross slope	1 Acre	150"	200"	80%

\* Width at front property line may be reduced by one-third where the frontage abuts the outside of any sharp curve and by one-half on panhandle development where topography exceeds fifteen percent cross slope and not more than one lot is served by the panhandle. Sharp curve-centerline radius of less than one hundred feet.

\*\* Interpolation is permitted.

(c) Improvements. All design and improvements shall be as set forth in Chapters 16.12 and 16.16.

(d) In determining the minimum lot area, all public utility transmission line easements may be required to be excluded for the purpose of computing land areas, even though such easements are included in the subdivision design. (Ord. 355 § 3.22, 1973)

**Note: The site is level, so the 6,000 square foot minimum is applicable**

**Subdivision Variances per Section 16.20.010 Based on hardships.**

It is realized that there are certain parcels of land of such dimension, subject to such title restrictions, so affected by physical conditions and/or devoted to such use that it is impossible for the subdivider to conform to all of the foregoing rules when subdividing property. (Ord. 355 § 6.00, 1973)

**Variances to Subdivision Standards per Section 16.20.020 Recommendation when.**

The planning commission may grant a variance from the foregoing requirements, when all of the following conditions are found to apply:

(1) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.

(2) Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity.

(3) Under the circumstances of this particular case, the variance, rather than the sections at issue in this title, actually carries out the spirit and intent of this title.

(4) The city may require adequate guarantees that the conditions imposed will be complied with. (Ord. 652 § 4, 2004; Ord. 355 § 6.00, 1973)

Note: The Planning Commission will determine if these standards are met. The neighboring parcels are 4,375 square feet in area, the same as that being proposed by the applicant. If approved, the project will not create any significant impacts since the site is already developed with two single family residences. The variance will not result in impacts.

**Zoning Variances for reduction of parking standards:**

**Title 17 ZONING**

**Chapter 17.62 VARIANCES**

**17.62.010 Granted when.**

Applications for variances from the strict application of the terms of this title may be made and variances granted when the following circumstances are found to apply:

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

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

**Note:** The Planning Commission will determine whether the site proposal meets these criteria. The variance, if approved, will not result in any significant environmental impacts since the site is already developed with two existing single family residences.

## **II. DETERMINATION OF NEGATIVE DECLARATION**

This proposed Draft Negative Declaration is included to give notice to interested agencies and the public that it is the City of King's intent to adopt a Negative Declaration for this project. This Negative Declaration is subject to change based on comments received by interested agencies and the public. It should be noted that there are no anticipated significant impacts and, therefore, there are no special mitigations necessary should the Planning Commission approve the proposed variances.

The City of King prepared the Initial Study and Negative Declaration for this project and pending public review, expects to determine from this study that the project, if developed and operated consistent with the 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 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.

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

**Environmental Setting:** The site is located in the industrial area and adjacent to the airport in the northeastern part of the City.

Surrounding Land Use			
North:	Single family residential	East:	Single family residential
South:	Single family residential	West:	Single and multi-family residential

**Environmental Setting:**

The City of King is located in the center of Salinas Valley along the US Highway 101 freeway approximately in the center of Monterey County. 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. The Highway 101 corridor connects the San Francisco Bay Area and the Central Coast.

The City is approximately 50 miles south of the City of Salinas, 145 miles south of San Francisco, 105 miles south of San Jose, and 50 miles north of Paso Robles. The City of King 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 edge of the Pacific and Continental Plates and is within an area known to have frequent seismic movement.

The proposed project site is bounded on the west side by 3rd Street and on the east by Copley Avenue.

#### 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 project is already developed with two single family residences. No aesthetic impacts will result from the project.

Mitigated Negative Declaration and Initial Study, Paul Layout

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

**Impact Discussion:**

The site is not close to agricultural lands. No impacts will result from the proposed project.

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 site is already developed. No air quality impacts will result.

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	

Mitigated Negative Declaration and Initial Study, Paul Layouts

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 site is in a completely developed area of the City and no impacts will result.

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

**Impact Discussion:**

The site is developed. Only the foundations for the proposed carport will require excavation. The standard Cultural Resources condition will apply to the project. See following:

The project will be so conditioned:

**Proposed standard condition:** In the event of an accidental discovery or recognition of any human remains on the project site, the City of King will ensure that the applicant includes this language in all construction and bid documents, in accordance with CEQA Guidelines §15064.5(e):

"If human remains are found during excavation or construction, work will be halted at a minimum of 30 feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely 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

Mitigated Negative Declaration and Initial Study, Paul Layout

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.”

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	
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 site is already developed. No impacts are anticipated.

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	

Mitigated Negative Declaration and Initial Study, Paul Layous

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:**

The site is already developed with single family residences. No impacts are anticipated.

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	
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	

Mitigated Negative Declaration and Initial Study, Paul Layous

**Impact Discussion:**

The site is developed. The site is not located in a floodway or floodplain. No impacts are anticipated.

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 project site is developed with uses that are similar to those in the vicinity. No density increase will result.

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 groundborne vibration or groundborne noise levels?				X	
c.	Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
d.	Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	

**Impact Discussion:**

The project is not near major highways or airport. No impacts are anticipated.

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	

Mitigated Negative Declaration and Initial Study, Paul Layout

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 site is already developed with two single family residences. No changes in density will result, nor will there be any anticipated displacement of substantial numbers of persons.

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 project site is already developed. No increases in public service needs will result.

13. RECREATION		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
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 project will not impact recreational services within the City of King.

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	

Mitigated Negative Declaration and Initial Study, Paul Layous

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:**

The project site is already developed. No significant impacts are anticipated.

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:**

The site is already developed with two single family residences. No significant impacts are anticipated.

**V. INFORMATION SOURCES:**

**A. County/City/Federal Departments Consulted:**

City  
Departments

**B. General Plan**

<input checked="" type="checkbox"/> Land Use Element	<input checked="" type="checkbox"/> Conservation Element
<input checked="" type="checkbox"/> Circulation Element	<input checked="" type="checkbox"/> Noise Element
<input type="checkbox"/> Seismic Safety/Safety Element	<input checked="" type="checkbox"/> Local Coastal Plan and Maps
<input checked="" type="checkbox"/> Zoning Ordinance	<input checked="" type="checkbox"/> Housing Element

**C. Other Sources of Information**

<input checked="" type="checkbox"/> Field work/Site Visit	<input type="checkbox"/> Ag. Preserve Maps
<input checked="" type="checkbox"/> Calculations	<input checked="" type="checkbox"/> Flood Control Maps
<input checked="" type="checkbox"/> Project Plans	<input checked="" type="checkbox"/> Other studies, reports
<input type="checkbox"/> Traffic Study	<input checked="" type="checkbox"/> Zoning Maps
<input checked="" type="checkbox"/> Records	<input checked="" type="checkbox"/> Soils Maps/Reports
<input type="checkbox"/> Grading Plans	<input checked="" type="checkbox"/> Plant maps
<input checked="" type="checkbox"/> Elevations/architectural renderings	<input checked="" type="checkbox"/> Archaeological maps and reports
<input checked="" type="checkbox"/> Published geological maps	<input checked="" type="checkbox"/> (Others) Groundwater studies, well records
<input type="checkbox"/> Topographic maps	

**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
<b>Potential to degrade:</b> 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	
<b>Cumulative:</b> 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	
<b>Substantial adverse:</b> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

a. The proposed project does 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, the proposed project would have the potential to generate storm-related runoff pollutants. The project 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 property. 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 property.

## Mitigated Negative Declaration and Initial Study, Paul Layous

c. The proposed project would result in construction dust and equipment exhaust emissions, and noise that could cause a substantial adverse effect on human beings. In addition, the primary uses of the site, which includes the storage, sale and distribution of chemicals related to agricultural products that are the business of the land owner. These impacts can be mitigated to a less than significant level with implementation of the mitigation measures contained in this initial study/negative declaration.

## 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**

August 4, 2015  
**Initial Study Date**

**Printed Name**

City of King  
**Lead Agency**

Mitigated Negative Declaration and Initial Study, Paul Layous

**VIII. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP),  
MITIGATION MEASURES OF THE NEGATIVE DECLARATION**

**The project is not anticipated to have any significant environmental impacts. No special mitigations are proposed.**

**Attachment A**  
**CORRESPONDENCE**



Item No. 7 (b)

REPORT TO THE PLANNING COMMISSION

**DATE:** SEPTEMBER 20, 2016

**TO:** HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

**BY:** DON FUNK, PRINCIPAL PLANNER

**RE:** REQUEST FROM SOMOCO WIRELESS FOR A CONDITIONAL USE PERMIT, CASE NO. 2016-005 TO CONSTRUCT AN 80-FOOT TALL LATTICE STYLE COMMUNICATIONS TOWER AT 218 BASSETT STREET WITHIN THE HISTORIC CORRIDOR REVITALIZATION PLAN AREA OF DOWNTOWN KING CITY.

**RECOMMENDATION:**

The proposed tower, as designed, will be highly visible and is height and a style that is generally more suitable for industrial type locations. As such, it may be difficult to find that the tower is “visually compatible with the City’s existing historic buildings” nor does it have a “western feel.” However, should the Planning Commission determine that the proposed tower does meet the design guidelines of the Historic Corridor Revitalization Plan and determine that the height is appropriate for the location on Bassett Street, the Commission could then **approve** CUP Case No. 2016-005, subject to the Conditions of Approval (“COA”).

As with all applications, the Planning Commission may also consider the following options:

1. **Approve the Project.** Allow the applicant to construct an 80-foot tall lattice style communications tower at 218 Bassett Street based on the Findings contained in Exhibit 1.  
*If this alternative is selected, the Planning Commission should move to:*
  - A. **Find the Project Categorically Exempt from CEQA;** and
  - B. **Approve CUP Case No. 2016-005 by adopting the attached Resolution and Conditions of Approval (“COA”) provided herein. (Reference Exhibit “2”).**
2. **Deny the Project.** This action would not permit the construction of the 80-foot tall communications tower. *If this alternative is selected, the Planning Commission should identify the reasons for denial, including that it is not consistent with the design guidelines for the Historic Corridor Revitalization Plan and direct staff to return at the next hearing with findings for denial.*
3. **Modify the Project.** The Planning Commission may request the applicant to make modifications to the proposal design, potentially changing the design and/or height of the structure.

**BACKGROUND:**

SoMoCo Wireless, agent Joe Girard, is requesting a Conditional Use Permit (“CUP”) Case No. 2016-005, to construct an 80-foot tall lattice style communications tower at 218 Bassett Street, adjacent to the SoMoCo offices. The tower is proposed for “purpose is for the distribution of internet services via point to point links and point to multipoint links only.” According to the applicant, no cellular services are involved at this time, although, based on FCC laws, the City would not be able to prohibit other types of antennas

from being attached to this tower as long as the tower was not being substantially increased in height and the additional antennas met the standards established by the FCC and State of California. The tower is proposed within the Historic Corridor Revitalization Plan area. The site is zoned Village Core ("VC") and is designated Commercial in the General Plan.

**FILE NO.:**

CUP Case No. 2016-005

**LOCATION:**

218 Bassett Street, King City

**APN:** 026-193-022

**APPLICANT:**

SoMoCo c/o Joe Girard

**APPLICANT/CONTACT PHONE NUMBER:**

(831) 291-0184

**LANDOWNER:**

Roger Borzini & Brandi Short

**EXHIBITS:**

1. Findings of Fact
2. Resolution
3. Conditions of Approval
4. Tower Design
5. Photo Submitted by Applicant
6. Plot Plan of Tower
7. Photos of other towers in Downtown

**Vicinity Map**



**ISSUE SUMMARY**

The Applicant proposes to add an 80-foot tall lattice style antenna tower at 218 Bassett Street in Downtown King City. The purpose of the tower is to "is for the distribution of internet services via point to point links and point to multipoint links only" according to supplemental information provided by the applicant. Should the Commission approve the proposed tower, it is important to note that FCC and State regulations allow other future additional antennas to be added to the tower without modification to the Conditional Use Permit if the new antennas meet the standards for Colocation on the existing tower.

Communication towers are permitted in the Village Core with a Conditional Use Permit. The maximum height allowed in the VC zone is 30 feet. The proposed tower will exceed the maximum height. The minimum front, rear and side setback requirements for the VC Zone are 0 feet for all setbacks for buildings from property line. The proposed tower meets the setback standards. It is located over 20 feet from front property line, over 20 feet from side property lines and over 40 feet from the rear property line.

The Historic Corridor Revitalization Plan guidelines state that "New buildings should be visually compatible with the City's existing historic structures and should have a Western feel." Following is the intent for uses and building designs in the VC Zone:

The primary intent of this Zone is to enhance the vibrant, pedestrian-oriented character of Broadway Street as a retail and entertainment center. The physical form and uses are regulated to

reflect the urban character of the historic shopfront buildings and to encourage a mix of uses with a well-defined private realm built at the human scale.

**The key issues to consider:**

**1. Should the applicant be permitted to install a new communications tower on Bassett Street?**

Commission will need to determine if project is compatible with zoning, general plan and environmental issues.

**2. Will the proposed tower be compatible with the standards applicable to the Historic Corridor Revitalization Plan?**

Commission will need to determine if the project is consistent with aesthetic guidelines for the Historic Corridor Revitalization Plan and the Village Core District.

**3. Will the proposed tower be visually compatible with the proposed location?**

Commission will need to determine if the proposed 80-foot tall lattice tower is appropriate for this location.

**I. ENVIRONMENTAL DETERMINATION**

If the Commission determines that there are no visual or design issues related to the proposed tower, the Commission can determine that the project qualifies for a CEQA Categorical Exemption, Class 3.

However, should the Commission determine that the proposed tower does create significant visual impacts, the Commission may require the preparation of a Mitigated Negative Declaration, to be focused on visual issues. Recently approved new towers in the City have been required to mitigate views by various measures, including the addition of stadium lights at the High School towers and landscaping mitigation at the High School as well as landscaping mitigation at other sites in the City.

**II. OVERVIEW**

**A. Background and Proposal**

The project review of the proposed 80-foot tall communications tower includes the necessity of the Commission to determine if the tower is consistent with the Historic Corridor Revitalization Plan. This tower will be the first such review of a communications tower since the adoption of the Revitalization Plan by the City Council in January 2011.

Other recently approved towers near the Downtown include a 77-foot tall monopole/stadium light pole at the High School stadium (with landscaping mitigation), a 48-foot tall monopole at the PG&E electric station on 2<sup>nd</sup> Street, and a 75-foot tall monopole at Lonoak Road (with landscaping mitigation).

