

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION TUESDAY, NOVEMBER 1, 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:** October 18, 2016

7. PUBLIC HEARINGS

a. **Project:** O'Reilly Auto Enterprises, LLC

Case No.: Conditional Use Permit/AR/MND Case No. CUP-2016-007

Applicant: Jeff Liederman, PM Design Group, Inc.

Proposal: The request is for approval of a conditional use permit to allow construction of a new 7,453 square foot commercial building on a vacant portion of a site. On December 8, 2015, the City Council City Council ("**Council**") unanimously adopted the Initial Study/Negative Declaration ("**IS/ND**") and approved a request by O'Reilly Auto Enterprises, LLC. ("**Applicant**") to change the zoning from the Multiple Family Residential and Professional Offices ("**R-4**") Zoning District to Highway Service ("**H-S**") Zoning District. On December 1, 2015, the Planning Commission ("**Commission**") adopted the IS/ND and approved CUP Case No. 150-280. Approval of CUP 2016-007 will constitute a reissuance of CUP no. 150-280.

The project site is located on the Southeast corner of Broadway Street and Canal Street. The address is 743 Broadway Street, King City, CA 93930. The General Land Use Designation is Highway Service Commercial ("**HSC**").

The project includes a conditional use permit, architectural review permit, and landscaping permit for a proposed retail store on Parcel 1 at the corner of Broadway and Canal Street. The Commission, on December 1, 2015, approved CUP 150-290 for this project. That CUP is scheduled to expire on December 1, 2016. If approved by the Commission, CUP Case No. 2016-007 will re-issue the CUP with a new expiration date of November 1, 2017.

Location: 743 Broadway Street, King City, CA 93930

Environmental

Determination: The project is 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 ("**IS/ND**") 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.

Recommendation: Staff recommends that Planning Commission 1) review request for Conditional Use Permit 2) receive public comment 3) Approve CUP 2016-007 based on findings and Conditions of Approval contained in the staff report

b. Project: Chapter 8 of 2015 Housing Element

Case No.: GPA 2015-001

Applicant: City of King

Proposal: Discuss Chapter 8 of the approved 2015 Housing Element Update. Chapter 8 contains Implementation Strategies for the approved 2015 Housing Element Update. The Planning Commission will make a recommendation to the City Council

Location: King City, CA 93930

Environmental

Determination: Environmental Document (MND)

Recommendation: Staff recommends that Planning Commission 1) review and consider revisions to Chapter 8 (Programs) of the previously Adopted Housing Element; 2) Conduct Public Hearing; 3) Provide Recommendation to the City Council

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>NOVEMBER 2016</u>		
November 1 st	6:00 p.m.	Planning Commission
November 8 th	6:00 p.m.	City Council (CANCELED)
November 14 th	6:00 p.m.	Airport Advisory Committee
November 15 th	6:00 p.m.	City Council (SPECIAL Mtg)
November 22 nd	6:00 p.m.	City Council

<u>DECEMBER</u>		
December 6 th	6:00 p.m.	Planning Commission
December 12 th	6:00 p.m.	Airport Advisory Committee
December 13 th	6:00 p.m.	City Council
December 20 th	6:00 p.m.	Planning Commission
December 27 th	6:00 p.m.	City Council (Canceled)

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)

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

MOU: Memorandum of Understanding

MND: Mitigated Negative Declaration

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

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

NEPA: National Environmental Policy Act

SOI: Sphere of Influence.

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

TOT: Transient Occupancy Tax

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

VMT: Vehicle Miles Traveled

Planning Commission Minutes

October 18, 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. Pledge of Allegiance

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

3. Roll Call

Chairperson David Nuck X Vice Chair David Mendez A

Michael Barbree X Margaret Raschella X Ralph Lee X

Vice Chair Mendez announced he would not be at this meeting at the October 4th meeting.

Commissioner Barbree made a motion to excuse Vice Chair Mendez. Seconded by Commissioner Raschella. Motion carried 4-0.

Staff present: Doreen Liberto-Blanck, Community Development Director; Erica Sonne, Admin. Asst./Deputy City Clerk

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:** October 4, 2016

Action: Motion made by Commissioner Raschella to approve minutes of October 4, 2016. Seconded by Commissioner Lee. Motion carried 4-0.

7. Public Hearing Items

- a. Project:** Always Towing and Recovery – Temporary Vehicle Storage
- Case No.:** CUP 2016-006
- Applicant:** Joan Miller. Representative, Larry Hayes
- Proposal:** Use of existing fenced lot south of 1011 Broadway to temporarily store vehicles from CHP and Local Law Enforcement tow and recovery operations.
- Location:** Southern portion of 1011 Broadway lot, adjacent to Franciscan Way, King City, CA 93930

Environmental

Determination: The proposed use will not include new construction; it may include laying new gravel in an existing fenced lot. Review of CEQA Guidelines §15301 (Existing

Facilities) and §15302 (Replacement or Reconstruction) indicates that this project can be determined as Categorically Exempt

Recommendation: Staff recommends that Planning Commission 1) review request for Conditional Use Permit 2) receive public comment 3) make determination.

Community Development Director Doreen Liberto-Blanck introduced this item. She explained that staff is looking at the property near the lot that is up for discussion to develop for economic development so it is recommended to Planning Commission to put a term of one year on the CUP.

Chair Nuck opened the public hearing

Denise Hayes applicant's daughter stated that they followed everything that the City ask of them. She stated that a 3-year Conditional Use Permit would be more acceptable. Community Development Director suggested 2 years if that would be acceptable. Mrs. Hayes stated that that is fine she just doesn't like the wall suggested by staff as an alternative if they want to have the CUP for a more permanent amount of time.

Commissioner Barbree would like to propose 3 years.

City Manager Adams explained that the City wants to work with the applicant but also wants to grow the City in the Economic development.

Planning Commission would like a new condition added waiving renewal application fees.

Chair Nuck closed the public hearing.

Commissioner Barbree made a motion to approve CUP 2016-006 with amendments of 2 year term CUP and waiving of renewal application fees. Seconded by Commissioner Raschella. Motion carried 4-0.

8. Regular Business-

None

9. Planning Commission Report –

10. Director Reports-

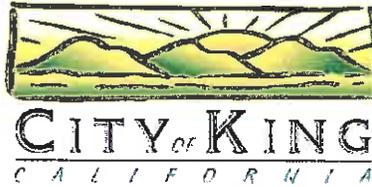
11. Written Correspondence– None

12. Adjournment

There being no more business, the Planning Commission meeting was adjourned at 6:35 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



AGENDA ITEM: 7 (a)
ACTION: _____

REPORT TO THE PLANNING COMMISSION

DATE: NOVEMBER 1, 2016
TO: PLANNING COMMISSION
FROM: DON FUNK, PRINCIPAL PLANNER
**RE: CONDITIONAL USE PERMIT/ARCHITECTURAL REVIEW PERMIT CUP
CASE NO. 2016-007 FOR AUTO PARTS STORE AT 743 BROADWAY
STREET (O'REILLY AUTO PARTS)**

I. PROJECT SUMMARY

The approved Conditional Use Permit, Case No. CUP 150-290 for O'Reilly Auto Parts is due to expire within one-year of the approval **December 1, 2015**. The applicant has applied for a new Case No. **CUP 2016-007** (which also includes architectural review and a landscaping plan) to keep the project active until **November 14, 2017**. Pursuant to Municipal Code §17.64.030, a time extension for the CUP is not allowed. Therefore, the applicant has submitted a request that the CUP be reissued, via a new CUP application.

On **December 1, 2015**, the Planning Commission ("**Commission**") approved Case No. CUP 150-290, including approval of the *Landscaping Plan ("LP")* and Architectural Review Permit ("**AR**") for O'Reilly Auto Enterprises, LLC ("**Applicant**") to construct a new 7,453 square foot commercial retail building on a vacant portion of a site located at the southeast corner of Broadway Street and Canal Street. The Commission also approved a Mitigated Negative Declaration ("**MND**"). Case No. CUP 2016-007, if approved by the Commission, will approve the proposed auto parts store for another year. The project also includes a public kiosk on the corner of Canal Street and Broadway Street for community use.

The property was formerly a small motel demolished in 2002. The property is zoned Highway Service ("**H-S**"). On December 15, 2015 the City Council approved an amendment to the Zoning Map changing the zoning of the rear part of the site from Multi-Family Residential and Professional Offices District ("**R-4**") to Highway Service ("**H-S**"). In addition, a Tentative Parcel Map was approved by the Planning Commission on **December 15, 2016** and the Final Map has been recorded. A Sign Permit, including a variance for a total of 130 square feet of sign area, was approved by the Planning Commission on **May 3, 2016**.

Case No. CUP 2016-007, which approves the identical project approved by the Planning Commission on December 1, 2015 (Case No. CUP 150-290) allows construction of a new 7,453 square foot commercial retail building, related parking, driveways, trash enclosure, landscape areas, public information kiosk and other improvements. Architectural Review is required for the H-S Zone pursuant to Municipal Code §17.50.010. Pursuant to Municipal Code §17.50.017, separate landscape permits are also required with an application for a permit provided for in Municipal Code §17.50.010. Architectural review includes all buildings, parking, driveways, walkways and other improvements.