**1. Operational Features**

- *The facility will be in operation and monitored from the project site. Based on FCC and State regulations, future antennas may be added, which may be antennas operated by other entities different from the applicant.*
- *Access to the tower should be restricted to communication industry professionals, and approved contractor personnel trained in radio-frequency safety.*

**2. Structural Analysis Reports and Permit Review**

The Applicant will process the building permit through the Building Department of the City of King.

**III. PROJECT EVALUATION**

**A. Proposed Use**

The Applicant is requesting a CUP to construct an 80-foot tall lattice style communications tower at 218 Bassett Street, next door to the City Post Office. The tower will initially be used for radio communication between other towers and other antennas. The tower, once approved, will be available for other antennas and antenna equipment pursuant to FCC and State Regulations. Staff

inquired with the applicant regarding the need for such a tall tower in the downtown area. Staff also inquired as to whether a more visually compatible design such as a monopole would be feasible. The applicant indicates that the lattice style pole is needed to reduce the sway of the antenna equipment. The applicant also indicates that the very tall height is needed to avoid interference with trees and other current and future towers. Several articles (regarding communication towers) on the internet indicate that lattice towers are roughly half the cost of monopoles. Additional antennas and other equipment of various designs can undoubtedly be more easily added to lattice towers.

The site is designated Historic (Downtown) Corridor in the General Plan and Village Core ("VC") on the Zoning Map. The site is within the Historic Corridor Revitalization Plan. That Plan allows communication towers with the approval of a CUP. The Plan also provides design guidelines requiring new structures to be of a design that is visually compatible with existing structures and have a "western feel."

**B. Surrounding Zoning and Uses**

**Table 2** provides an overview of the adjacent zoning and existing land uses. The site is accessed from Bassett Street. Nearby uses include the Post Office, several churches, commercial uses and residences. The site is approximately two blocks from City Hall.

The surrounding zoning and existing uses include:

Table 2 Adjacent Zoning/Existing Land Use			
<b>East:</b>	Village Core (zoning) Commercial Uses (land uses)	<b>West:</b>	Village Core (zoning) Commercial & Post Office (land uses)
<b>South</b>	Village Business (zoning) Mixture of housing and commercial Uses (land uses)	<b>North</b>	Village Core (zoning) Commercial Uses (land uses)

**V. MUNICIPAL CODE REQUIREMENTS**

**A. Conditional Use Permit Requirements**

The project is in the Village Core ("VC") Zoning District. The purpose of Village Core District is to protect the historical commercial uses and encourage new land uses that are compatible with street-front commercial and restaurant landuses. Communications equipment is allowed with a Conditional Use Permit.

**Municipal Code Section 17.56.020 Radioactivity—Electrical disturbance.**

Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted in quantities which is dangerous to humans. (Ord. 354 §6.5.2, 1973) According to the applicant, the proposed radio wave equipment has been indicated to not be a hazard to humans by the FCC.

**VI. GENERAL PLAN/POLICIES AND REQUIREMENTS**

**Table 3** provides the General Plan land use designations for the project.

<b>Table 3</b>	
<b>General Plan Designations</b>	
<b>General Plan Land Use Designation:</b>	Commercial
<b>Specific Plan Area:</b>	Historic Corridor Revitalization Plan The site is located in the Village Core Zone

The following is a general analysis of the proposed Project.

**A. General Plan Land Use Element - Commercial**

There are no specific provisions regarding cell towers or other communication equipment within the Commercial designation of the General Plan. Communication towers are only permitted in the Village Core Zone with Conditional Use Permits. The Historic Corridor Revitalization Plan provides guidelines for design. The proposed tower exceeds maximum allowable height limits. There are no provisions in the Historic Corridor Revitalization Plan to allow extensions beyond the maximum 30 foot height limit. However, Municipal Code Section 17.48.070 allows height extensions with a Conditional Use Permit.

**Figure 1**  
**Projected Appearance of the Proposed Communications Tower at the Project Site**



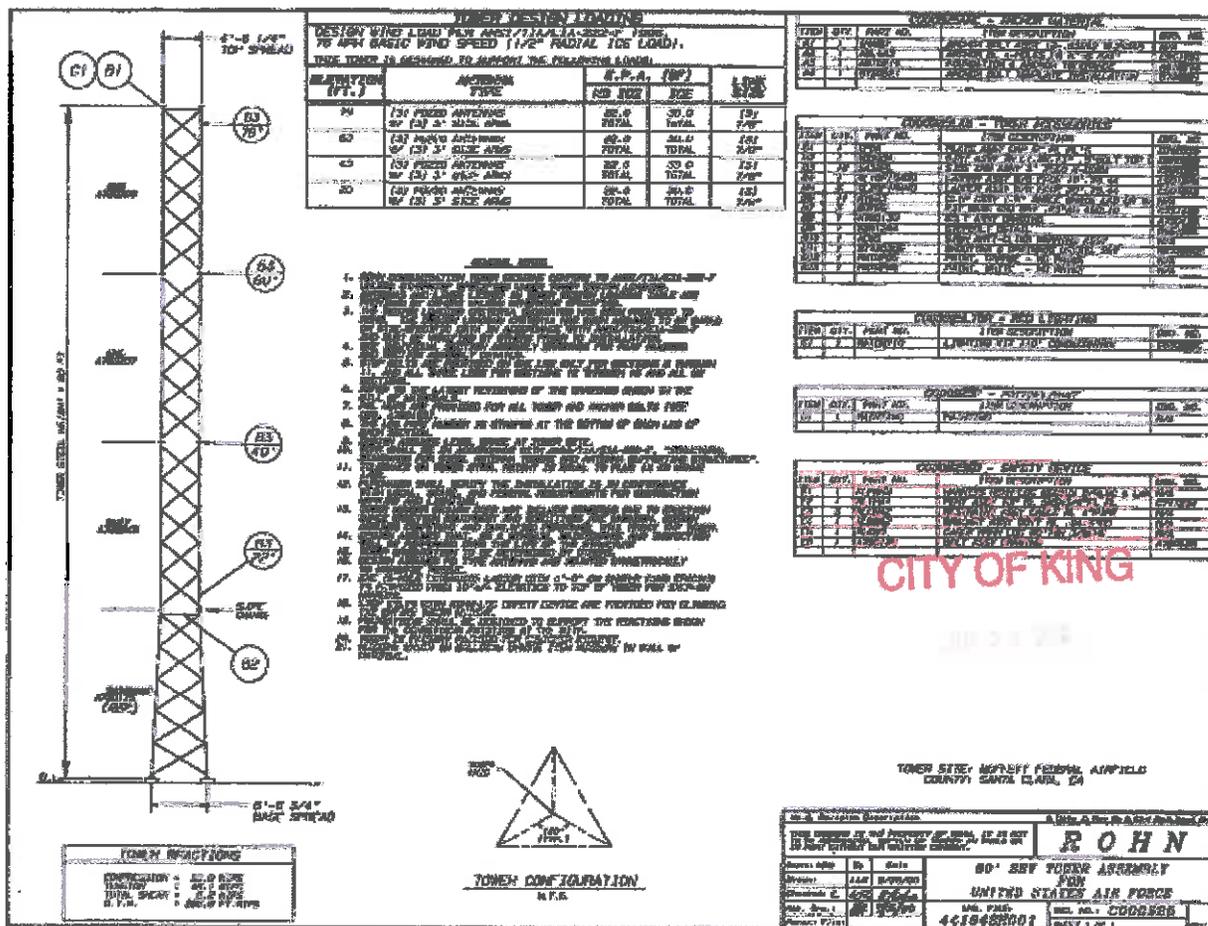
**VII. ENVIRONMENTAL GUIDELINES**

**A. Categorical Exemptions**

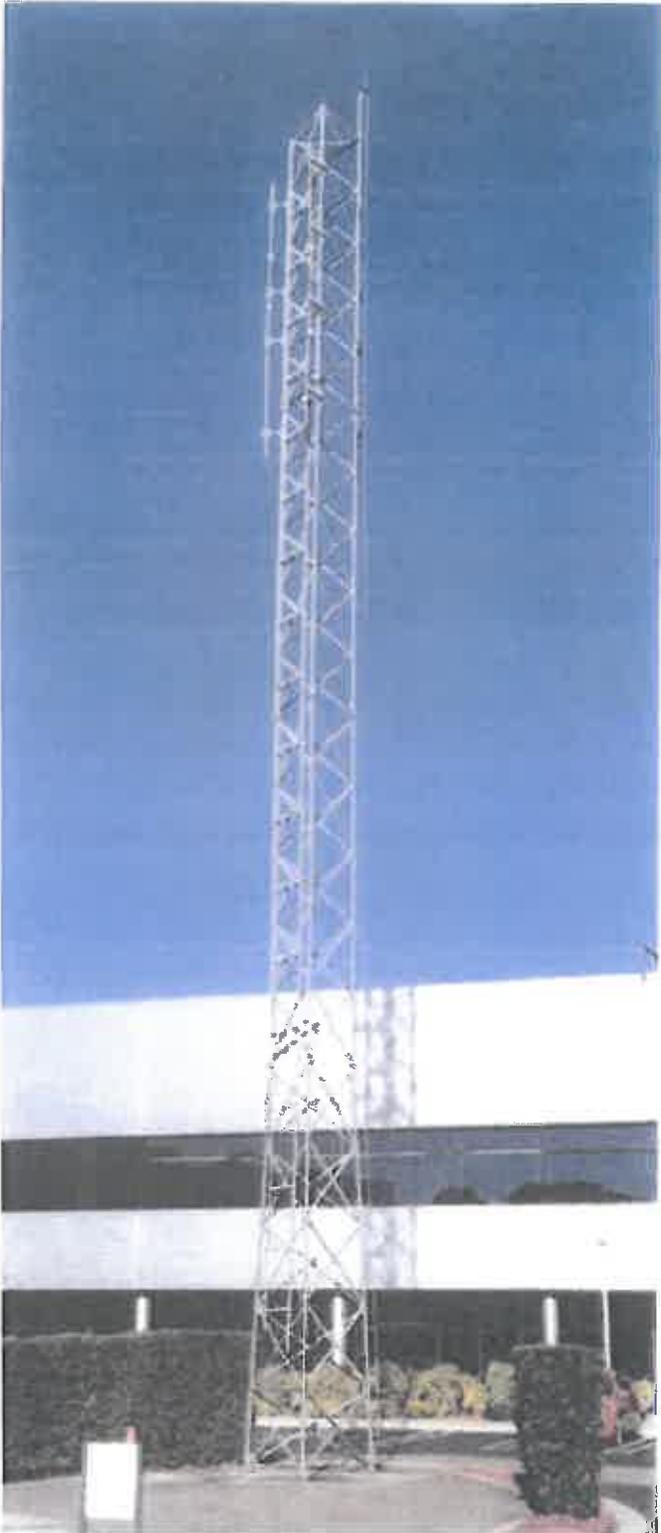
As mentioned above, the proposed site, seen in **Figure 1**, is a prominent and visible location in the Downtown. It is estimated that the proposed tower will be visible from a minimum of several hundred feet. The proposed tower is the approximate equivalent of the height of an eight story building. The primary potentially significant negative impact is the height and design of the tower. **Figures 2, 3 and 4** are the project design submitted by the applicant.

If there are no significant visual impacts or hazards, the Commission can determine the project exempt pursuant to Section 15303 (Class 3 Categorical Exemption, "New Construction or Conversion of Small Structures") of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.).

**Figure 2  
 Proposed Tower Design**



**Figure 3**  
**Photo Submitted by the Applicant Showing Similar Tower**



CITY OF KING  
JULY 20, 2016

CUP 2016-005



**EXHIBIT 1  
CUP Case No. 2016-005**

**FINDINGS OF FACTS FOR APPROVAL**

The Municipal Code gives the Planning Commission ("**Commission**") the authority to approve a project so long as the Commission can make certain findings. Written "findings of fact" are required in order to support the decision of the hearing body to approve or deny a project. Furthermore, a project must meet certain conditions to be categorically exempt from the California Environmental Quality Act ("**CEQA**"). Staff presents the required findings to aid the Commission in making the resolution of approval or denial.

**Conditional Use Permit Findings**

1. The General Land Use Designation for Retail Commercial ("**RC**"), General Land Use designation, while not specifying communication towers, does permit a variety of commercial related uses. The proposed antenna and equipment will improve communication coverage for the community, a benefit for emergency use.
2. The Applicant indicates that their proposed antenna(s) comply with the FCC guidelines limiting public exposure to RF energy.
3. The proposed use is consistent with the General Plan Land Use Element to assure adequate public services and facilities to existing and new development as the community grows. This District does not specify on radio or communication towers. However, Municipal Code §17.48.070 (Uses – Conditions and Exceptions – Uses Permitted Subject to Permit; Exceptions to Height Limits) allows the Planning Commission to approve certain uses possessing special characteristics not found in the designated district subject to obtaining a conditional use permit. Radio, Television and other towers where permitted in a district height limitations subject to a conditional use permit.
4. The project use and design will be consistent with the Historic Corridor Revitalization Plan and with the goals for providing structures that are compatible with existing buildings in the Village Core district. It will improve the appearance of the site by incorporating design features (List features added: \_\_\_\_\_) added by the Commission and agreed to by the applicant at the meeting of September 20, 2016.
5. The COA as shown on **Exhibit 3** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas.

**California Environmental Quality Act (CEQA) Categorical Exemption Findings:**

With the proposed features added in Finding Number 4 above, the significant visual impacts will be reduced to a less than significant impact. With these changes, the project will be consistent with the goals and objectives of the Historic Corridor Revitalization Plan, which guidelines require structures to be consistent with the design of other buildings in the Downtown and promote a western image.

Since the project design will mitigate the views from Front Street, this Project can qualify for a Class 3 Categorical Exemption (CEQA Guidelines §15303-New Construction or Conversion of Small Structures ). Class includes residential and commercial projects in a developed area.

**EXHIBIT 2**

**RESOLUTION NO. 2016-160**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,  
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-005  
LOCATED ON 218 BASSETT STREET, KING CITY, CALIFORNIA.**

**WHEREAS**, On **June 22, 2016**, SoMoCo Wireless, agent Joe Girard, filed an application requesting a Conditional Use Permit ("**CUP**") Case No. 2016-005, to construct an 80-foot tall lattice style communications tower at 218 Bassett Street, adjacent to the SoMoCo offices. The tower is proposed for "purpose is for the distribution of internet services via point to point links and point to multipoint links only." According to the applicant, no cellular services are involved at this time, although, based on current FCC laws, the City would not be able to prohibit other types of antennas from being attached to this tower as long as the tower was not being substantially increased in height and the additional antennas met the standards established by the FCC and State of California. The tower is proposed within the Historic Corridor Revitalization Plan area. The site is zoned Village Core ("**VC**") and is designated Commercial in the General Plan.; and

**WHEREAS**, On **September 20, 2016**, the Planning Commission ("**Commission**") held a public hearing to consider the proposal of SoMoCo and Joe Girard; and

**WHEREAS**, the project, with the provisions added by the Commission and agreed to by the applicant at the meeting, qualifies for a Class 3 Categorical Exemption of CEQA consisting of the construction of small commercial and residential projects where the project both individually and cumulatively will not have a significant negative environmental impact; and

**WHEREAS**, the Commission reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **September 20, 2014**; and

**WHEREAS**, the Commission makes the followings findings of facts:

1. The General Land Use Designation for Retail Commercial ("**RC**"), General Land Use designation, while not specifying communication towers, does permit a variety of commercial related uses. The proposed antenna and equipment will improve communication coverage for the community, a benefit for emergency use.
2. The Applicant indicates that their proposed antenna(s) comply with the FCC guidelines limiting public exposure to RF energy.
3. The proposed use is consistent with the General Plan Land Use Element to assure adequate public services and facilities to existing and new development as the community grows. This District does not specify on radio or communication towers. However, Municipal Code §17.48.070 (Uses – Conditions and Exceptions – Uses Permitted Subject to Permit; Exceptions to Height Limits) allows the Planning Commission to approve certain uses possessing special characteristics not found in the designated district subject to obtaining a conditional use permit. Radio, Television and other towers where permitted in a district height limitations subject to a conditional use permit.
4. The project use and design will be consistent with the Historic Corridor Revitalization Plan and with the goals for providing structures that are compatible with existing buildings in the Village Core district. It will improve the appearance of the site by incorporating design features (List features added: \_\_\_\_\_) added by the Commission and agreed to by the applicant at the meeting of September 20, 2016.
5. The COA as shown on **Exhibit 3** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King approves CUP Case No. CUP 2016-005, consistent with **Exhibits 4, 5, and 6** and all conditions of approval as presented.

This resolution was passed and adopted this **20<sup>th</sup>** day of **September, 2016**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

---

DAVID NUCK, CHAIRPERSON

ATTEST:

---

ERICA SONNE  
SECRETARY TO THE PLANNING COMMISSION

### EXHIBIT 3

#### CUP CASE NO. 2016-005 CONDITIONS OF APPROVAL

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

1. **Project Description:** The project approval is for a SoMoCo Wireless, agent Joe Girard, for a Conditional Use Permit ("**CUP**") Case No. 2016-005, to construct an 80-foot tall lattice style communications tower at 218 Bassett Street, adjacent to the SoMoCo offices. The tower is proposed for "purpose is for the distribution of internet services via point to point links and point to multipoint links only." According to the applicant, no cellular services are involved at this time. The cell tower, and ground equipment shall be constructed in accordance with **Exhibits 4, 5 and 6**, as approved by the Planning Commission on **September 20, 2016**.
2. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. It is the Applicant's responsibility to request an Extension of Time before the one (1) year expiration date so the approval does not become null and void. Landscaping and irrigation system shall be installed within 90 days of the date of approval of the CUP and shall be continually monitored by the applicant with any dead plants replaced and all systems repaired regularly. Said landscaping shall be maintained for the life of the tower and other equipment.
3. **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 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."
4. **Lighting:** Any and all outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties.
5. **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.
6. **Hold Harmless and Indemnification Clause:** The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**") and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred

to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Koczanowicz and Hale, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

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

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

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

The applicant agrees to defend, indemnify and **hold harmless** City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), attorneys, employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, sphere of influence amendment, annexation, pre-zoning, general plan amendment, specific plan, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

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

*The counsel selected by applicant and accepted by the City, to so defend City, which approval shall not be unreasonably withheld, delayed or conditioned;*

*All significant decisions concerning the manner in which the defense is conducted, which approval shall not be unreasonably withheld, delayed or conditioned; and*

*Any and all settlements.*

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

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

7. **Other County, State and Federal Permits:** Before initiation of the proposed use, the Applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
8. **Discontinuance of cellular antennas or tower:** If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the City with a copy of the notice to the FCC of intent to cease operations within thirty (30) days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have one-hundred and eighty (180) days from submittal of the FCC notice to the City to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the City in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within sixty (60) days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the City may, on grounds of public safety, health, and welfare, cause the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the City may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal. The City, at time of application for construction, may require posting of a bond covering the cost of removal of the antenna or tower; the bond to be forfeited to the City upon failure to remove the antenna or tower in a timely manner as required above. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5') square feet in area.
9. **Structural Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in connection with the project. No conditions, colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable.
10. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. The project shall comply with all building codes and City Building Division review and approvals.
11. **Business License:** Before issuance of a building permit, a business license shall be obtained for every person conducting or carrying on the business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.
  - (a) Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.
  - (b) Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.
  - (c) Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.
12. **On-site Personnel:** Access to the tower shall be restricted to communication industry professionals, and approved contractor personnel trained in radio-frequency safety; and that the instant analysis addresses exposure levels at two meters above ground level and does not address exposure levels on the tower, or in the immediate proximity of the antennas.

**Conditional Use Condition Agreement:**

The conditional use permit is **not** valid until all Conditions of Approval (“COA”) and mitigated measures imposed by the Planning Commission are signed for and agreed to by the applicant.

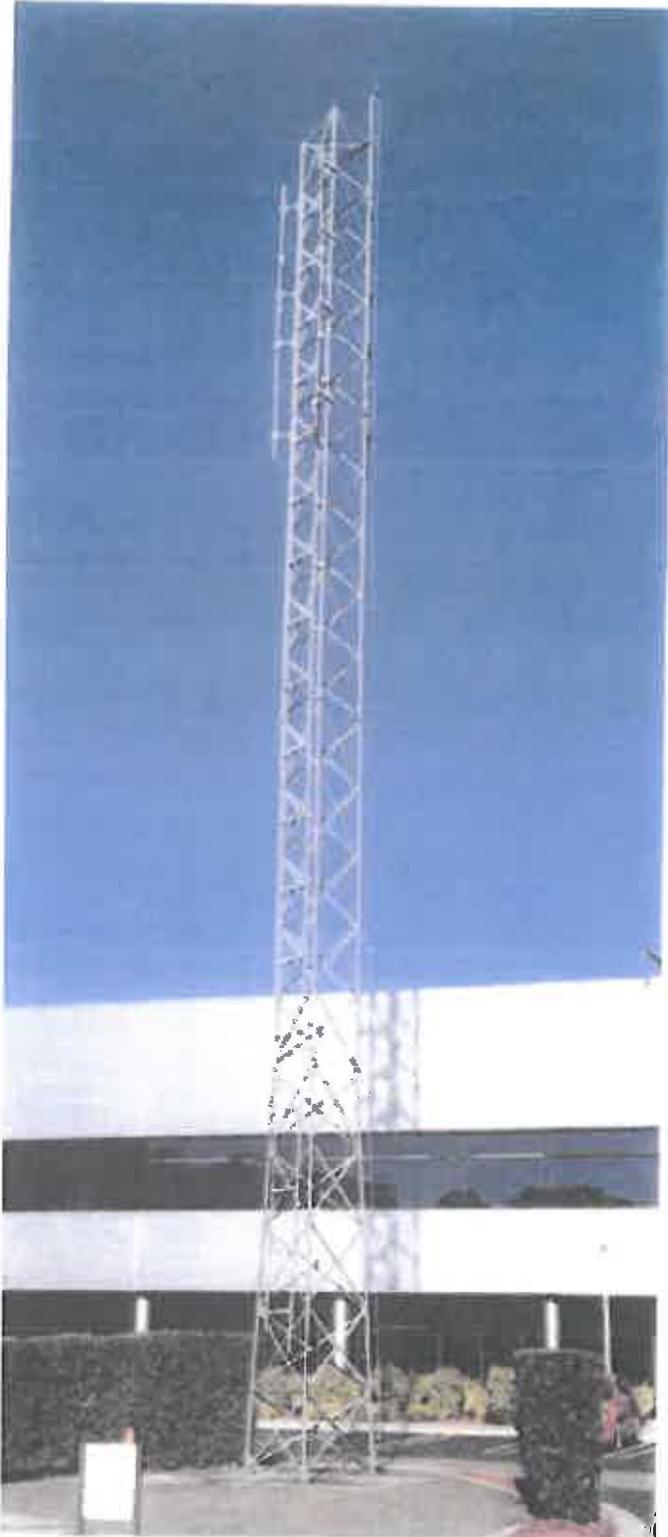
I have received a copy of the conditional use permit conditions of approval and mitigated measures and agree with them. I understand that if I do not abide by them the Planning Commission has the authority to revoke my conditional use permit, pursuant to the Municipal Code. (*Reference Municipal Code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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**EXHIBIT 5**

**Photo Submitted by the Applicant Showing Similar Tower**



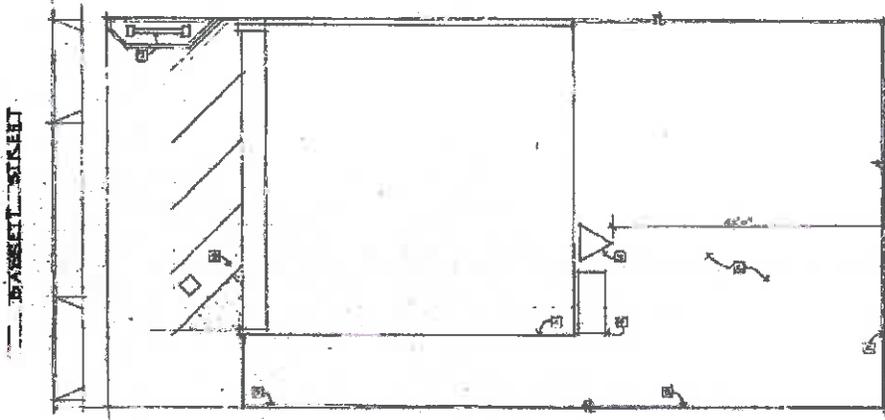
0000000000

CITY OF KING

CWP2011e-005

# EXHIBIT 6

## Plot Plan Showing Proposed Tower Location



**SITE PLAN**  
 3/24/09

**PROJECT STATISTICS**

**NEWARKER TOWER**  
 1000 NEWARKER TOWER, NEWARK, NJ, 07102

PROJECT NAME	NEWARKER TOWER
OWNER	NEWARKER TOWER
DESIGNER	NEWARKER TOWER
CONTRACT NO.	NEWARKER TOWER
DATE	NEWARKER TOWER
PROJECT NO.	NEWARKER TOWER
DATE	NEWARKER TOWER
PROJECT NO.	NEWARKER TOWER
DATE	NEWARKER TOWER
PROJECT NO.	NEWARKER TOWER
DATE	NEWARKER TOWER

**INSTALLATION NOTES**

- SITE PLAN NOTES**
1. ALL DIMENSIONS ARE IN FEET AND INCHES
  2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
  3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
  4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
  5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
  6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
  7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE

**CITY OF KING**

**EXHIBIT 7**

**Photos of Other Towers in City Downtown**

**Tower at Fire Station**



**Tower on Roof of Building Second Street**



**PLANNING COMMISSION**  
**September 20, 2016**

**PROJECT SUMMARY:**

In **January 2016**, SDH Holdings, LLC (formerly David Gill and Steve Caroni) ("**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**. On **March 1, 2016**, the Planning Commission recommended the City Council approve the text amendment. At the applicant's request, the remaining applications were continued to a future meeting. The remaining applications were continued from subsequent Planning Commission hearings. Due to the longevity from the first Planning Commission continuance, the item was re-noticed.

**CASE NUMBERS:**

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

**LOCATION:**

See Vicinity Map

**APPLICANT:**

SDH Holding, LLC

**LANDOWNER:**

SDH Holding, LLC

**EXHIBITS:**

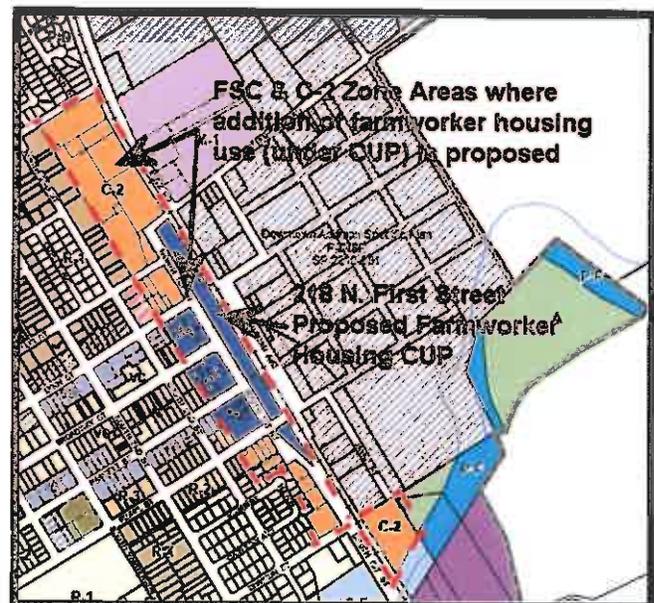
- Exhibit 1:** Proposed Site Plan and Layout
- Exhibit 2:** Proposed Architectural Rendering
- Exhibit 3:** Conditions of Approval
- Exhibit 4:** Adopted Mitigated Negative Declaration
- Exhibit 5:** MOU
- Exhibit 6:** Resolution

**BACKGROUND**

On **December 15, 2015**, the Planning Commission made an interpretation that 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

**Vicinity Map**

N↑



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. The project has been continued several time until September 20, 2016.

The applicant proposes 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 remain be vacant. (**Reference Exhibit 1 and Figure 1.**) The applicant included a variance for a six (6') high wall along First Street in the event they convert the parking area to a recreational area. Condition of approval No. 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 distributed 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. Staff and the applicant have been refining the conditions of approval.