II. PROJECT INFORMATION

<p>FILE NO.: Conditional Use Permit/AR/LP/MND Case No.: CUP 2016-007 Originally CUP-2015-290</p> <p>LOCATION: 743 Broadway Street</p> <p>APN: 026-051-007</p> <p>APPLICANT: O'Reilly Auto Enterprises, LLC</p> <p>APPLICANT/CONTACT PHONE No.: 417-862-7051</p> <p>REPRESENTATIVE: Jeff Liederman, PM Design Group, ph 949-430-7051</p> <p>LANDOWNER: Chris Davis rep for family</p>	<p>Vicinity Map N↑</p>  <p>EXHIBITS:</p> <ol style="list-style-type: none">1. Findings2. Resolution for approval3. Conditions4. Mitigated Negative Declaration & Initial Study including Mitigation Monitoring and Reporting Program ("MMRP")5. Design Exhibits
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III. STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. **Find** that the 2015 Mitigated Negative Declaration ("**MND**") covers the project pursuant to California Environmental Quality Act ("**CEQA**") and no further environmental assessment is needed, and
2. **Approve** the attached Resolution approving the CUP, Architectural Review, and Landscaping Plan based upon the findings and conditions attached to the staff report.

IV. PROJECT

The applicant, O'Reilly Auto Enterprises, LLC, is requesting approval of a renewal of Conditional Use Permit ("**CUP**") Case No. 2015-290 including Architectural Review Permit ("**ARP**"), and Landscaping Permit ("**LP**") to construct of a new 7,453 square foot commercial retail building on a vacant portion of a site located at the southeast corner of Broadway Street and Canal Street. The property was formerly a small motel demolished in 2002. The applicant also processed a rezone, which was approved by the City Council ("**Council**") on **December 8, 2015**. The Commission also approved a Tentative Parcel Map creating Parcel 1, 0.94 acres on December 1, 2015. A Mitigated Negative Declaration ("**MND**") was by the Planning Commission ("**Commission**") for the CUP, AR, LP on **December 1, 2015**, and for the rezone by the City Council on **December 8, 2015**.

V. DISCUSSION:

Summary of the Commercial Retail Project Proposed for Parcel 1

The project is located in the H-S Zone and is also within the West Broadway Master Plan. The following summary is provided to facilitate the initial discussion regarding the proposed project.

Building Design

Retail Building: The applicant is requesting to construct a single-story 7,453 square foot retail commercial building. The Commission originally approved this project as part of the approval of CUP 150-290 on **December 15, 2015**. The project has not changed. The approval of CUP 2016-007 will

renew the CUP for an additional 12 months. CUP 2016-007, if approved by the Commission, will extend the approval until **November 1, 2017**.

The building is proposed to be located in the rear portion of proposed Parcel 1. The proposed building is proposed to have a combination of stucco walls with a brick veneer on the lower part of the walls. The entrance includes a building extension cover over the building main entrance. The building is proposed to face Broadway Street. Large landscape areas will provide visual buffers along both Broadway Street and Canal Street as well as between the parking lot and building and adjacent parcels. (*Reference Figure 2.*)

The project was deemed to be consistent with the West Broadway Master Plan by the Commission on December 15, 2016. Said determination included a determination that the kiosk structure is located close to the Broadway Street sidewalk, thereby complying with guidelines that buildings are located adjacent to the street right-of-way. The building façade also included interesting design treatment that the Commission determined was also consistent with the design guidelines of the West Broadway Master Plan. The addition of brick veneer was part of that determination as were the cover over the entrance and interesting building exterior elevations.

Kiosk: As mentioned above, the applicant also proposes a small public kiosk structure which would be located near the corner of Broadway Street and Canal Street. The Conditions of Approval of the first approval, CUP 150-290 required review of the final Kiosk design. The applicant submitted revised designs using steel framing. The Commission approved the final design of the kiosk on **May 3, 2016**.

Walkways are proposed to provide access to the kiosk from the public sidewalks of Canal and Broadway Streets. The kiosk will help the project retain consistency with the West Broadway Master Plan.

The West Broadway Master Plan recommends that new buildings be constructed next to Broadway Street in order to maintain a consistency with the theme adopted for the Historic Downtown area. The proposed kiosk meets that criteria and provides a unique opportunity for improving the tourism industry in King City. The kiosk will include panels for public wayfinding signs and a panel on the side for a map of the City and historical information for tourists and residents. The side of the kiosk with the informational panel will have a trellis shade cover extension to protect visitors from the sun. The signs on the kiosk will not include any commercial advertising or business names. Only public directional signs would be located on the proposed kiosk.

Timeline Summary

Date	Item
December 1, 2015	Commission approves Mitigated Negative Declaration (MND)
December 1, 2015	Commission approves Tentative Parcel Map Case P00-000-294
December 1, 2015	Commission recommends approval of Zone Change Case P00-000-293
December 8, 2015	City Council approves MND and Zone Change Case P00-000-293
December 15, 2015	Commission approves Conditional Use Permit/AR/LP/MND Case CUP-150-290
May 3, 2016	Commission approves final design of Kiosk.
May 3, 2016	Commission approves variance for Sign Permit Case No.: VAR SN0-000-480
Oct 4, 2016	Applicant filed application for CUP 2016-007 to re-issue the Use Permit due to expire, December 15, 2016
November 1, 2016	Commission hearing to consider approval of CUP 2016-007

Note that applicant has Building Permit in process at City Building Department and expects to pull Building Permit in Spring 2017. A Maintenance Agreement for Kiosk is in process.

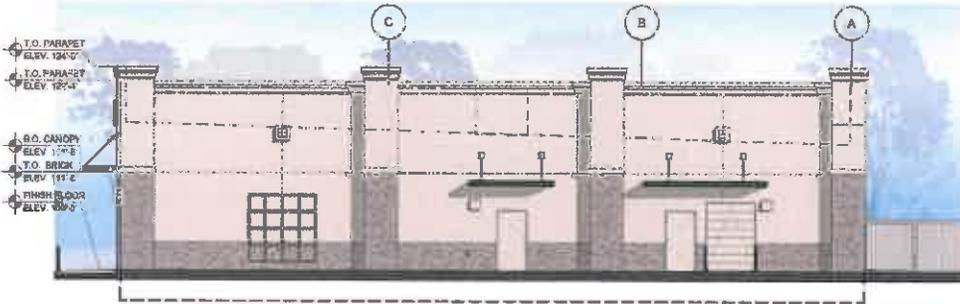
Figure 2

Proposed Building Elevations

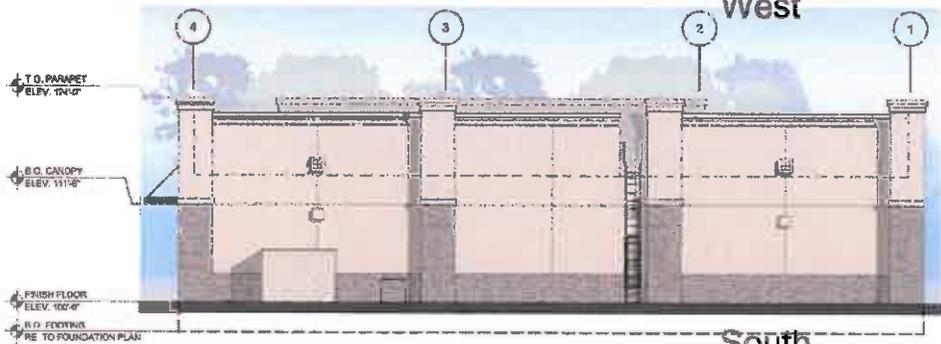
Broadway Street Elevation Is North Side. Canal Street Elevation Is West Side.



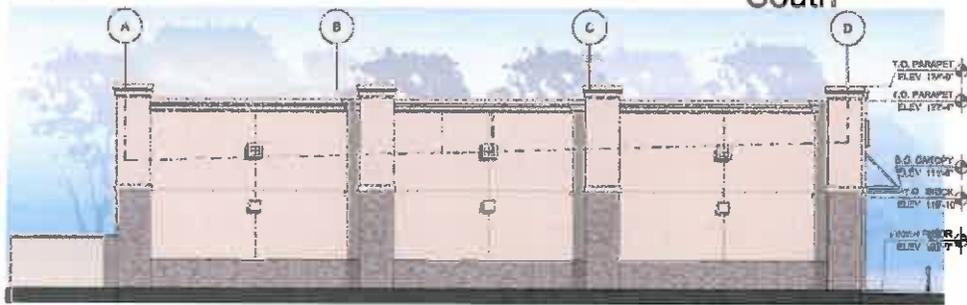
North



West



South



East



King City, CA
 743 Broadway St

Lot Coverage and Setbacks

Coverage:

Maximum lot coverage permitted is fifty (50%) percent of the total lot area. Lot coverage proposed is 7,453 square feet, or eighteen (18%) of the 41,000 square feet. commercial site area, which is less than maximum allowable coverage. An additional 21,947 square feet. is parking area of impermeable surfaces. Total impermeable surfaces = 29,398 square feet, coverage site. Provisions to meet the State Regional Water Quality Control Board ("**RWQCB**") standards for runoff will need to be made in the drainage design. The preliminary design indicates that they will implement bio-retention for runoff, directing drainage to shallow retention basins within the landscape area.

Setbacks

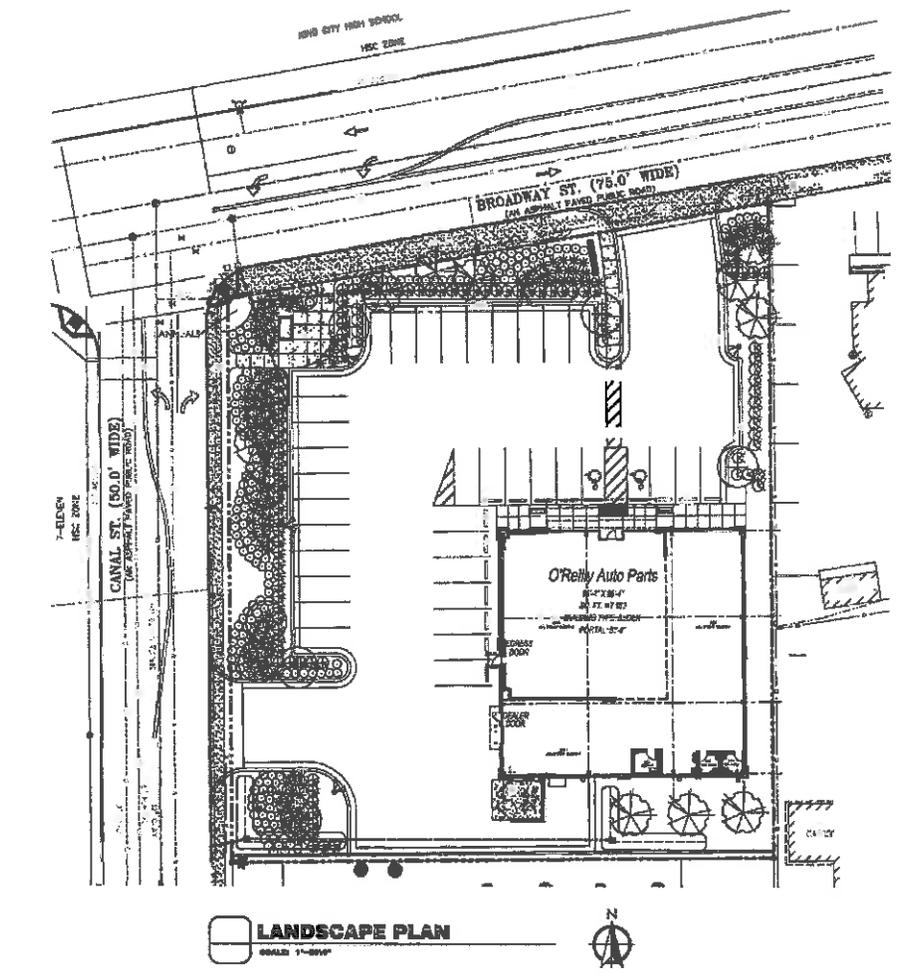
Minimum front setback required is ten (10') feet. The proposal includes a ninety (90') feet front setback.

Minimum rear setback required is twenty (20') feet. The proposal is for approximately twenty-six (26') foot rear setback

Minimum interior side yard required is ten (10') feet. The proposal includes ten (10') feet.

Minimum street side yard required is twenty (20') feet. The proposal is for approximately ninety (90') foot street side yard.

**Figure 3
Proposed Site Layout**



Fencing

It is important that appropriate buffers be provided between the proposed commercial use and the adjacent residential uses. Also, Municipal Code §17.52.030 requires six-foot tall solid walls between parking areas and any adjacent residential use. Decorative block walls six feet in height are proposed as mitigation adjacent to the existing residential uses located south and southeast of the proposed store.

There is an existing temporary chain link fencing around the site. The existing chain link fence will be removed prior to completion of the construction of the proposed retail building.

Driveways and Parking

Two (2) driveway accesses are proposed, one from Canal Street and one from Broadway Street. The City Engineer will review the final locations and widths of the driveways before issuance of Building Permits. The two driveways are located over 100 feet from the intersection to limit the potential for conflicts with traffic at the intersection.

A total of twenty-one (21) parking spaces are required for the proposed use based on Municipal Code §17.52. The applicant proposes thirty-seven (37) paved parking spaces are proposed, including two (2) required accessible spaces near the building entrance. The parking area will include curbing and landscaping. A six (6') foot tall wall is included at the rear of the parking lot as required by Municipal Code §17.52.030. Also, a curb or other appropriate edge of the landscaping strip should be provided along the property boundary next to the adjoining restaurant property.

Architectural Review

The proposed building has a modern stucco and brick facade with a projection over the main entrance on the Broadway Street side of the building. Small architectural projections are proposed for the Canal Street frontage side of the building as well as the side of the building facing the adjacent restaurant parking lot, providing enhancement of the appearance of the building. Also, a well-designed landscape plan will further enhance the appearance of the project. The location at the intersection of two main thoroughfares in the City is very important to the image of the City. This site could be considered an entry point to the Historic downtown.

In addition, the proposed kiosk will add visual interest and attract the attention of travelers. Overall, the project should create a positive visual image for Broadway Street, meeting the intent of the West Broadway Master Plan. Architectural review is required for the buildings, parking, landscaping and other features. The Planning Commission will act as the architectural review committee ("**ARC**"), pursuant to Municipal Code §17.31.120.

Landscaping Requirements

The following Municipal Code Sections are applicable to the project.

Municipal Code §17.26.130 states, *"Minimum landscaping required shall be twenty percent of the land area landscaped with suitable plants, trees and shrubs. All parking and service areas, including driveways, when located adjacent to residential districts shall be screened and separated from such property by a solid wall, view-obscuring fence and compact evergreen hedge six feet in height, except as provided elsewhere in the code."*

The applicant is providing 10,199 square feet of landscaping, or twenty-five (25%) percent of the commercial site area.

The existing apartment building, including parking areas, comprises fifty-eight (58%) percent coverage of new Parcel 2. The remaining forty-two (42%) percent of the total site will be open for new and existing landscaping amenities for the enjoyment of the tenants.

Street trees will be a part of the landscape areas of Parcel 1 but will be located outside of the right-of-way. The applicant proposes a total of twenty (20) trees, nine (9) of which are adjacent to the right-of-way.

Drainage

The project will be required to meet all applicable stormwater regulations. The applicant proposes that the site paved areas and building will drain into bio-retention shallow basins in landscaping areas.

Bio-retention is one of the measures recommended in Municipal Code §17.56.100. All new projects are required to meet the standards for drainage and pollution control. The drainage and pollution control measures will require review of the City Engineer.

VI. ENVIRONMENTAL DETERMINATION

As mentioned above, the Commission approved the Mitigated Negative Declaration ("**MND**") on the CUP, ARP and LP on **December 1, 2015**. The Council approved the MND for the rezone on **December 8, 2015**. Environmental review was prepared for the proposed retail commercial store, parcel map, zone change and other proposed improvements pursuant to the California Environmental Quality Act ("**CEQA**"). The Initial Study ("**IS**") indicated that the proposed project has the potential to result in significant environmental impacts unless specific mitigation measures ("**MM**") are implemented.

The mitigation measures are contained in the MND, attached **Exhibit 4**.

VII. 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 Project Review Committee ("**PRC**"). PRC provides comments to the applicants and conditions of approval ("**COA**") before a project goes to the Planning Commission. No major issues regarding the project arose during the meeting of the PRC. Comments from PRC are incorporated throughout the staff report and their recommendations are incorporated in the attached COA. Comments in this Staff Report reflect comments made by City Staff.

VIII. PUBLIC NOTICE

A public hearing notice was published in the King City Rustler newspaper on October 19, 2016, and all property owners of record within three-hundred (300') feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

Donald Funk

Prepared by: _____
DONALD FUNK, PRINCIPLE PLANNER

Doreen Liberto-Blanch

Approved by: _____
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT 1
CUP Case No. 2016-007
FINDINGS OF FACTS

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

An Initial Study was prepared for the proposed project. Because 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 Mitigated Negative Declaration would be prepared. The Mitigated Negative Declaration is attached to this report.

California Environmental Quality Act (CEQA) Findings of Fact

The Mitigated Negative Declaration (**MND**) was approved by the Planning Commission on December 1, 2015 and adopted by the City Council on December 8, 2015. The project will not have a significant impact on the environment pursuant to the design and Conditions of Approval contained in this report.

This Project's environmental review was prepared for the Project pursuant to the California Environmental Quality Act ("**CEQA**"). **The Mitigated 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. (**Reference Exhibit 5.**) The Mitigation Measures identified in the initial study would reduce the impacts to a less than significant level.

- a. The proposed project is consistent with the City of King requirements and provisions of the General Plan and Zoning Ordinance.
- b. With the kiosk and other elements of the proposed project, including the building design and landscaping, the proposed project is consistent with the guidelines of the West Broadway Master Plan.
- c. The proposed project, based on the evaluation contained in this report and pursuant to the attached Conditions of Approval, is consistent with the standards of the Highway Service zoning district.

EXHIBIT 2

RESOLUTION NO. 2016-163

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-007 FOR
O'REILLY AUTO PARTS PROPOSED STORE
LOCATED ON APN: 026-051-007-000
743 BROADWAY STREET, KING CITY, CALIFORNIA.**

WHEREAS, On **October 4, 2016**, The applicant, O'Reilly Auto Enterprises, LLC, submitted application CUP 2016-007, a request for Conditional Use Permit CUP150-290, including Architectural Review Permit, and Landscaping Permit to construct of a new 7,453 square foot commercial retail building on a vacant portion of a site located at the southeast corner of Broadway Street and Canal Street. The project address is 743 Broadway Street, King City, CA 93930. The property is zoned Highway Service ("**H-S**"). The General Land Use Designation for the property is Highway Service Commercial ("**HSC**"); and

WHEREAS, an Initial Study and Mitigated Negative Declaration ("**MND**") was approved by the Commission on December 1, 2015 and by the City Council on December 8, 2015 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 project does not require approval of an agency other the City of King; and

WHEREAS, a Mitigation Monitoring and Reporting Program ("**MMRP**") was prepared reviewing the impacts of the Project and adopted by the Planning Commission on December 1 2015 and by the City Council on December 8, 2015, as required by CEQA; and

WHEREAS, on **October 19, 2016**, 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; and

WHEREAS, the MND and supporting documents have been reviewed, and all information, whether written or oral, has been considered by the Commission; and