On **June 20, 2016**, SGH Holding, LLC (includes Mr. Gill and Mr. Scaroni) acquired the Meyer Warehouse Property. Subsequently, Smith-Monterey, LLC and SGH Holding LLC entered into a Purchase and Sale Agreement and Joint Escrow Instructions to purchase a portion of the Meyers Warehouse Property. The Tentative Parcel Map approved by the Planning Commission on **August 2, 2016**, when recorded, will create two lots (Parcels 1 and 2). Smith Monterey will purchase Parcel 2. The City, SGH Holding, LLC and Smith-Monterey LLC collaborated on a Memorandum of Understanding ("**MOU**") to address the

Broadway Street extension, and improves on Bassett Street needed for the multimodal transit district. The MOU was approved by the City Council on **September 13, 2016**. (*Reference Exhibit 5.*)

## 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 be continued at the **March 1, 2016** Planning Commission meeting to the **April 19, 2016** Planning Commission hearing. The applicant needed additional time to refine the project. The item was continued from the Planning Commission **May 17, 2016** to the **June 7, 2016** Planning Commission hearing. (The applicant submitted amended site plans and elevations on Thursday May 12, 2016.) The amended project was continued to the **June 7, 2016** Planning Commission hearing. Due to discussions on the conditions of approval between staff and the applicant and a Memorandum of Understanding ("**MOU**"), the item has been continued several time.

The amended applications remodel a vacant warehouse into temporary barracks style agricultural employee housing facility for 214 agricultural employees 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. Trees will be planted along First Street. (*Reference Exhibit 3.*)

Since this is a unique project (i.e., agricultural employee housing under H2-A Visa Farmworker Housing Program), the Municipal Code does not address specific parking requirements. The applicant will be busing the employees to work, and providing other transportation when needed. Based on the applicant's past experience, a limited number of parking spaces will be provided. Municipal Code §17.52.040 (c) allows the planning director to make a recommendation regarding parking spaces when the interpretation of the title may cause undue hardship on the subject property. As mentioned earlier, the use is unique and transportation being provided by the employer.

\

## **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.

### **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. As mentioned above, PRC has met on several occasions to discuss the project and conditions of approval with the applicant.

## **V. FINDINGS OF FACT**

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

### **CUP/AR**

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.

**Variance (MC §17.62.010):**

Applications for variances from the strict application of the terms of the Municipal Code may be made and variances granted when the following circumstances are found to apply:

- (1) The variance is subject to conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated. The use is different from other allowed uses in the zoning district (i.e., agricultural employee housing– H2-A housing) and subject to Federal requirements, including providing a recreational area.
- (2) Because of special circumstances applicable to subject property (i.e., existing industrial building with limited outdoor areas to provide recreational uses), the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- (3) The variance does not authorize a use or activity that is not otherwise permitted by the zone because it is to increase the height of a fence in the front yard setback.

**PUBLIC NOTICE**

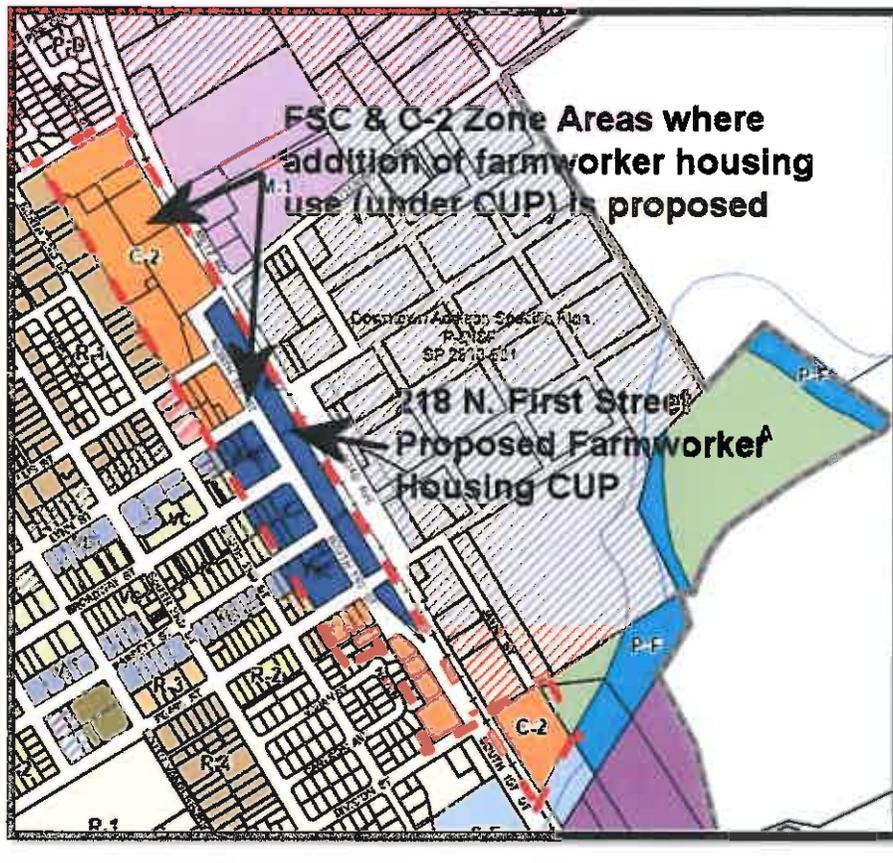
Public Notice was published in The Californian Newspaper on **February 10, 2016** and **July 8, 2016**. All property owners of record within three-hundred (300') feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

Prepared by:

*Leticia A. Laine for Doreen Liberto-Blanck*  
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.**



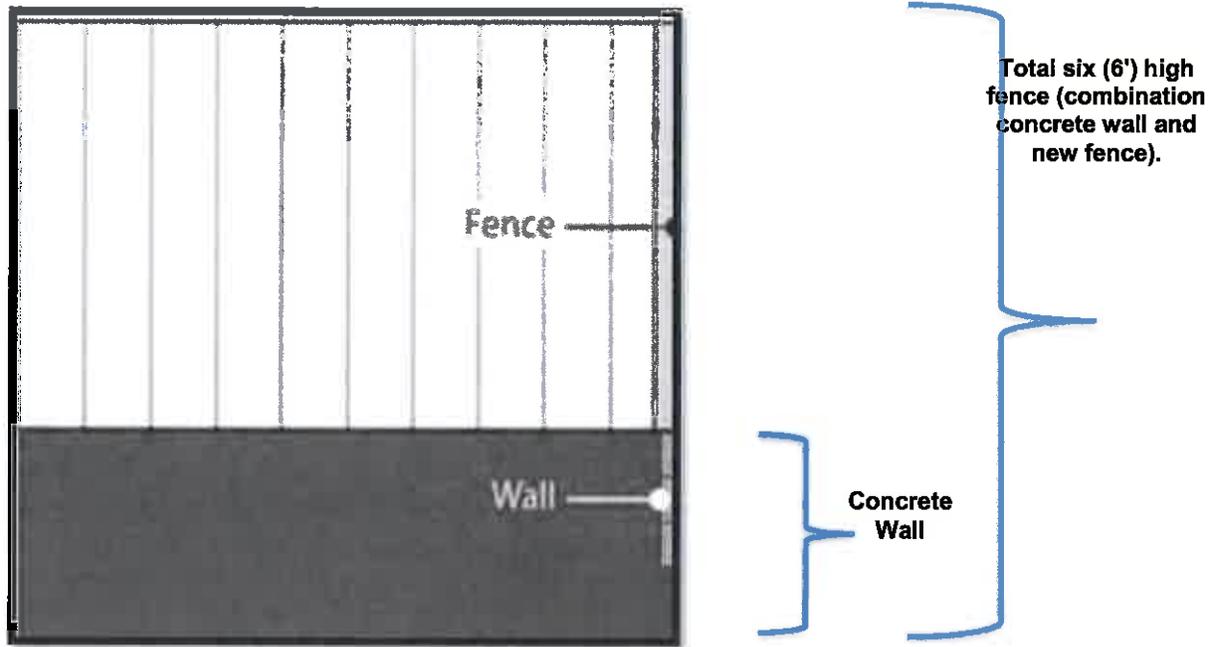
**Figure 2: View of Proposed Parking and Potential Recreation Area for Agricultural employees  
218 North First Street**



**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**



**Diagram 1: Fence/Concrete Wall Height Combination**

**Conditional Use Permit Agreement:**

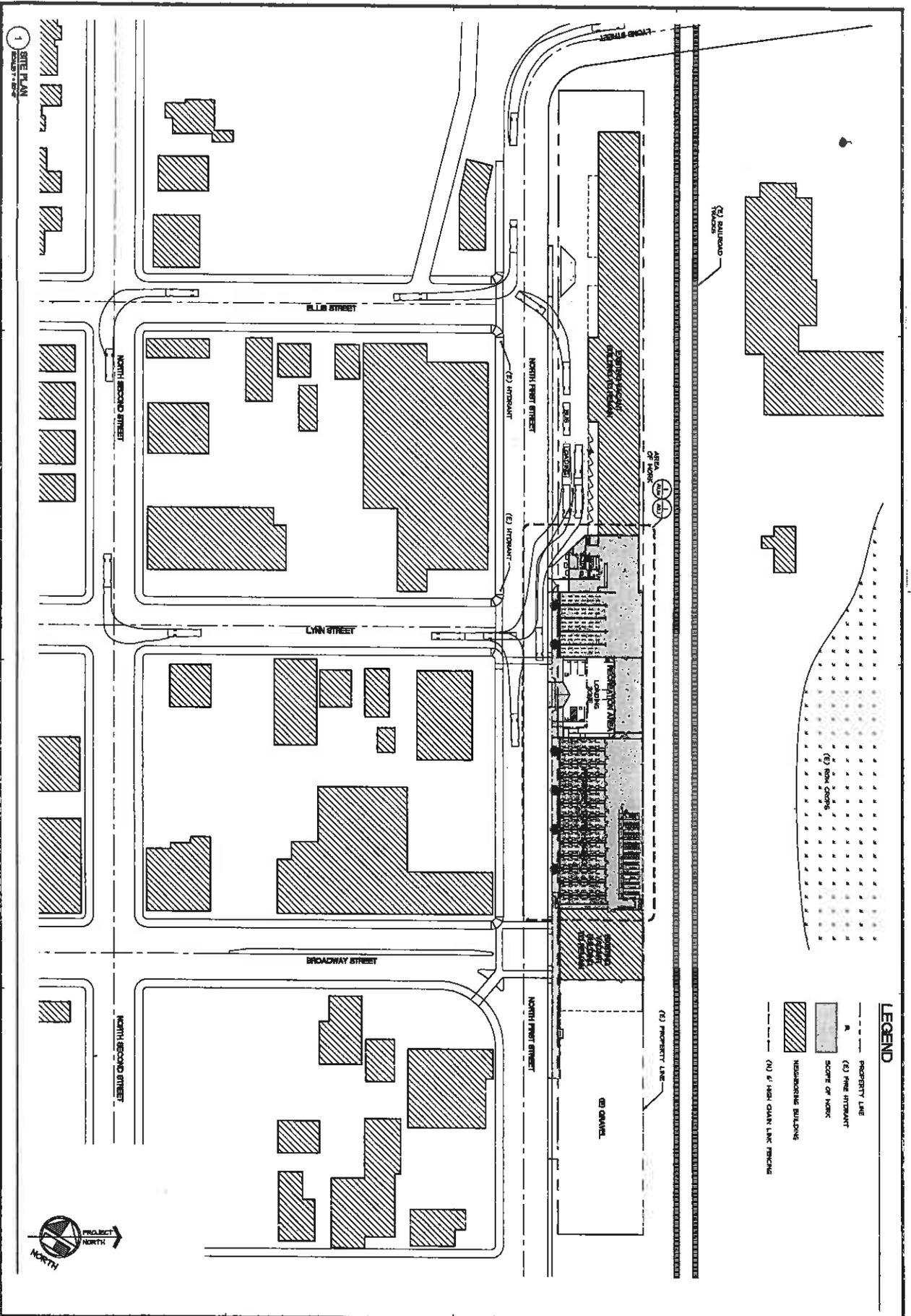
The conditional use permit is not valid until all conditions of approval ("**COA**") and mitigation measures imposed by the Planning Commission are signed for and agreed to by the applicant.