WHEREAS, the project, including the design elements of the proposed building and the proposed kiosk, will be consistent with both the H-S Zoning and the West Broadway Specific Plan, including but not limited to a proposed stucco and brick façade building, smaller signs, landscaping, bioretention basins (in the landscape area), building elements with extended cover over the entrance and proposed kiosk; and

WHEREAS, the Commission has reviewed and considered the information provided in the Staff Report, MND, and testimony presented during the public hearing, and accepts the **Findings of Fact** as outlined in **Exhibit 2**, the MND as outlined in **Exhibit 4**, and the applicant's submittals shown in **Exhibit 5**;

WHEREAS, the Commission of the City of King, California, met at the duly noticed public hearing on **November 1, 2016**, 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 and approved by the Commission on **December 1, 2015** and by the City Council on **December 8, 2015** pursuant to the California Environmental Quality Act ("**CEQA**"). **The Initial Study and Mitigated Negative Declaration indicated that the proposed project has the potential to result in significant adverse environmental impacts. (Reference Exhibit 5.)** The Mitigation Measures identified in the Initial Study and Mitigated Negative Declaration 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 have the potential to generate storm-related runoff pollutants. The project includes provisions to address 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.
- c. The

Conditional Use Permit Findings of Fact

- a. The proposed project is consistent with the requirements and policies of the City of King General Plan and Zoning Ordinance.
- b. The general appearance of the proposed building is in keeping with the character of the H-S zoning district and its surrounding properties.
- c. The proposed project will, with the design measures included in the proposed plans (including the proposed kiosk and the proposed stucco and brick materials on the building and kiosk), comply with the provisions of the West Broadway Master Plan.
- c. The proposed building will not be detrimental to the harmonious and orderly growth of the City.
- d. The proposed building will not impair the desirability of investment or occupation in the H-S Zone District because the building, landscaping and other improvements are attractively designed and provided amenities that add to the value of the area.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King determines that the project will implement the measures described in the approved Mitigated Negative Declaration ("**MND**"), Mitigation Monitoring and Reporting Program ("**MMRP**") and approve Conditional Use Permit CUP Case No. 2016-007, for the permits for the development of a new auto parts commercial building consistent with **Exhibit 5**, as presented.

This resolution was passed and adopted this 1st day of November, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST:

MARICRUZ AGUILAR-NAVARRO, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3
CUP Case No. CUP 2016-007
FINAL CONDITIONS OF APPROVAL/MITIGATION MEASURES
and MITIGATION MONITORING REPORT PLAN

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

1. **Project Description:** A Conditional Use Permit ("**CUP**"), Architectural Review ("**AR**"), and Landscaping Permit ("**LP**")_to allow construction of a new 7,453 square foot retail commercial building on the corner of Canal Street and West Broadway Street per **Exhibit 5**. The retail use is an auto related use. The project includes a paved parking lot, landscaping, trash enclosure, two (2) driveway accesses, walls separating the retail commercial structure from the adjacent residential uses, and a small public kiosk located near the corner. The property is located within the West Broadway Master Plan. Conditional Use Permit/Architectural Review ("**CUP/AR**")_and Landscaping Plan ("**LP**"). Project is located at 743 Broadway Street.
2. **Approval Period:** The CUP/AR and LP are granted for 12 months. Said approval shall immediately expire if not used within one (1) year from the date of approval and any building permit issued in reliance thereon shall be deemed cancelled and revoked.
3. **Hold Harmless and Indemnification Clause:** The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**")_and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "*proceeding*") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Koczanowicz and Hale, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

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

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

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

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

pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

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

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

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

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

4. **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.
5. **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.
6. **Extension Requests:** A request for an extension shall be submitted to the Community Development Director for review and consideration prior to the expiration date of the permit.

City of King Building and Safety Department (The Applicant should discuss the building permit submittal process with Paul Hodges, Chief Building Official, City of King Building and Safety Department at (831) 386-5915.)

7. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. Building Plans shall comply with the current Title 24 California Building Standards Codes.
8. **Soils Report:** As part of the building permit submittal, the Applicant shall submit a Soils Report prepared by a State of California-Registered Engineer or State of California-Registered Geotechnical Engineer. The Soils Report shall be reviewed and approved by the Chief Building Official.
9. **Pad Elevation Certification:** The pad elevation certification may be submitted upon foundation inspection.

10. **Lighting: As part of the building permit submittal**, a lighting plan shall be submitted for review by the Building Department, Community Development Department and Police Department and identify in the design how to prevent glare into the public areas. 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. **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.*

Public Works Department (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com, regarding the following COA, if there are any questions.)

12. **Improvement Plans:** Project Drainage, Grading, Utilities, and Site Plans shall be prepared and signed by a Licensed Civil Engineer. Onsite signage (stop signs, etc at driveways shall be included in plan submittal). All Plan Review and Construction Observation/Inspection costs shall be paid by the applicant/owner. A deposit to cover said costs will be required. Improvements in Public Right of Way or Easements shall conform to the City of King design standards (latest edition). All improvements shall be these standards, unless noted otherwise. The applicant shall provide vehicle sight and stopping distance for any/all obstructions including but not limited to landscaping, signs, or other items are placed in/near intersections. All construction shall be to and provide ADA (Americans with Disabilities Act) access. Improvements in public right-of-way or easements shall conform to the City of King design standards (latest edition). All improvements shall be to these standards, unless noted otherwise. All work/improvements in shall be inspected by and be from Improvement Plans reviewed and Approved by City Engineer.
13. **Grading and Drainage Plans: Before issuance of any building permit**, the Applicant shall submit Grading and Drainage Plans for the City Engineer review and approval. The Grading and Drainage Plans shall be folded accordion style and no larger than 8.5' x 14". The Grading and Drainage Plans shall include:
 - a. *Drainage Plan.*
 - b. *Best Management Practices Plans ("NPDES"). The NPDES must include:*
 - i. Permanent: Urban Storm Water Management Plan.*
 - ii. Construction: Storm Water Pollution Prevention Plan.*
 - iii. Construction during November -April: Wet Weather Erosion Control Plan.*

The Grading and Drainage Plan shall be signed and stamped by a State of California-Registered Civil Engineer. All grading shall be done in conformance with City standards and to the satisfaction of the City Engineer.

14. **Infrastructure and Underground Utilities: Before issuance of a building permit**, an Infrastructure and Utility Plan for the entire site shall be submitted to and approved by the City

- Engineer. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards. The applicant/owner shall obtain and pay all associated permits/fees/costs for any/all Utility Companies (including but not limited to PG&E, Telephone, TV, California Water System) and any/all governmental agencies.
15. **Sewer Connection: Before issuance of an occupancy permit**, the sewer connection shall be reviewed and approved by the City Engineer.
 16. **Sidewalk/Public Accessibility:** Before issuance of an occupancy permit, an ADA/CA Title 24 Accessibly compliant walkway compliant 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 Departments. 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.
 17. **Sidewalk/Curb & Gutter:** At the time of building permit submittal, the applicant shall show on the improvement plans required new sidewalk, curbs and gutters along Broadway Street and Canal Street as identified by the City Engineer.
 18. **Dedication:** The improvement plans shall show the two (2') foot widening of Broadway Street, the dedication of two (2) feet of right-of-way along Broadway Street, improvements on the two curb returns of the intersection of Canal and Broadway Street including handicap ramps and other improvements as required by the City Engineer.
 19. **Clearance:** Before issuance of occupancy permit, the Applicant shall show a four (4') feet minimum sidewalk clearance/path of travel from all street utilities (e.g., poles, signs). On sidewalks in the public right-of-way and on sidewalks onsite, cross slope shall not exceed two (2%) percent.
 20. **Street Frontage:** Before 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, as necessary. The Project shall remove and replace any asphalt pavement, curb, gutter, sidewalk, and/or driveways along project frontage of Broadway Street and Canal Street that is broken or in need of replacement. The actual limits shall be reviewed and approved by the City Engineer.
 21. **Encroachment Permit:** Before 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).
 22. **Utilities:** The Applicant/Owner shall obtain and pay all associated permits/fees/costs for any/all utility companies and any/all government agencies as applicable.
 23. **City & Regional Traffic Impact Fee (MM T-1): Before issuance of any building permit**, the Applicant shall participate in the City's development impact fee program as a condition of approval of the building permit. The Applicant shall consult with the Transportation Agency for Monterey County ("**TAMC**") to determine the project should pay the regional traffic mitigation fee pursuant to the TAMC Nexus Study to the City of King Building and Safety Department. Participation in the City's development impact fee program shall be as a COA of the building permit. Development impact fees offset the costs of increased demand resulting from new development to public facilities and to streets, traffic signals and bridges. The proposed project would be subject to compliance with this provision of the municipal code as a standard COA.
 24. **Submittal of SWPPP (MM HY-1): Prior to any construction**, a Stormwater Pollution Prevention Plan ("**SWPPP**") may be required to be submitted to the City Engineer for review and approval, depending on size of project. To prevent silt and debris from entering the existing storm drain system during construction, the developer shall utilize storm drain inlet interceptors or filters to protect the existing storm drain.

Miscellaneous Conditions:

25. **Sign Permit: Before installing any signs on the property**, the Applicant shall obtain an approved sign permit by 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. Window coverage should be limited to the standards as described in Municipal Code §17.55.

26. **Landscaping Documentation Package: Prior to issuance of a building permit**, in accordance with State law, the Applicant shall submit to the Community Development Department ("**Department**") for review and approval a Landscape Document Package consistent with the State of California Water Efficiency Landscape Ordinance Model ("**Model**"), dated September 10, 2009. **Prior to issuance of a certificate of compliance**, the Applicant shall submit to the Department the certificate of completion in accordance with the Model.

27. **Landscape and Irrigation Plans: At the time of building permit submittal**, the applicant shall submit a Final landscape and irrigation system design to the Community Development Department for final sign-off by the Community Development Director and City Engineer.
 - a. **Runoff:** The site plan shall address all runoff in conformance with current storm water regulations. All runoff shall be directed to approved new landscaping areas and shall be designed to properly address pollution control. Landscape areas shall be designed by both the project engineer and landscape designer to incorporate bioremediation measures that will ensure that 100 percent of the runoff from the building and paved areas will infiltrate through a plant and soil medium that provides for bioremediation of any pollutants in the runoff and upper soil layer.

 - b. **Street Trees:** The Applicant shall submit a plot plan of any street trees as deemed required by the Public Works Director and be limited only to those on the City's Master Tree List per standards in Municipal Code §13.10 Street Trees.

28. **Security Cameras: Prior to issuance of a building permit**, 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.

29. **Kiosk Maintenance Agreement: Prior to issuance of a building permit**, the Maintenance Agreement for the future kiosk and easement shall be in place and have review and approval by the City Engineer, City Manager and City Attorney.

30. **Kiosk Design:** Prior to issuance of a building permit, the Applicant shall comply with the final approved drawings approved by the Planning Commission for the design and materials for the kiosk.

City of King Fire Department (The Applicant should contact the Fire Chief and the Chief Building Official for any Fire Life Safety questions.)

31. **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. The fire suppression system plans shall be reviewed and approved by the City Engineer and Fire Department, **before final of final occupancy permit**. The fire sprinkler plans will also need to be routed to the city contracted fire plans examiner Art Black, Carmel Fire for Fire Plan Review.

Mitigation Measures:

Conditions to Address Mitigated Negative Declaration Mitigation Measures. Following are the mitigation measures that comprise the Mitigation Monitoring Reporting Plan ("MMRP") and, when implemented, will reduce the potential impacts of the project to less than significant. Where it is indicated that the "applicant" is responsible, said responsibility, if the property or building is sold, shall continue to be with the current and future landowners. These Measures are Mitigations that are part of the approved Mitigated Negative Declaration. The MMRP is designed to ensure that, during Project Implementation, the City of King and any other responsible parties comply with the feasible mitigation measures adopted by the City and described in this document. The location of the record of proceedings is the Community Development Department, City of King.

32. **Mitigation Measure No. 3.a and 3.c for Pollution Control:** A plan shall be prepared by the project engineer or Certified Professional Erosion Control Specialist (for dust, chemical pollution and erosion control) to ensure these measures are implemented. Where appropriate, said dust protection plan may be part of a project erosion and sediment control plan. All new projects must comply with all Federal, State, Regional, and local air quality standards. State law requires any facility that has the potential to emit air contaminants to apply for a permit from Monterey Bay Unified Air Pollution Control District ("MBUAPCD"). Additionally, if development within the Project includes other sources that are exempt from MBUAPCD permit authority (e.g., indirect sources, fugitive area sources), all direct and indirect emissions should be compared to the appropriate threshold(s) of significance. When net emissions from a new or modified facility exceed State thresholds, the increase shall be offset. New businesses and/or tenants of the facility shall consult directly with the MBUAPCD for permitting requirements and compliance with air quality standards.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Plan shall be submitted prior to issuance of building permits. Required measures to be implemented during entire grading, construction and after completion of project. Implementation

Responsibility: Cost and materials are responsibility of applicant

33. **Mitigation Measure No. 5.a, 5.b, 5.c, 5.d for 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 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.”

From the California Office of Historic Preservation, Technical Assistance Series #1, California Environmental Quality Act (“CEQA”) and Historical Resources:

- a. To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than sixty (60) days after completion of the recommended special environmental impact report required by this section.
- b. Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Evaluation required during grading and construction of project.

Implementation Responsibility: Cost and materials are responsibility of applicant.

34. **Mitigation Measure No. 6.a, Soils Reports:** Prior to construction, a soils report will be required and the structure will be designed to meet the requirements specified in that report. The architect or structural engineer shall verify that the structure will meet all seismic requirements.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Measures to be implemented during entire grading, construction and landscaping period. **Implementation Responsibility:** Cost and materials are responsibility of applicant.

35. **Mitigation Measure No. 8.a. Stormwater:** The City Engineer shall review each project, unless exempted by the RWQCB, to assure compliance with these requirements, including the Regional Water Quality Control Board (“RWQCB”) “POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS IN THE CENTRAL COAST REGION.” These RWQCB standards include BMPs for erosion and sediment control during project construction and after completion of the project. LID measures include, but are not limited to: i) limiting disturbance of creeks and natural drainage features, minimizing compaction of highly permeable soils, limiting removal of native vegetation at the site to the minimum area needed to build the project, limiting impermeable surfaces, including buildings and paving, and the use of innovative design layout that further increases permeable surfaces and landscaping.

Development shall minimize stormwater runoff by implementing one or more of the following site design measures identified by the RWQCB:

- (1) Direct roof runoff into cisterns or rain barrels for reuse,

- (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California building code.
- (3) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with California building code.
- (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with California building code.
- (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces.
- (6) The directing of runoff to bioretention basins.
- (7) Other similar measures as determined by the City Engineer.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Erosion and sediment control plans required before initiation of grading and construction. Implementation begins before grading and continues throughout project grading and construction. Final BMPs shall be implemented before completion of project and will be implemented for the life of the use of the property, buildings, landscaping and other improvements. On-Going.

Implementation Responsibility: Cost and materials are responsibility of applicant

36. **Mitigation Measure No. 15.a Water pollution, waste management and utility connections:** The applicant/landowner shall be 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.

Implementation Party: Applicant

Enforcement Agency: County

Timing: Erosion and sediment control plans required before initiation of grading and construction. Implementation begins before grading and continues throughout project grading and construction. Final BMPs shall be implemented before completion of project and will be implemented for the life of the use of the property, buildings, landscaping and other improvements. On-going for the life of the land use.

Implementation Responsibility: Cost and materials to comply with requirements of the reviewing agency are responsibility of Applicant

Conditional Use Condition Agreement:

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

The 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 4. Mitigated Negative Declaration & Initial Study including Mitigation Monitoring
and Reporting Program (“MMRP”)**



INITIAL STUDY AND FINAL MITIGATED NEGATIVE DECLARATION

Revised November 22, 2015

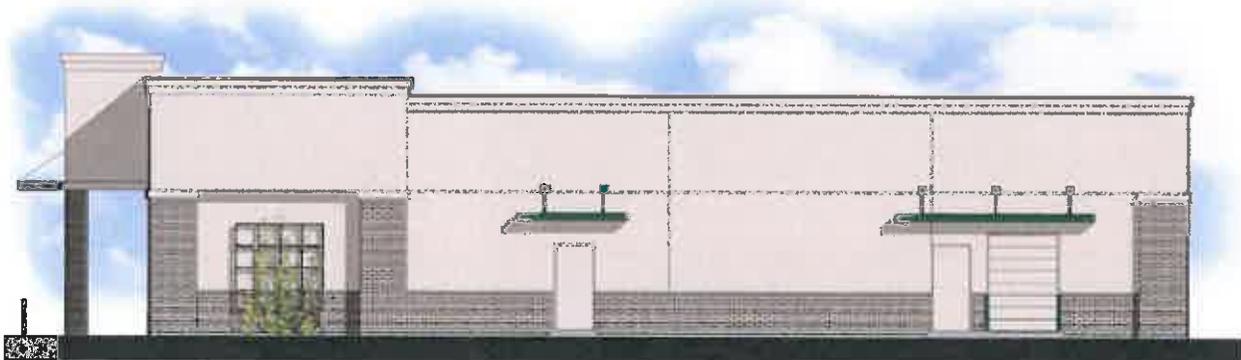
Approved by Planning Commission December 1, 2015,

Adopted by City Council December 8, 2015

**Proposed O'Reilly Retail Store
743 Broadway Street, King City, California**



North



West

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

**Rezone #P00-000-293
Conditional Use Permit/AR/LP/MND # CUP-150-290
Sign #SN0-000-480
Tentative Parcel Map # P00-000-294**

General Information About This Document

What's in this document?

The City of King has prepared this Initial Study and Mitigated Negative Declaration which examines the potential environmental impacts of the proposed project for a retail store, Zone Change, Tentative Parcel Map, Architectural Review in the West Broadway central area of 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 Planning Commission Public Hearing on: Tuesday, 6:00 pm December 1, 2015 for the Conditional Use Permit, Architectural Review Permit, Sign Permit, Tentative Parcel Map and
 - ✓ Attend the City Council 6 pm December 8, 2015 for the proposed Zone change for the proposed Zone Change 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

PLEASE SUBMIT WRITTEN COMMENTS BY **DECEMBER 1, 2015**.

What happens next?

After comments are received from the public and reviewing agencies, the City Planning Commission (for the CUP, Architectural Review, Sign Permit and Tentative Parcel Map) or City Council (for the proposed Zone Change) may:

- 1) give environmental approval and approval of the CUP, Architectural Review, Sign Permit and Tentative Map for the proposed project, or
- 2) require additional environmental studies, or
- 3) require changes to the project or
- 4) deny the project, if there are issues that cannot be mitigated.

If the project is given environmental approval and the Conditional Use Permit, Architectural Review Permit, Sign Permit and Tentative Parcel Map 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 CUP, Architectural Review, Sign Permit and Tentative Parcel Tract Map and Mitigated Negative Declaration.

The Municipal Code provides that the Planning Commission has the authority to grant approval for the Conditional Use Permit, Architectural Review Permit, Sign Permit and Tentative Parcel Map. However, Zone Changes require the review of the Planning Commission and approval of the City Council.