"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 1

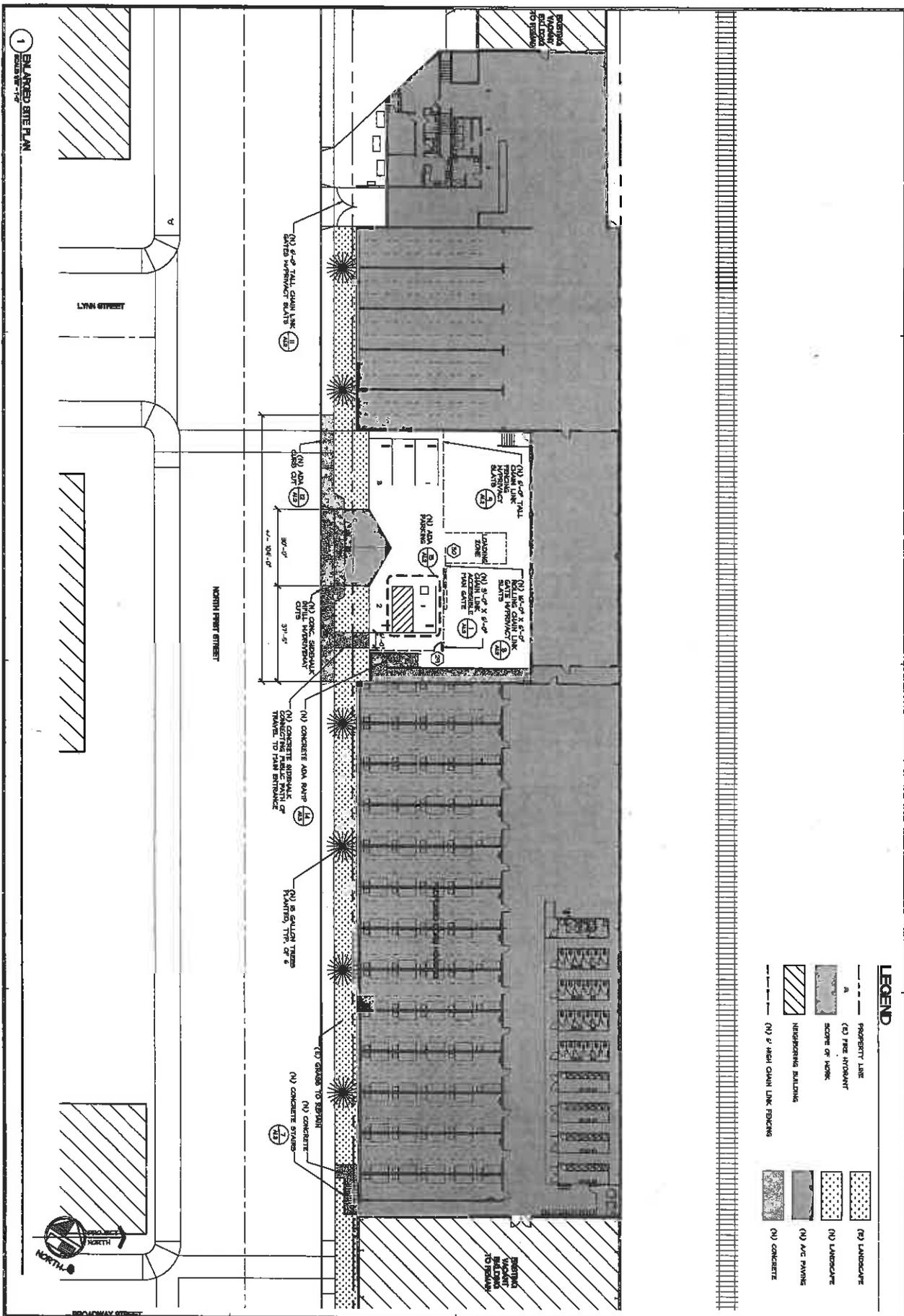
SITE PLANS AND LAYOUT



<p><b>SITE PLAN</b> NEW AG EMPLOYEE HOUSING FOR: <b>BGH HOLDINGS</b> 216 NORTH FIRST STREET KING CITY, CALIFORNIA</p>		<p><b>Beli Architectural Group</b> 313 Salinas Street Phone (831) 424-4820 Salinas, California Fax (831) 424-4498</p>		<p><b>REVISIONS</b></p> <table border="1"> <thead> <tr> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>02/18/16</td> <td>CE</td> <td>Finaly Submitt</td> </tr> <tr> <td>02/25/16</td> <td>CE</td> <td>REVISED Planning Submittal</td> </tr> <tr> <td>07/01/16</td> <td>CE</td> <td>NO SET</td> </tr> <tr> <td>02/28/16</td> <td>CE</td> <td>NO ACCESSIBLE #1</td> </tr> <tr> <td>02/28/16</td> <td>CE</td> <td>NO ACCESSIBLE #5</td> </tr> </tbody> </table>		DATE	BY	DESCRIPTION	02/18/16	CE	Finaly Submitt	02/25/16	CE	REVISED Planning Submittal	07/01/16	CE	NO SET	02/28/16	CE	NO ACCESSIBLE #1	02/28/16	CE	NO ACCESSIBLE #5
DATE	BY	DESCRIPTION																					
02/18/16	CE	Finaly Submitt																					
02/25/16	CE	REVISED Planning Submittal																					
07/01/16	CE	NO SET																					
02/28/16	CE	NO ACCESSIBLE #1																					
02/28/16	CE	NO ACCESSIBLE #5																					

EXHIBIT 1

SITE PLANS AND LAYOUT



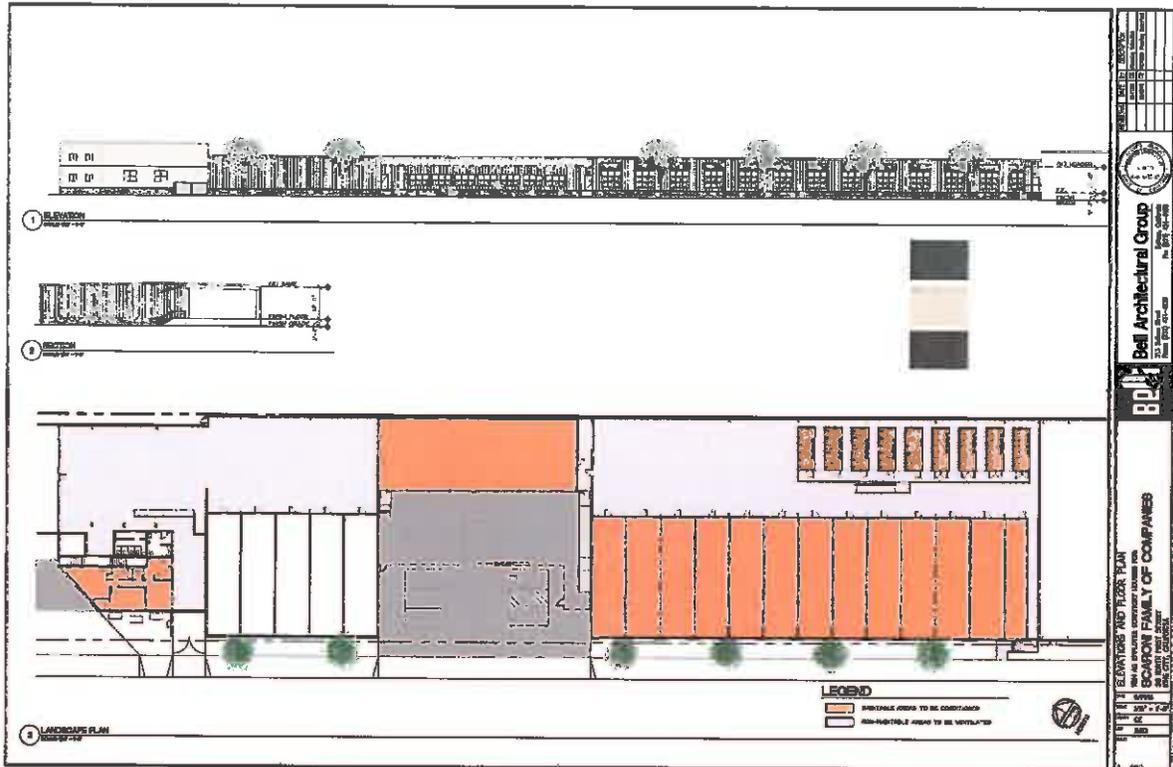
**LEGEND**

	PROPERTY LINE		(N) LANDSCAPE
	(C) FIRE HYDRANT		(N) LANDSCAPE
	SCOPE OF WORK		(N) ASP PAVING
	NEIGHBORING BUILDING		(N) CONCRETE
	(N) 6' TALL CLAIN LINK FENCING		(N) CONCRETE

<p><b>ENLARGED SITE PLAN</b> NEW AG EMPLOYEE HOUSING FOR: <b>SGH HOLDINGS</b> 286 NORTH FIRST STREET KING CITY, CALIFORNIA</p>		<p><b>BEI</b> Beil Architectural Group 313 Solano Street Phone (831) 424-4620 Salinas, California Fax (831) 424-4406</p>	<p><b>REVISIONS</b></p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td>05/10/18</td> <td>CE</td> <td>CE</td> <td>Planning Submittal</td> </tr> <tr> <td>05/25/18</td> <td>CE</td> <td>CE</td> <td>REVISED Planning Submittal</td> </tr> <tr> <td>8/10/18</td> <td>CE</td> <td>CE</td> <td>NO SET</td> </tr> <tr> <td>8/27/18</td> <td>CE</td> <td>CE</td> <td>NO RECORDUM #1</td> </tr> <tr> <td>8/28/18</td> <td>CE</td> <td>CE</td> <td>NO RECORDUM #2</td> </tr> </table>	NO.	DATE	BY	DESCRIPTION	05/10/18	CE	CE	Planning Submittal	05/25/18	CE	CE	REVISED Planning Submittal	8/10/18	CE	CE	NO SET	8/27/18	CE	CE	NO RECORDUM #1	8/28/18	CE	CE	NO RECORDUM #2
NO.	DATE	BY	DESCRIPTION																								
05/10/18	CE	CE	Planning Submittal																								
05/25/18	CE	CE	REVISED Planning Submittal																								
8/10/18	CE	CE	NO SET																								
8/27/18	CE	CE	NO RECORDUM #1																								
8/28/18	CE	CE	NO RECORDUM #2																								

EXHIBIT 2

ARCHITECTURAL RENDERING



### EXHIBIT 3

#### CUP CASE NO.

#### CONDITIONS OF APPROVAL/MITIGATION MEASURE (SEPTEMBER 20, 2016)

#### 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 potential to place a recreational area along the front property line. The variance allows construction of a six (6') high fence along First Street, if the area is converted to a recreational area. (The applicant must submit an amended parking plan to identify where the parking spaces will be moved.)

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 **August 2, 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. An extension of time shall be granted provided the following findings of fact can be made in the affirmative:
  - There is no substantial evidence that the project is contrary to, or in violation of the conditions of approval/mitigation measures or in violation of any federal, state or local regulations.
  - There are no alternative projects for the property that exist deemed to be of a higher and better use with a willing and able buyer.
3. **Development Impact Fees:** **Prior to final occupancy**, the applicant shall pay all applicable development impact fees except the traffic impact fee. (Reference –

Development Impact Fee List.) The project will not generate an increase in additional traffic over the previous use and; therefore, the traffic impact fee is not applicable.

4. **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.
5. **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. **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.

10. **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.
  11. **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.
  12. **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.
  13. **First Street Fence:** If the applicant decides to install a six (6') fence (based on variance findings) along First Street, the applicant shall provide the equivalent number of parking spaces being removed, based on approval from the City Engineer and Community Development Agreement.
- 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. **Utilities:** Prior to final occupancy, the applicant shall provide a recorded easement running with the land that includes a sun-setting at the time that the building is demolished with no cost to the city or developer for the re-location of the utilities.
24. **Occupancy Separation Walls:** Prior to final occupancy, per direction of the Building Official, occupancy separation walls are to be provided separating the buildings. Such separation shall be constructed in manner so that when the ClockTower Building is removed the housing facility can continue to be occupied pursuant to the Building Code without significant disruption or termination of occupancy.

25. **Building and Fire Inspections:** The Building Official and Fire Chief can make inspections at any time without prior notice.

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

26. **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):

27. **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.

28. **Caretaker:** A full-time caretaker shall be onsite at all times and throughout the year.

29. **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**

30. **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.

31. **Memorandum of Understanding:** The applicant shall adhere to the requirements of the Memorandum of Understanding approved by the City Council on September 13, 2016.

#### **MITIGATION MEASURES**

32. **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

33. **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 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 **twenty-four (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

34. **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

35. **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

36. **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.

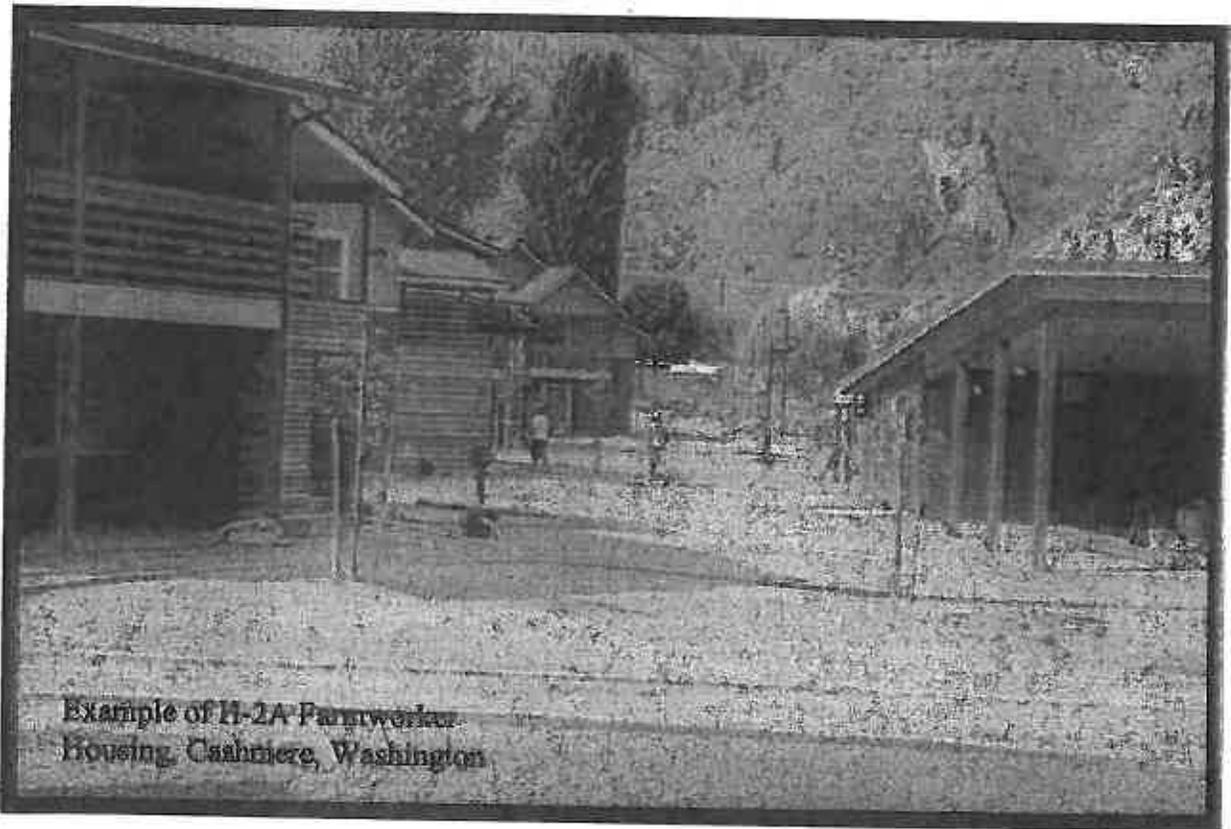
- **Implementation Party:** Applicant/Owner/Developers of each future development site
- **Enforcement Agency:** City of King
- **Timing:** Improvements would be installed **prior to any residential occupancy or other occupancies as required by Municipal Code.**
- **Implementation Responsibility:** Cost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



**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](mailto: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:**

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

## **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  
Rio Farms  
King City, CA 93930  
Rep: Wes Beebe

Phone: 831-385-6225  
Fax:

**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 that 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 similar 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.