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I. PROJECT INFORMATION

Project Title: O'Reilly proposed store & public kiosk

Case Number: Rezone Case No.: P00-000-293
Tentative Parcel Map No.: P00-000-294
Conditional Use Permit/AR/LP/MND
Case No.: CUP-150-290
Sign Case No.: SN0-000-480

Project Applicant: **O'Reilly Auto Enterprises, LLC** Phone: _____
233 S. PATTERSON Ave Fax: _____
Springfield MO 65802 417-862-2674

Project Landowner: Davis Family Trust, c/o Chris Davis Phone: _____

Project Designer: **Applicant Rep. Jeff Liederman** Phone: 949-430-7051
PM Design Group Fax: _____
38 Executive Park, Ste 310
Irvine, CA 92614

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

The applicant, O'Reilly Auto Enterprises, LLC, is requesting approval of a Zone Change ("**ZC**") from High Density Residential ("**R-4**") to Highway Service ("**H-S**"), Conditional Use Permit ("**CUP**"), Architectural Review Permit ("**AR**"), Sign Permit, Tentative Parcel Map to allow construction of a new 7,453 square foot commercial building on a vacant portion of a site. The project site is located on the southeast corner of Broadway Street and Canal Street. The property is within the West Broadway Master Plan area, which guides design principals for the area.

The project address is 743 Broadway Street, King City, CA 93930. The property is currently split zoned. The front half (fronting on Broadway Street) is zoned Highway Service ("**H-S**") and the rear half (fronting on Basset Street) is zoned Multiple Family Residential and Professional Offices District ("**R-4**"). The General Land Use Designation for the entire property is Highway Service Commercial ("**HSC**")."

The front three-quarters of the property is vacant (the 11,606 square foot Surrey Motel existed on the property for over fifty years and was demolished in July 2002 to accommodate the new commercial development). The rear quarter, fronting on Bassett Street, is developed with an existing apartment building built in the mid 1960's. A temporary chain link fence surrounds the vacant portion of the property. The fence will be removed when the project is approved.

The project includes a Tentative Parcel Map application for O'Reilly Auto Enterprises, LLC to subdivide the existing parcel (1.278 acres) into two new parcels as indicated below:

1. Parcel 1 (.940 acre); and

2. Parcel 2 (.338 acre).

O'Reilly Auto Enterprises, LLC is proposing to occupy the proposed Parcel 1. If approved, Parcel 1, fronting on Broadway Street, will be H-S Zone and Parcel 2, fronting on Bassett Street, will remain R-4. The net reduction of 0.3 acres of R-4 will be converted to H-S Zoned land if the rezoning is approved. The TPM will merge eight antiquated parcels into the two (2) new parcels.

The project review includes a Conditional Use Permit ("**CUP**"), Architectural Review Permit ("**AR**"), Landscaping Permit and Sign Permit for a proposed retail store on Parcel 1 at the corner of Broadway Street and Canal Street. The proposed retail building is a 7,453 square feet building that is proposed to operate seven (7) days a week from 8:00 A.M. to 10:00 P.M.

In addition to the proposed commercial retail building, the proposal for Parcel 1 includes a trash enclosure, thirty-seven (37) parking spaces, including two (2) accessible spaces and a public informational kiosk located near the corner of Broadway Street and Canal Street. Bicycle parking will be provided near the northeast corner of the building. The project will also include 10,199 square feet of landscaping.

The existing two-story apartment building located at the corner of Canal Street and Bassett Street is proposed to remain and will be within new Parcel 2. Solid six (6') foot tall block fencing is proposed between the commercial use and the adjacent existing residential uses to the south and southeast of the proposed retail building.

Building Design:

The proposed single-story building will have a combination of stucco and brick on the lower part of the walls. The entrance includes a building facade extension. The building will face Broadway Street. A large landscape area will provide visual buffers along both Broadway Street and Canal Street. A small public kiosk structure is proposed for the corner. The kiosk will help the project retain consistency with the West Broadway Master Plan. That document recommends that new buildings be constructed next to Broadway Street in order to maintain a consistency with the theme adopted for the Historic Downtown area. The kiosk will include panels for public wayfinding signs and a glass case on the side for a map of the City and historical information for tourists and residents. The side of the kiosk with the informational glass panel will have a trellis shade cover extension to protect visitors from the sun. The signs on the kiosk will not include any commercial advertising or business names.

Lot Coverage and Setbacks:

Lot coverage proposed is 7,453 square feet, or eighteen (18%) percent of the 41,000 sq. ft. commercial site area, which is less than maximum allowable fifty (50%) percent. An additional 21,947 square feet is parking area of impermeable surfaces. Total impermeable surfaces = 29,398 square feet, seventy-two (72%) percent of the site. Provisions to meet RWQCB standards for runoff will need to be made in the drainage design. The preliminary design indicates that they will implement bio-retention for runoff.

Minimum front setback required is ten (10') feet. The proposal is for approximately ninety (90') feet front setback.

Minimum rear setback required is twenty (20') feet. The proposal is for approximately twenty-six (26') feet rear setback

Minimum interior side yard required is ten (10') feet. The proposal is for ten (10') feet.

Minimum street side yard required is twenty (20') feet. The proposal is for approximately ninety (90') feet street side yard.

Fencing:

There is an existing temporary chain link fencing around the site. The chain link fence will be removed. A decorative block wall fences six (6') feet in height are proposed as mitigation adjacent to the existing residential uses located south and southeast of the proposed store.

Parking:

A total of twenty-one (21) parking spaces are required for the proposed use based on Chapter 17.52. The applicant proposes thirty-seven (37) paved parking spaces are proposed, including two required accessible spaces near the building entrance.

Architectural Review:

Architectural review is required for the buildings, parking, landscaping and other features. The Planning Commission will act as the architectural review committee, pursuant to Municipal Code §17.31.120.

Landscaping Requirements: The following Municipal Code section is applicable to the project.

Municipal Code §17.26.130 states, "Minimum landscaping required shall be twenty percent of the land area landscaped with suitable plants, trees and shrubs. All parking and service areas, including driveways, when located adjacent to residential districts shall be screened and separated from such property by a solid wall, view-obscuring fence and compact evergreen hedge six feet in height, except as provided elsewhere in the code."

The applicant is providing 10,199 square feet of landscaping, or twenty-five (25%) percent of the commercial site area.

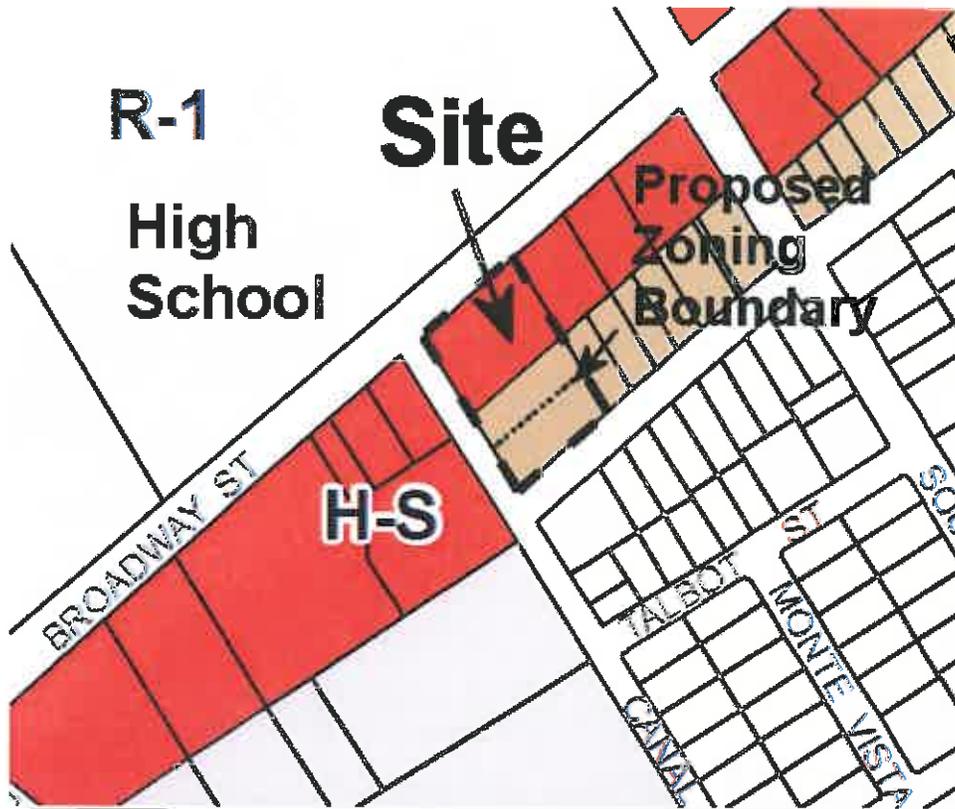
The existing apartment building, including parking areas, comprises fifty-eight (58%) percent coverage of new Parcel 2. The remaining forty-two (42%) percent of the total site will be open for new and existing landscaping amenities for the enjoyment of the tenants.

Drainage:

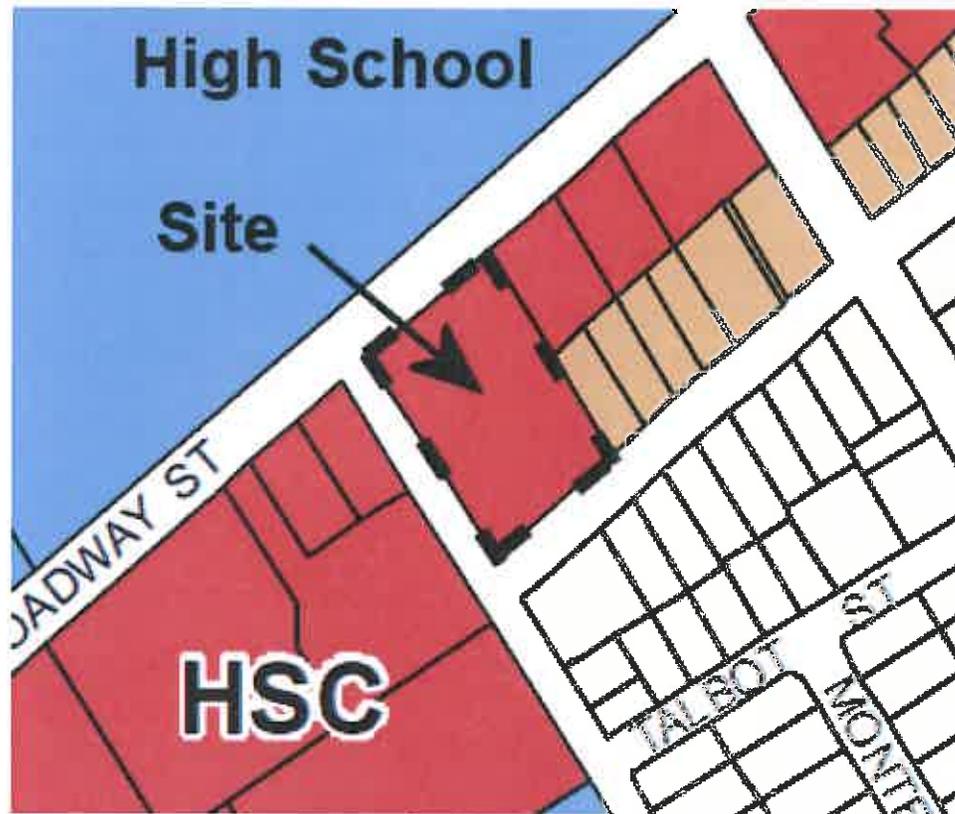
The project will be required to meet all applicable stormwater regulations. The applicant proposes bio-retention in landscaping areas. Those measures will require review of the City Engineer.

Zone Change: The applicant proposes to add approximately .33 acres of H-S zoning to encompass approximately 41,000 total square feet of the property. The area proposed for commercial is designated as Highway Service Commercial in the General Plan. Therefore the request is consistent with the General Plan Land Use Element.

Tentative Parcel Map: The applicant proposes to merge six (6) existing lots and create two (2) parcels of about 0.94 acres and 0.34 acres. The existing apartment building would remain R-4 zone. The



Existing Zoning and Proposed Zoning Boundary



General Plan Land Use Map of proposed site

Assessor Parcel Number(s) 026-051-007

General Plan Designation:

Highway Service Commercial

The proposed building is consistent with the General Plan designation.

Zoning:

Frontage along Broadway Street is zoned Highway Service ("**H-S**"). The frontage along Bassett Street is zoned High Density Residential ("**R-4**").

The applicant is proposing to rezone a portion of the property to H-S to accommodate the proposed commercial building. The following uses are permitted subject to obtaining a conditional use permit in the H-S zone ("**CUP**):

Municipal Code §17.26.030 Uses permitted subject to obtaining conditional use permit.

Uses subject to conditional use permits are as follows:

(1) Professional office and related uses, including:

(i) General offices and professional offices;

(ii) Financial services and institutions.

(2) Commercial uses, including:

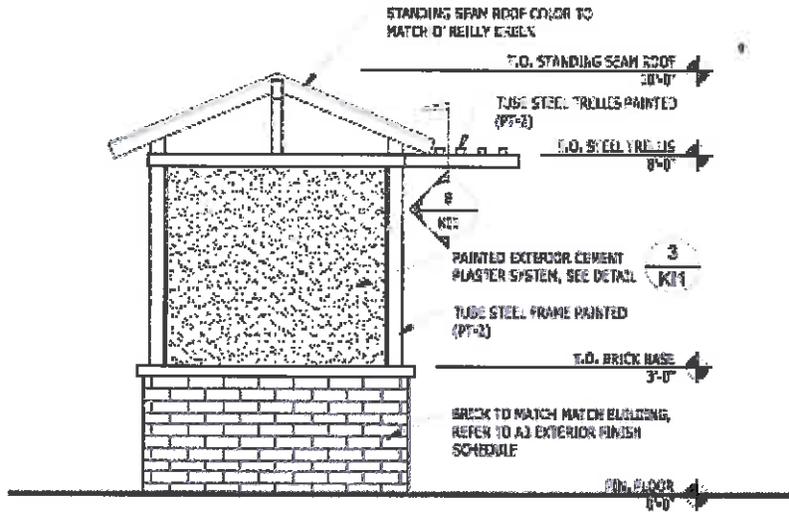
(i) Grocery stores, and convenience stores (convenience stores, which are not limited to stores located on premises of and operated in conjunction with, another use permitted by this section. The term "convenience store," as used in this section means a store stocking a limited supply of foods, beverages, and related types of goods and merchandise customarily found in grocery stores, and occupying a total area of not more than two thousand five hundred square feet. All sales and merchandise displays shall be contained within the building;

(ii) Department stores, including furniture stores and clothing stores;

(iii) General retail stores;

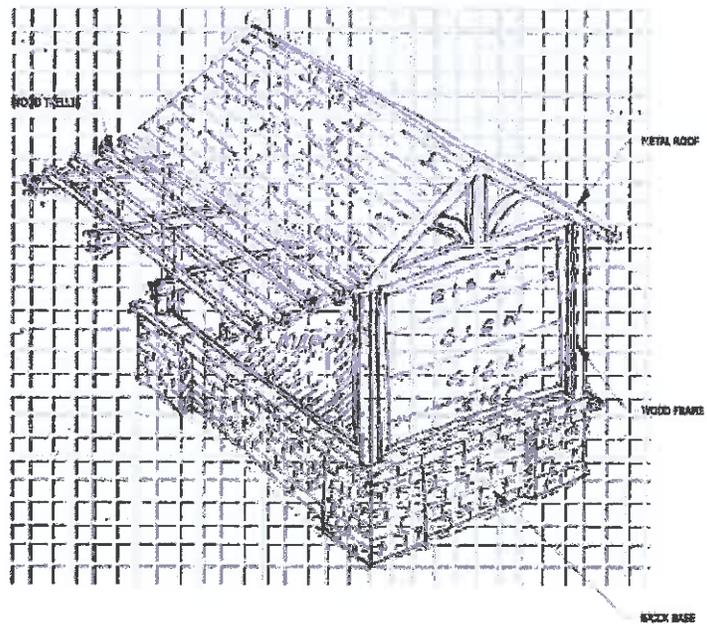
(iv) Home improvement stores, hardware stores.

The Project, a commercial building consistent with Municipal Code § 17.26.030.2(iii) as a commercial requires CUP review.



5 SOUTH ELEVATION
 SD1 SCALE: 3/8" = 1'-0"

Proposed Public Kiosk Design near intersection of Broadway Street and Canal Street
 Sign Panels are for public direction and not for business names or advertising.