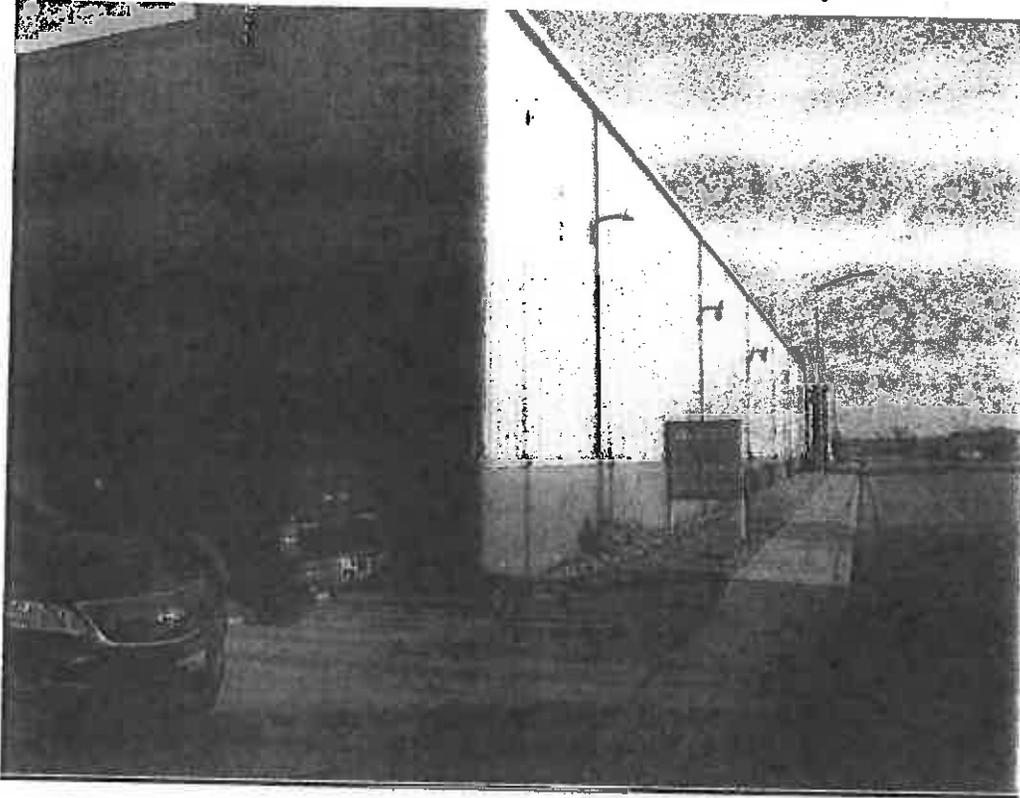
Figure 1. Showing FSC and C-2 Zoning Districts and proposed site 218 N. First St.

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.

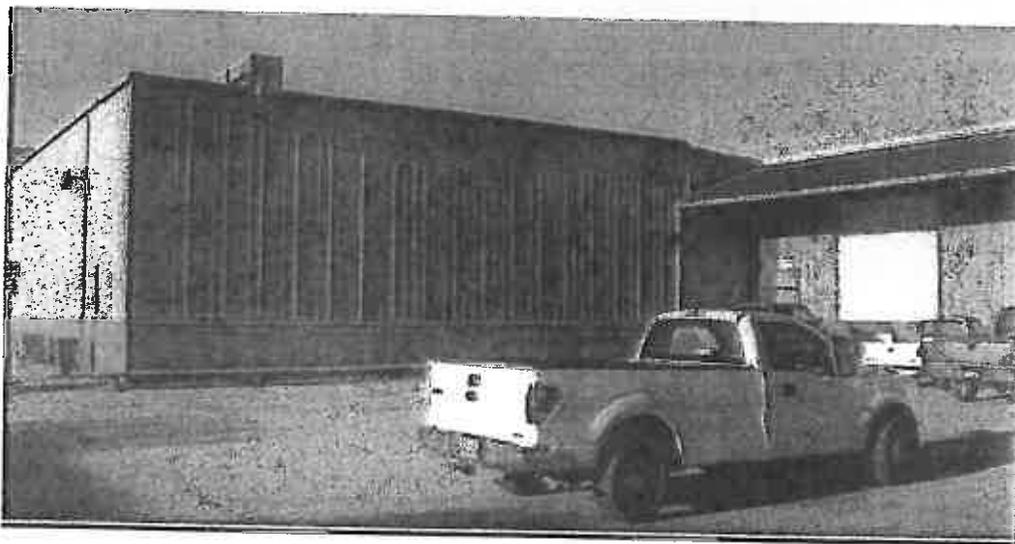


Figure 2. Detail of FSC (blue) and C-2 Zones and location of CUP at 218 N. First St.

**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**

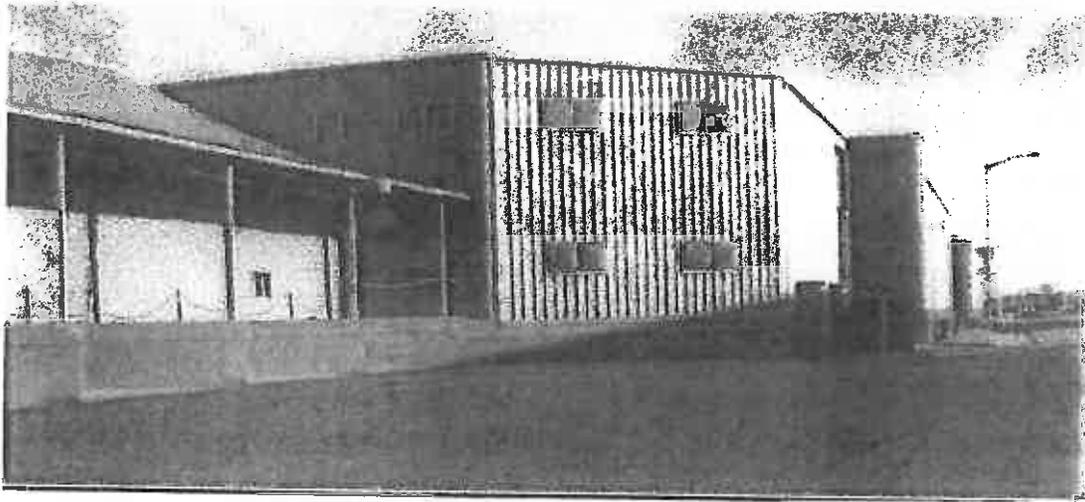


**Figure 4. View of Proposed Parking and Recreation Area for Farmworkers 218 N. First Street**

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.

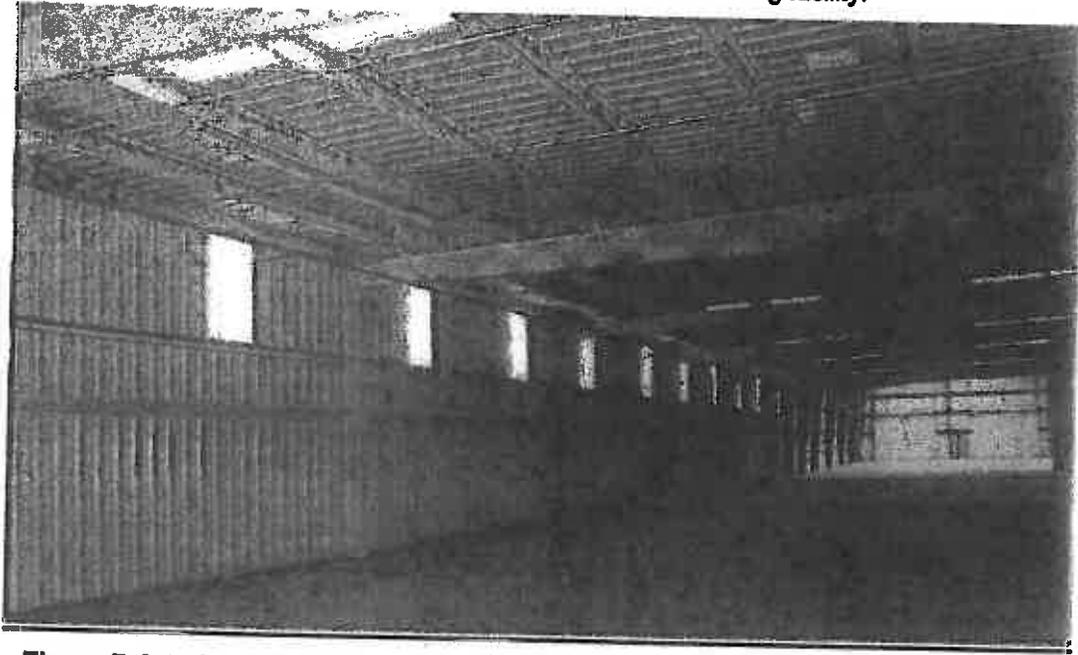


**Figure 5. View of Rear of Building Proposed for Farmworker Housing, 218 First St.**

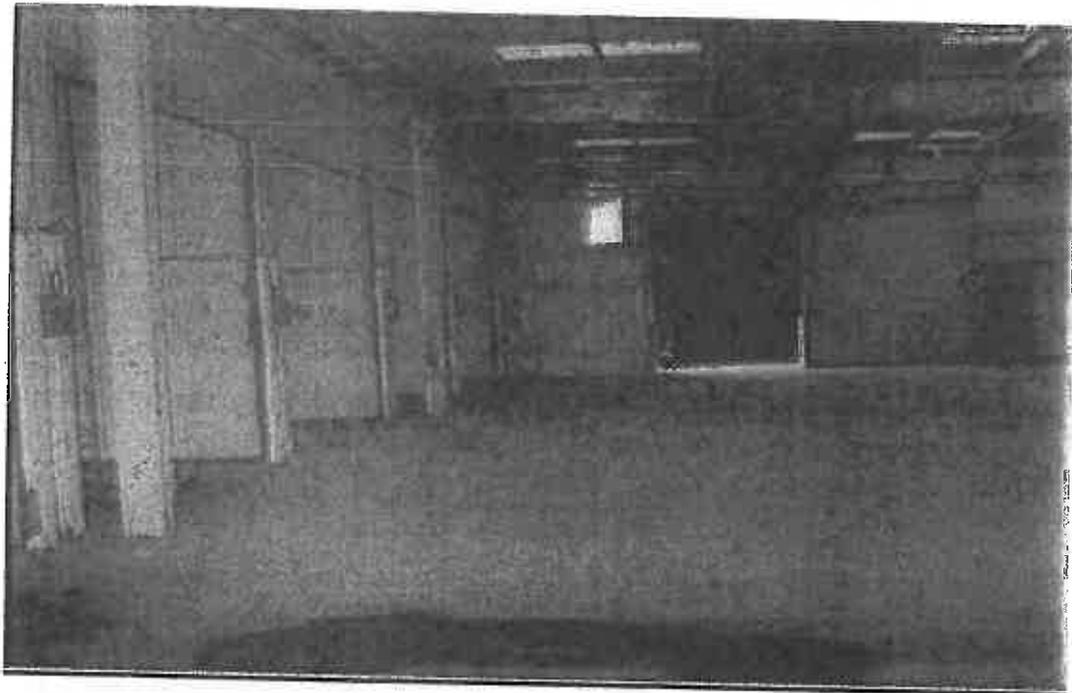


**Figure 6. View of Bus and Van Pool Pick-Up Area, 218 N. First Street**

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.



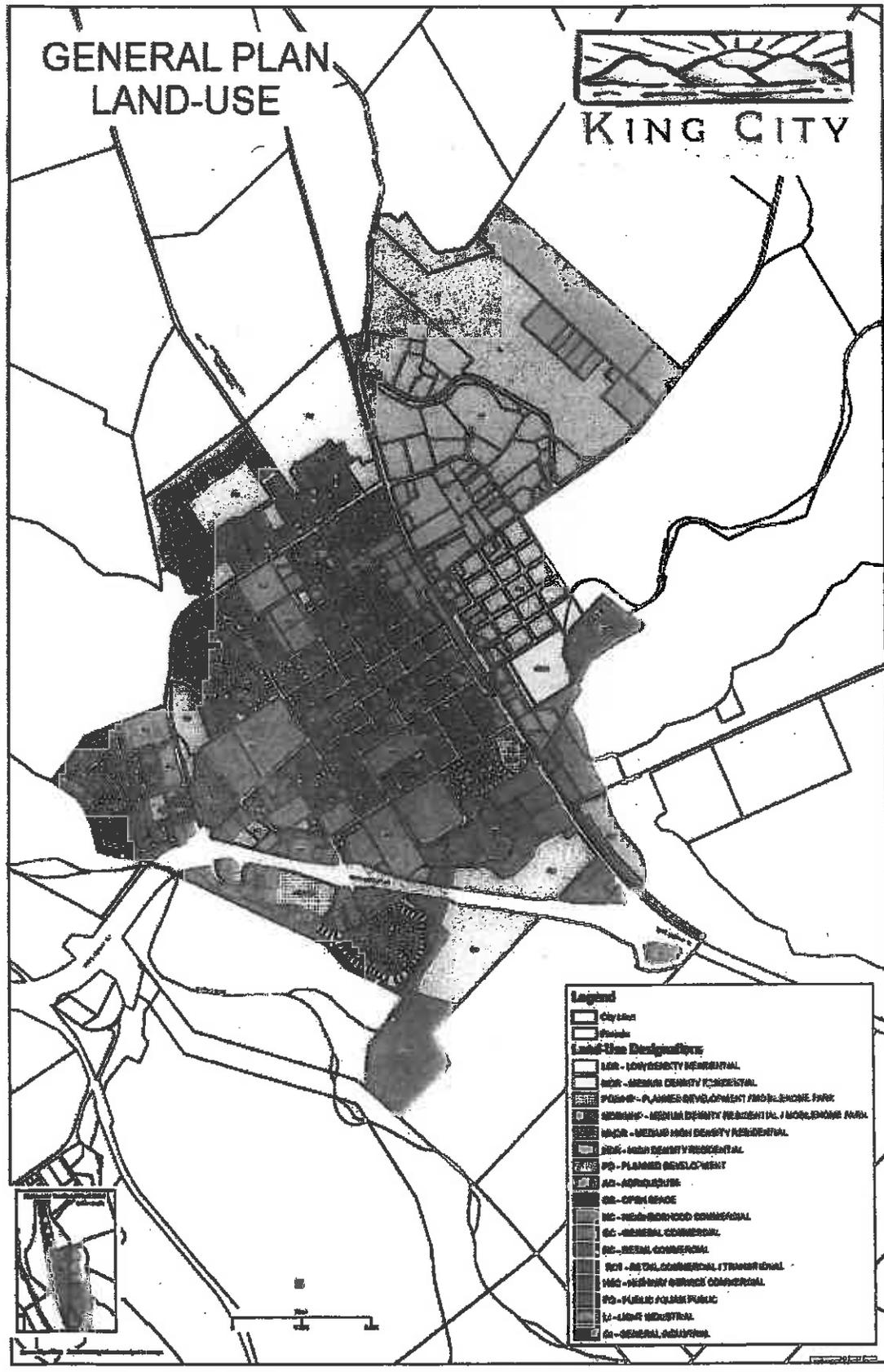
**Figure 7. Interior of Building Proposed for Farmworker Housing at 218 N. First St.  
View looking south.**



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

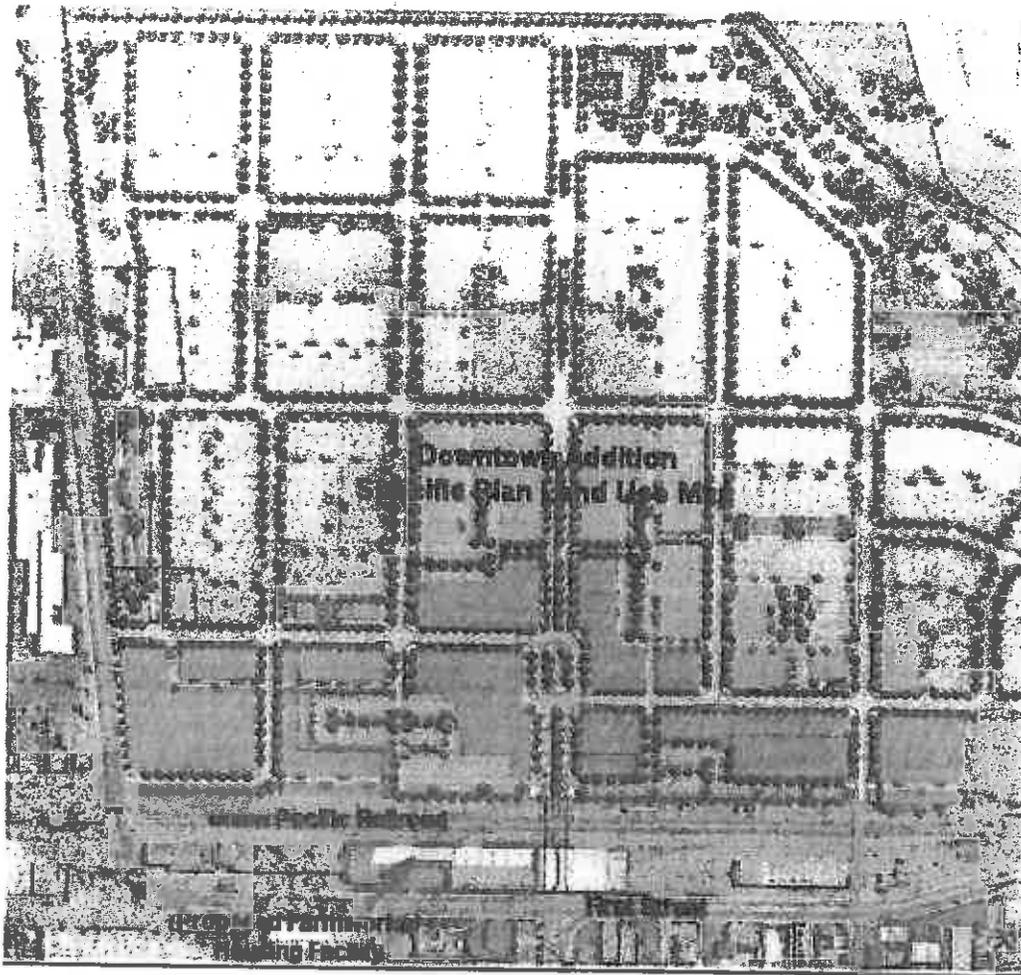


Negative Declaration and Initial Study, Proposed Changes to FSC and C-2 Zoning Districts for Farmworker Housing, including a CUP for 218 N. First Street for a farmworker housing facility.



**Figure 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.

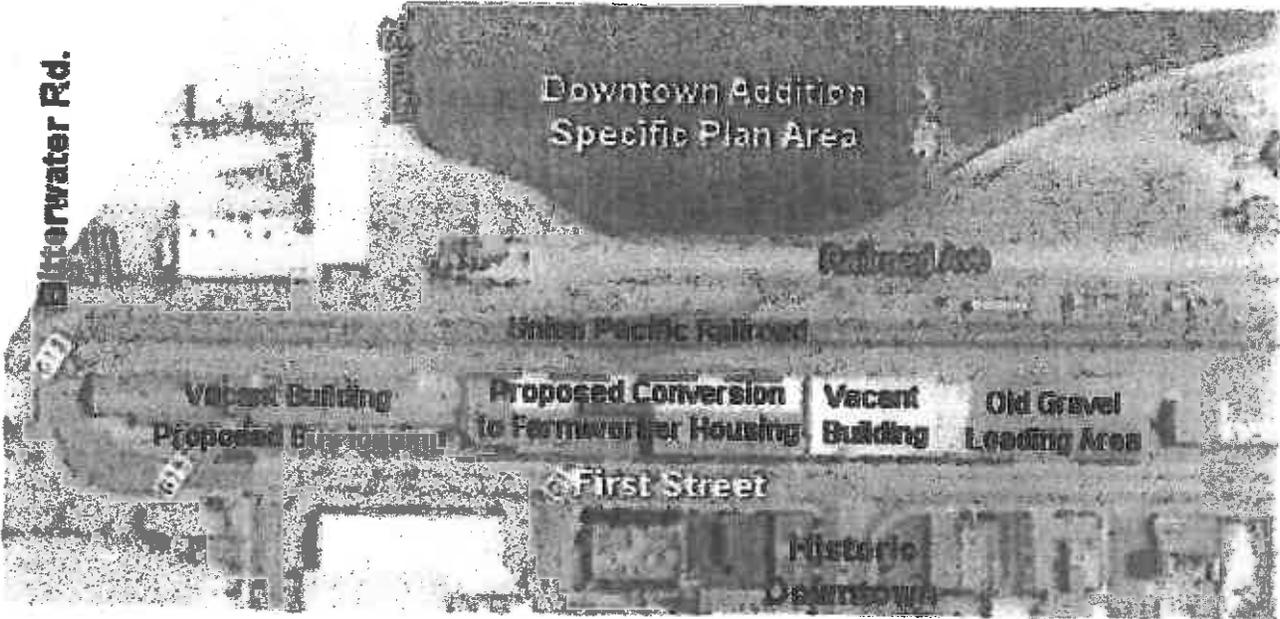


Figure 14. Aerial of Proposed Farmworker Housing at 218 N. First Street

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:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
	<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>Would the project:</p>					
a.	<p>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?</p>				X	
b.	<p>Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				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	
----	--	--	--	--	--	---	--

**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		
----	---	--	--	---	--	--

**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 Envirostor 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.

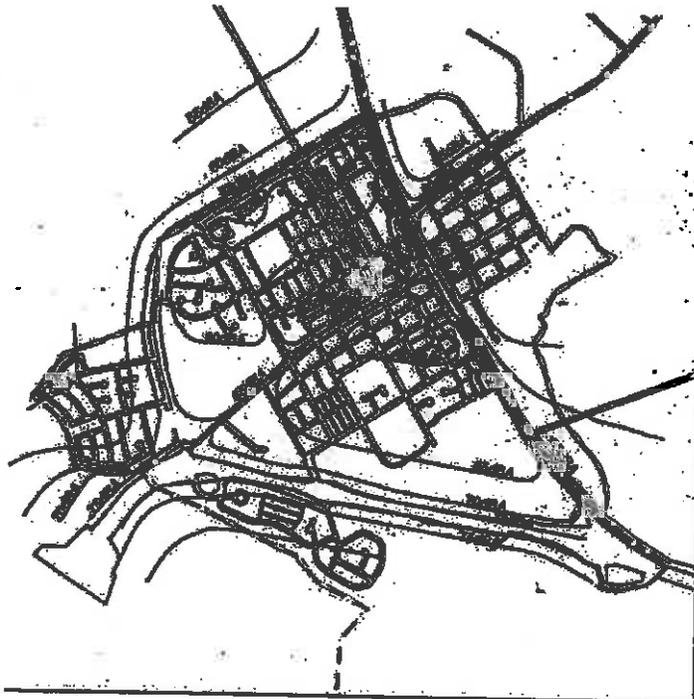


Figure 10. Noise Contours, 2005

**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<br>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
<b>Potential to degrade:</b> 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	
<b>Cumulative:</b> 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	
<b>Substantial adverse:</b> 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**

## ALLOWED LAND USES AND PERMIT REQUIREMENTS

LAND USE TYPE <sup>1,2,3</sup>	ZONE		
	FSC	VC	VB
<b>Recreation, Education &amp; Public Assembly</b>			
<b>Commercial recreation facility - indoor</b>			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	-	UP
<b>Health/fitness facility</b>			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	-	UP
<b>Library, museum, or art gallery</b>			
<b>Meeting facility, public or private</b>			
<b>Park, playground</b>			
<b>School, public or private</b>			
<b>Studio, art, dance, martial arts, music, etc.</b>			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	UP	UP
<b>Theater, cinema, or performing art</b>			
• < 5000 sf	P	P	UP
• > 5000 sf	UP	UP	-
<b>Residential</b>			
• Ancillary building			
	P	P	P
<b>Dwellings:</b>			
• Single family	-	-	P
• Multi-family - Rowhouse	-	-	P
• Multi-family-Duplex	-	-	P
• Multi-family-Triplex	-	-	P
• Multi-family - Fourplex or larger	UP	-	P
<b>Group Homes:</b>			
• Six (6) or fewer resident	P <sup>4</sup>	P <sup>4</sup>	P
• Seven (7) or more residents	P <sup>4</sup>	P <sup>4</sup>	UP
• Live/work unit	P <sup>4</sup>	P <sup>4</sup>	P
• Mixed-use project residential component	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>
<b>Farmworker housing</b>			
	CUP	-	-
<b>Retail</b>			
• 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.

# ALLOWED LAND USES AND PERMIT REQUIREMENTS

LAND USE TYPE <sup>1,2,3</sup>	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
<b>Services: Business, Financial, Professional</b>			
• 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
<b>Services: General</b>			
• 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
<b>Transportation, Communication, Infrastructure</b>			
• 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.

Exhibit No. 5

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF KING,  
SGH HOLDINGS, LLC,  
AND  
SMITH-MONTEREY, LLC

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered as of \_\_\_\_\_, 2016 (the "Effective Date"), between the City of King, a California municipal corporation ("City"), SGH Holdings, LLC, a California limited liability company ("SGH"), and Smith-Monterey, LLC, a California limited liability company ("Smith-Monterey"), collectively referred to as the "Parties".

### RECITALS

The Parties enter into this MOU based on the following facts, understandings, and intentions:

A. SGH has submitted to the City an application for the issuance of a CUP for the development of an agricultural employee housing project (CUP Case No. 2016-0001), under the federal H2-A Visa Farmworker Housing Program ("CUP Application").

B. SGH proposes to temporarily house farmworkers for five to ten years in a dormitory like setting in a portion of the existing approximately 84,445 square foot warehouse building (the "Warehouse Building") located at 218 North First Street, City of King, California, APN 026-293-002 (the "Meyer Warehouse Property"). SGH proposes to convert an approximately 36,700 square feet portion of the Warehouse Building to be used for the agricultural employee housing project (the "Agricultural Employee Housing Building").

C. SGH has acquired the Meyer Warehouse Property on June 20, 2016. Prior to SGH's acquisition of the Meyer Warehouse Property, Smith-Monterey, with authorization from Meyer LLC as the prior owner of the Meyer Warehouse Property, submitted an application to subdivide the Meyer Warehouse Property into two lots through a Parcel Map (the "Parcel Map Application"). Such application was deemed complete by the City on June 27, 2016. On July 12, 2016, SGH provided its authorization, as the new owner of the Meyer Warehouse Property, for the Parcel Map Application.

D. One lot to be created through the Parcel Map Application, of approximately 2.2 acres in size and located on the northwestern end of the Meyer Warehouse Property, would be used for the Agricultural Employee Housing Building ("Parcel 1"). A second lot to be created through the Parcel Map Application, of approximately 1.0 acres in size, would be located on the southeastern end of the Meyer Warehouse Property ("Parcel 2").

E. Smith-Monterey and SGH have entered into a Purchase and Sale Agreement and Joint Escrow Instructions ("PSA") which provides for Smith-Monterey's purchase of Parcel 2. Smith-Monterey is prepared to purchase Parcel 2 upon the City's approval of the Parcel Map Application and recordation of the approved Parcel Map.

F. The City intends as a fulfillment of the purpose and objectives of the Historic Corridor Revitalization Plan to expand and extend Broadway Street beyond First Street through a portion of Parcel 2 to the railroad right of way immediately adjacent to Parcel 2.

G. Smith-Monterey has proposed the development of a master planned, mixed use project known as the "Downtown Addition," located east of and adjacent to City's historic downtown area. The proposed Downtown Addition project would include the development of up to six hundred fifty dwelling units in various configurations of attached and detached forms, up to one hundred ninety thousand six hundred square feet of commercial space, approximately twenty-four acres of open space and parks, and associated public improvements and infrastructure.

H. On June 14, 2011, the City Council of the City approved Ordinance No. 2011-697 approving General Plan Amendment Case No. GPA2010-001, Rezone Case No. RZ2010-001, and the Downtown Addition Specific Plan, Case No. SP2010-001, and approved an Owner Participation Agreement between City and Smith-Monterey. On February 19, 2014, the City approved the Vesting Tentative Map for the Downtown Addition, Case No. 2013-001. The City and Smith-Monterey have also entered into a Development Agreement for the Downtown Addition, dated August 8, 2014.

I. Vesting Tentative Map Conditions of Approval Nos. 41C, 43 and 48 of the Downtown Addition Project require Smith-Monterey to attempt to acquire certain easements to be used as right-of-way for the extension of Broadway Street (the "Broadway Street Right-of-Way"), and to construct and install certain improvements in the Broadway Street Right of Way, subject to certain fee credits and reimbursement that may be available pursuant to Vesting Tentative Map Conditions of Approval Nos. 99 and 100. In addition, Sections 1.03 and 1.04 of the Development Agreement set forth certain obligations of Smith-Monterey KC (an affiliate of Smith-Monterey) and the City with respect to the acquisition of portions of the Meyer Warehouse Property, which would be used for the Broadway Street Right-of-Way as well as for the "MMTC/Bassett Street Right of Way" and the construction of an affordable housing project. Such rights-of-way are necessary for the establishment of a multi-modal transportation center and re-establishment of train service within the City.

J. The parties desire that the Parcel Map will be configured in a manner which facilitates Smith-Monterey's acquisition, concurrent dedication to the City and future improvement of the Broadway Street Right-of-Way and MMTC/Bassett Street Right of Way consistent with the Downtown Addition Specific Plan and Vesting Tentative Map Conditions, Downtown Addition Development Agreement, and the Historic Corridor Revitalization Plan.

## **AGREEMENT**

1. Conditions to City CUP Approval. The Parties herein agree that the issuance by City of CUP Case No. 2016-0001 is, among other conditions, specifically conditioned upon the Parties agreeing to the terms and conditions of this MOU and the recordation of the Parcel Map.

2. Parcel Map. Smith-Monterey will continue to diligently pursue the City's approval of the Parcel Map Application, and SGH will continue to cooperate with Smith-Monterey and the City in the processing of the Parcel Map Application. The Parcel Map shall be configured to facilitate the dedication and improvement of the Broadway Street Right-of-Way and MMTC/Bassett Street Right of Way by Smith-Monterey, in accordance with the Downtown Addition Vested Tentative Map Conditions of Approval

and the Development Agreement. Specifically, without limitation, the full area of the Broadway Street Right of Way and MMTC/Bassett Street Right of Way shall be contained within the boundaries of Parcel 2.

3. Dedication of Rights-of-Way. Upon Smith-Monterey's acquisition of fee title to Parcel 2, Smith-Monterey shall execute and deliver to City (i) an offer of dedication of the Broadway Street Right of Way, substantially in the form of Exhibit "A" attached hereto, and (ii) an offer of dedication of the MMTC/Bassett Street Right of Way, substantially in the form of Exhibit "B" attached hereto. The City and Smith-Monterey acknowledge and agree that the property subject to such offers of dedication constitutes the "desired rights of way" for the Broadway Street Right of Way and the MMTC/Bassett Street Right of Way pursuant to Section 1.04 of the Development Agreement. Nothing in this MOU shall be construed as an amendment or modification of the rights or obligations of Smith-Monterey or the City under the Downtown Addition Vesting Tentative Map Conditions of Approval or the Development Agreement. Smith-Monterey and the City agree to negotiate with each other in good faith towards an amendment or other revision of the Development Agreement which would provide for an equitable Developer Fee Credit to be applied in connection with Smith-Monterey's cost of acquisition of Parcel 2.

4. Smith-Monterey's Purchase of Parcel 2. The City and Smith-Monterey acknowledge and agree that Smith-Monterey's acquisition of Parcel 2 from SGH will fully satisfy the obligations of Smith-Monterey KC, LLC pursuant to Section 1.03 of the Development Agreement to make a good faith offer to the owner of the Meyer Warehouse Property to purchase the Meyer Warehouse Property for a price not to exceed its appraised value. In the event that Smith-Monterey does not acquire Parcel 2 from SGH, City, SGH and Smith-Monterey agree to negotiate in good faith with each other towards SGH's conveyance to the City of the portions of Parcel 2 which are necessary for the Broadway Street Right of Way and the MMTC/Bassett Street Right of Way.

5. Applicable Fees. SGH agrees to pay to City all fees applicable to CUP Case No. 2016-0001. Smith-Monterey agrees to pay to City all fees applicable to the

Parcel Map Application.

6. Material Breach of MOU. SGH shall be responsible for compliance with all conditions of CUP Case No. 2016-0001, and the failure to comply with any of the conditions of the CUP shall amount to a material breach of this MOU wherein City shall be authorized to exercise any and all remedies which may otherwise be available to the City, which shall be cumulative, including but not limited to termination of this MOU and revocation of the CUP.

7. Successors and Assigns. The terms and conditions of this MOU shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the Parties. SGH or Smith-Monterey may not assign its rights and/or obligations under this MOU without the prior written consent of City, which consent shall not be unreasonably withheld. Any such consent by City shall not, in any way, relieve SGH or Smith-Monterey of their obligations and responsibilities under this MOU.

8. Notices. Any notice required or intended to be given to either party under the terms of this MOU shall be in writing and shall be deemed to be duly given if delivered personally, transmitted by facsimile followed by telephone confirmation or receipt, or sent by United States registered or certified mail, with postage prepaid, return receipt requested, addressed to the party to which notice is to be given at the party's address set forth on the signature page of this MOU or at such other address as the parties may from time to time designate by written notice. Notices served by United States mail in the manner above described shall be deemed sufficiently served or given at the time of the mailing thereof.

9. Waiver. The waiver by either party of a breach by the other of any provisions of this MOU shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this MOU. No provisions of this MOU may be waived unless in writing and signed by all Parties to this MOU. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.

10. Public Health, Safety and Welfare. Nothing contained in this MOU shall limit City's authority to exercise its police powers, governmental authority or take other

appropriate actions to address threats to public health, safety and welfare.

11. Governing Law and Venue. This MOU shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding, however, any conflict of laws rule which would apply the law of another jurisdiction. Venue for purposes of the filing of any action regarding the enforcement or interpretation of this MOU and any rights and duties hereunder shall be Monterey County, California.

12. Heading. The section headings in this MOU are for convenience and reference only and shall not be construed or held in any way to explain, modify or add to the interpretation of meaning of the provisions of this MOU.

13. Severability. The provisions of this MOU are severable. The invalidity or unenforceability of any one provision in this MOU shall not affect the other provisions.

14. Interpretation. The Parties acknowledge that this MOU in its final form is the result of the combined efforts of the Parties and that, should any provision of this MOU be found to be ambiguous in any way, such ambiguity shall not be resolved by construing this MOU in favor of or against any Party, but rather by construing the terms in accordance with their general accepted meaning.

15. Attorney's Fees. If any Party is required to commence any proceeding or legal action to enforce or interpret any term, covenant, or condition of this MOU, the prevailing Party in such proceeding or action shall be entitled to recover from the losing Party its reasonable attorney's fees and legal expenses.

16. Exhibits. Each exhibit and attachment reference in this MOU is, by the reference, incorporated into and made a part of this MOU.

17. Precedence of Documents. In the event of any conflict between the body of this MOU and any Exhibit or Attachment hereto, the terms and conditions of the body of this MOU shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the Parties, provided for within the body of this MOU, shall be null and void.

18. Cumulative Remedies. No remedy or election hereunder shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law or in equity.

19. No Third Party Beneficiaries. The rights, interests, duties and obligations defined within this MOU are intended for the specific Parties hereto as identified in the preamble of this MOU. Notwithstanding anything stated to the contrary in this MOU, it is not intended that any rights or interests in this MOU benefit or flow to the interest of any third parties.

20. Extent of MOU. Each Party acknowledges that it has read and fully understand the contents of this MOU. This MOU represents the entire and integrated agreement among the Parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or agreements, either written or oral. This MOU may be modified only by written instrument duly authorized and executed by all Parties herein.

21. Recitals. All provisions and Recitals within this MOU shall be considered part of this contract and carry the same weight, force and effect as any other terms and conditions herein.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the day and year first above written.

**CITY:**

**CITY OF KING**, a California municipal corporation

By: \_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**SGH:**

**SGH HOLDINGS, LLC**, a California limited liability company

By: \_\_\_\_\_

By: \_\_\_\_\_

**SMITH-MONTEREY:**

**SMITH-MONTEREY, LLC, a California limited liability company**

By: \_\_\_\_\_  
Jeffrey P. Smith, Member

By: \_\_\_\_\_  
Gregory H. Smith, Member

EXHIBIT "A"

Recording requested by  
and when recorded mail to:

City of King  
212 S. Vandenhurst Avenue  
King City, California 93930  
Attention: City Clerk

**IRREVOCABLE OFFER OF DEDICATION  
(Broadway Street ROW)**

**SMITH-MONTEREY, LLC**, a California limited liability company ("Grantor"), the present owner of record of the herein described parcel of real property, effective as of \_\_\_\_\_, 20\_\_, does hereby make an irrevocable Offer of Dedication of an easement for right-of-way purposes to the **CITY OF KING** ("City"), for public purposes, over the real property situated in the City of King, County of Monterey, State of California, which is more particularly described in Exhibit A attached hereto, and shown on Exhibit B attached hereto, both of which are incorporated herein.

This Irrevocable Offer of Dedication is made in accordance with the Downtown Addition General Plan Amendment/Rezone/Specific Plan/Future Vesting/Non-Vesting Tentative Tract Map Conditions of Approval/Mitigation Measures approved by the City Council on May 24, 2011, the Vesting Tentative Map Conditions of Approval approved by the City on February 19, 2014, and the Development Agreement between the City and Smith-Monterey KC, LLC, dated August 8, 2014.

The City's right to accept this Offer of Dedication shall be contingent upon the final approval by the California Public Utilities Commission of an at-grade crossing which includes the right-of-way easement that is the subject hereof. Upon the City's acceptance of this Offer of Dedication, Grantor shall prepare, execute and record a right-of-way easement deed containing the terms of this Offer of Dedication.

It is understood and agreed that the City shall incur no liability with respect to such Offer of Dedication and shall assume no responsibility for the offered right-of-way easement until such offer has been accepted by appropriate action of the City.

The provisions hereof shall run with and become a burden upon the herein described parcel of real property, and shall inure to the benefit of and be binding upon

the heirs, successors, assigns, and personal representatives of the respective parties hereto.

**GRANTOR:**

**SMITH-MONTEREY, LLC, a California limited liability company**

By: \_\_\_\_\_  
Jeffrey P. Smith, Member

By: \_\_\_\_\_  
Gregory H. Smith, Member

**EXHIBIT A TO IRREVOCABLE OFFER OF DEDICATION**

**LEGAL DESCRIPTION OF DEDICATION PARCEL**

(To Be Attached)

**EXHIBIT B TO IRREVOCABLE OFFER OF DEDICATION**

**MAP OF DEDICATION PARCEL**

(To Be Attached)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name and title of the officer)

Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California  
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

Recording requested by  
and when recorded mail to:

City of King  
212 S. Vandenhurst Avenue  
King City, California 93930  
Attention: City Clerk

**IRREVOCABLE OFFER OF DEDICATION  
(Bassett Street ROW)**

**SMITH-MONTEREY, LLC**, a California limited liability company ("Grantor"), the present owner of record of the herein described parcel of real property, effective as of \_\_\_\_\_, 20\_\_, does hereby make an irrevocable Offer of Dedication of an easement for right-of-way purposes to the **CITY OF KING** ("City"), for public purposes, over the real property situated in the City of King, County of Monterey, State of California, which is more particularly described in Exhibit A attached hereto, and shown on Exhibit B attached hereto, both of which are incorporated herein.

This Irrevocable Offer of Dedication is made in accordance with the Downtown Addition General Plan Amendment/Rezone/Specific Plan/Future Vesting/Non-Vesting Tentative Tract Map Conditions of Approval/Mitigation Measures approved by the City Council on May 24, 2011, the Vesting Tentative Map Conditions of Approval approved by the City on February 19, 2014, and the Development Agreement between the City and Smith-Monterey KC, LLC, dated August 8, 2014.

The City's right to accept this Offer of Dedication shall be contingent upon the final approval by Union Pacific Railroad of a train station platform which includes the right-of-way easement that is the subject hereof. Upon the City's acceptance of this Offer of Dedication, Grantor shall prepare, execute and record a right-of-way easement deed containing the terms of this Offer of Dedication.

It is understood and agreed that the City shall incur no liability with respect to such Offer of Dedication and shall assume no responsibility for the offered right-of-way easement until such offer has been accepted by appropriate action of the City.

The provisions hereof shall run with and become a burden upon the herein described parcel of real property, and shall inure to the benefit of and be binding upon the heirs, successors, assigns, and personal representatives of the respective parties hereto.

**GRANTOR:**

**SMITH-MONTEREY, LLC**, a California limited liability company

By: \_\_\_\_\_  
Jeffrey P. Smith, Member

By: \_\_\_\_\_  
Gregory H. Smith, Member

**EXHIBIT A TO IRREVOCABLE OFFER OF DEDICATION**

**LEGAL DESCRIPTION OF DEDICATION PARCEL**

(To Be Attached)

**EXHIBIT B TO IRREVOCABLE OFFER OF DEDICATION**

**MAP OF DEDICATION PARCEL**

(To Be Attached)

---

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name and title of the officer)

Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California  
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

Figure 6

**RESOLUTION NO. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING CITY APPROVING A CONDITIONAL USE PERMIT CASE NO.2016-001, ARCHITECTURAL REVIEW APPLICATIONS A ZONING CODE TEXT AMENDMENT**

**WHEREAS**, on January 13, 2016, David Gill and Steve Scaloni, ("**Applicants**") submitted a zoning code text amendment (Case No. RZ 2016-0001), conditional use permit (Case No. CUP 2016-001), architectural review (Case No. AR 2016-001) and variance (Case No. 2016-0001) applications to change the zoning text for the FSC Zoning District and the C-2 Zoning District to allow farmworker housing with a conditional use permit, to allow temporary H2-A Visa Farmworker Program housing for 214 employees in a barrack style arrangement and remodel the Meyer Building located at 218 North First Street (**Reference Exhibits 1 and 2**); and

**WHEREAS**, on March 22, 2016 the City Council ("**Council**") approved a zoning code text amendment allowing farmworker housing in the FSC and C-2 Zoning Districts with a CUP; and

**WHEREAS**, City staff based on the Initial Study, determined that any potential environmental effects of the proposed project have been clearly mitigated by the identified mitigation measure to the point where no significant environmental effects would occur and based upon this determination, prepared a Mitigated Negative Declaration, subject to mitigating measures, with respect to the environmental consequences of the subject project; and

**WHEREAS**, a Notice of Intent and the proposed Initial Study/Mitigated Negative Declaration ("**IS/MND**") were duly posted for a period of twenty (20) days, from **February 17, 2016** to **March 7, 2016**, and no comments were received as of the date of the Planning Commission hearing; and

**WHEREAS**, on **March 22, 2016** the Council adopted the IS/MND for all the above applications; and

**WHEREAS**, the Planning Commission ("**Commission**") held a duly noticed public hearing, on **June 7, 2016** and **September 20, 2016**, as required by Cal. Government Code §65854 on the proposed conditional use permit, architectural review and variance applications, at which hearing the proposed projects were explained and comments invited from persons in attendance; and

**WHEREAS**, the Commission has reviewed the information provided in the staff report, and presented during the public hearing, and listened to all testimony; and

**WHEREAS**, the Commission approved the conditional use permit, architectural review and variance application based on the findings of fact listed in the staff report.

**Planning Commission  
September 20, 2016**

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of approve Conditional Use Permit Case No. 2016-0001, Architectural Review Case No.2016-0001 and Variance Case No. 2016-0001as presented.

This resolution was passed and adopted this **20th day of September, 2016**, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_ **DAVID NUCK, CHAIRPERSON**

**ATTEST:**