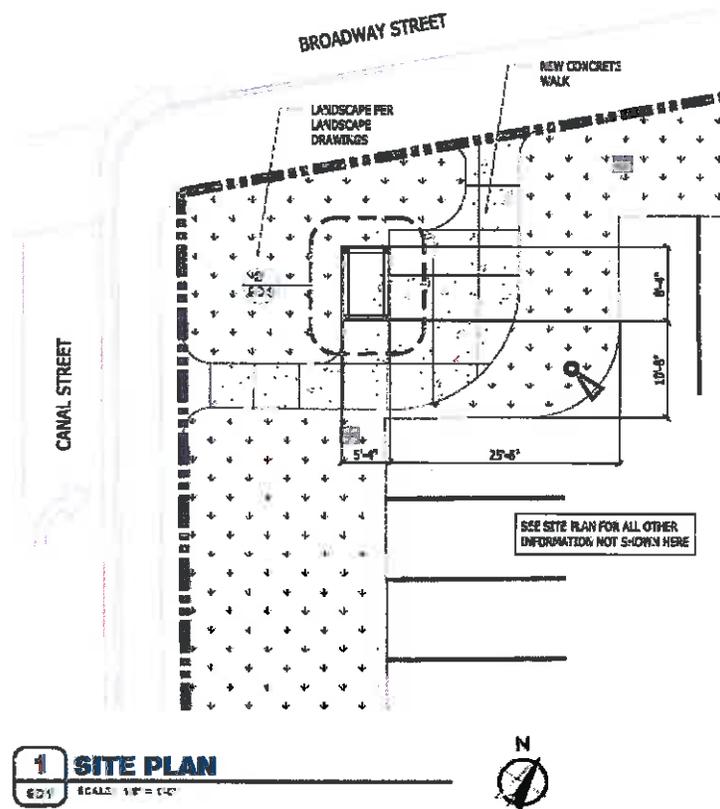


5 ISOMETRIC SKETCH
 SD1 SCALE: N.T.S.

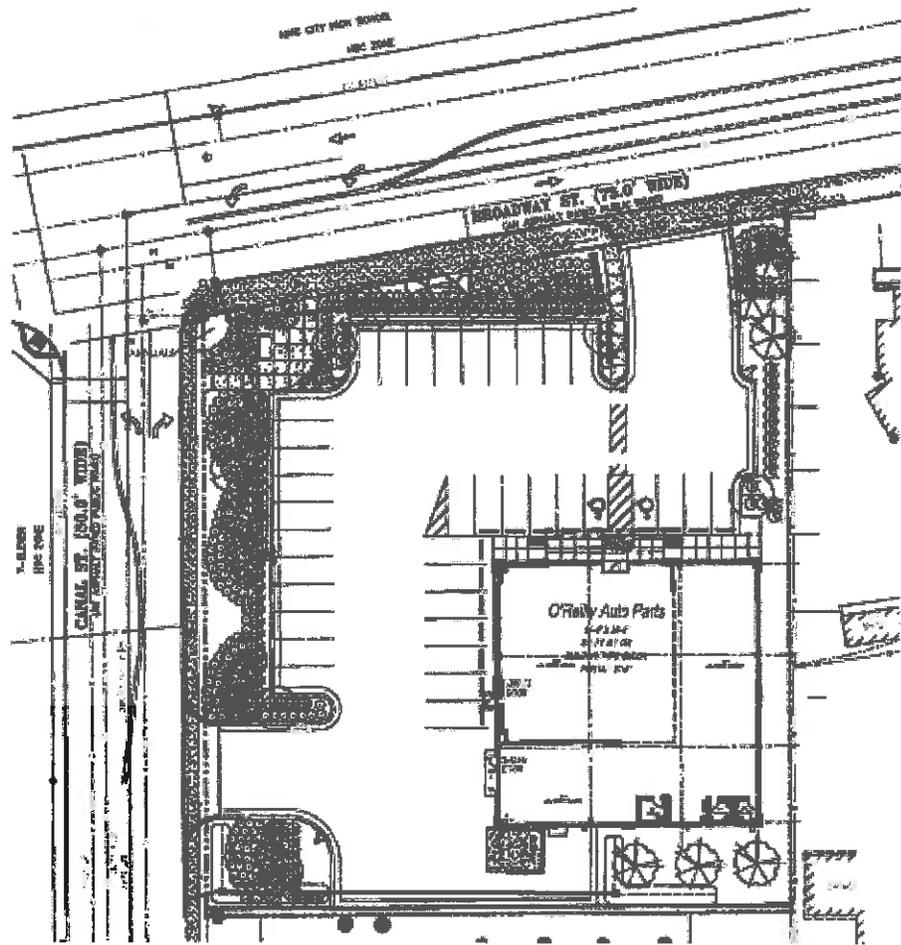
Kiosk Isometric Sketch proposal. Kiosk would provide City wayfinding signs and City information
 Note that wood members were changed to steel.



Proposed Brick for O'Reilly Building and for base of Kiosk



Proposed Site Plan for Informational Kiosk



Proposed Landscaping for O'Reilly store site

LANDSCAPE LEGEND

- 
 OLEA EUROPEA 'SWAN HILL'
SWAN HILL OLIVE
24" BOX (MATCHING) (QTY=2)
- 
 MAGNOLIA GRANDIFLORA
MAGNOLIA
24" BOX (QTY=8)
- 
 BOXUS JAPONICUM
JAPANESE BOXWOOD
5 GALLON (QTY=4)
- 
 DIETES BICOLODR
FOURNIGHT LILY
1 GALLON (QTY=156)
- 
 NANDINA DOMESTICA
HEAVENLY BAMBOO
5 GALLON (QTY=23)
- 
 LANTANA MONTEVIDENSIS
'GOLD MOUNDS'
1 GALLON (QTY=170)
- 3" DEPTH OF
SHREDDED MULCH
PROVIDE SAMPLE FOR
OWNERS APPROVAL

Proposed Plants for O'Reilly store

II. DETERMINATION OF MITIGATED NEGATIVE DECLARATION

This proposed Draft Mitigated 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 Mitigated Negative Declaration for this project. This Mitigated Negative Declaration is subject to change based on comments received by interested agencies and the public.

The City of King prepared the Initial Study and Mitigated 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.



O'Reilly site looking towards Broadway Street and Canal Street. High School is in background.



O'Reilly site viewed from near corner of Broadway Street and Canal Street.



Existing apartment building located on corner of Canal Street and Bassett Street



View of the rear of the existing apartment building. A solid six (6') foot tall wall fence will be constructed along the left edge of this photo and this area will become the rear yard of the apartments. The space, including the existing trees as well as the landscaping proposed by O'Reilly will help buffer the apartments from the noise and activities at the commercial site. The rear yard area of 20.7 feet will also provide the property owner of the apartments an opportunity to provide forty (40) percent outdoor landscaped space for the tenants per Municipal Code §17.18.070.

a) 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
X	3. Air Quality		11. Population/Housing
	4. Biological Resources		12. Public Services
X	5. Cultural Resources		13. Recreation
	6. Geology/Soils	X	14. Transportation/Circulation
	7. Hazards/Hazardous Materials		15. Utility/Service Systems
X	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:	High School	East:	Restaurant and residential at rear
South:	Residential and church	West:	Commercial and offices

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 fifty (50) miles south of the City of Salinas, 145 miles south of San Francisco, 105 miles south of San Jose, and fifty (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 south by an existing apartment building, to the north by the King City High School, to the east by an existing restaurant and to the west by existing commercial and office uses.

Years ago, the site was occupied by a travel court of trailers and other transit uses. The site proposed for the auto parts store is now vacant.

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?				(b)	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 (c)	

Impact Discussion:

The project is located in the West Broadway Master Plan area. While buildings are intended to be located next to Broadway Street, the applicant has requested a greater setback for their building because the use caters primarily to persons with vehicles and not walk-in customers. In order to meet the West Broadway Master Plan goals of buildings next to Broadway Street, the applicant proposes a public kiosk structure near the corner. This structure will serve as both a wayfinding sign as well as a location for a regional map of attractions and history and information useful for tourists and visitors. The structure would be constructed by the applicant and maintained by the City. Landscaping and paved areas near the kiosk would be maintained by the applicant and future owners of the new retail building.

The project will not have a significant impact on aesthetics.

2.	AGRICULTURAL RESOURCES:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
	<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>Would the project:</p>					
a.	Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				(d) <input checked="" type="checkbox"/>	
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 a commercial area that has had a history of numerous commercial and traveler services. There are no nearby agricultural uses. The use does not impact agricultural resources.

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?				(e) <input checked="" type="checkbox"/>	
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?				(f)	

Impact Discussion:

The proposal for a commercial use with parking will require limited grading and the potential for dust may occur if measures are not implemented during grading and construction. The owner and/or contractor will be responsible for implementing measures to ensure that no dust or hazardous materials are released.

Mitigation Measure No. 3.a and 3.c: A plan shall be prepared by the project engineer or Certified Professional Erosion Control Specialist (for dust, chemical pollution and erosion control) to ensure these measures are implemented. Where appropriate, said dust protection plan may be part of a project erosion and sediment control plan. All new projects must comply with all Federal, State, Regional, and local air quality standards. State law requires any facility that has the potential to emit air contaminants to apply for a permit from Monterey Bay Unified Air Pollution Control District ("**MBUAPCD**"). Additionally, if development within the Project includes other sources that are exempt from MBUAPCD permit authority (e.g., indirect sources, fugitive area sources), all direct and indirect emissions should be compared to the appropriate threshold(s) of significance. When net

emissions from a new or modified facility exceed State thresholds, the increase shall be offset. New businesses and/or tenants of the facility shall consult directly with the MBUAPCD for permitting requirements and compliance with air quality standards.

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?				(f) 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 site is located in an existing fully developed area and no significant biological resources exist on the vacant lot. No biological resource impacts are likely to occur from the development of this project.

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:

There are no known cultural, archaeological, paleontological or historical resources on the site. However, there is a small potential for possible resources below the surface. The following mitigation measure will be included as a project condition to ensure that impacts do not occur.

The 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 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 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."

From the California Office of Historic Preservation, Technical Assistance Series #1, California Environmental Quality Act ("**CEQA**") and Historical Resources:

a. To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than sixty (60) days after completion of the recommended special environmental impact report required by this section.

b. Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

6.	GEOLOGY /SOILS Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant or Not Applicable	Impact Reviewed in Previous Document
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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 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, within the past year there have been 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. The proposed structure will need to be designed to meet the seismic forces that could affect the structure from the potential groundshaking hazard.

Mitigation Measure No. 6.a: Prior to construction, a soils report will be required and the structure will be designed to meet the requirements specified in that report. The architect or structural engineer shall verify that the structure will meet all seismic requirements.

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	(g)	
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	
d.	Be located on a site 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 (h)	

Impact Discussion:

There are no known hazardous materials on this site.

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?				(i) 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	

Impact Discussion:

The project will not create any significant environmental impacts on water supply or water quality.

Cal Water Service Company has provided water utility services in the City of King since 1962. In servicing the City, Cal Water utilizes six wells, three storage tanks, four booster pumps, and over twenty-nine (29) miles of pipeline delivering 2.4 million gallons of Salinas Valley groundwater per day to more than 2,500 service connections within the City area.

The City of King obtains its water from the Salinas Valley groundwater basin. According to the "Greater Monterey County Integrated Regional Water Management, the Salinas groundwater basin is "located entirely within Monterey County and consists of one large hydrologic unit comprised of five subareas: Upper Valley, Arroyo Seco, Forebay, Pressure, and East Side. Total groundwater pumping from these subareas in 2007 was as follows: Upper Valley 137,017 AF, Arroyo Seco and Forebay 158,775 AF, Pressure 125,620 AF, and East Side 104,183 AF, with agricultural pumping accounting for 90% of that total and urban uses accounting for the remaining 10%. These subareas have different hydrogeologic and recharge characteristics, though they are not separated by barriers to horizontal flow and water can move between them." Groundwater pumping for urban uses in the City of King was 3,847 acre feet in 1999, approximately 9.3 percent of the total pumping in the area. (Source: Salinas Valley Water Management Group, Integrated Regional Water Management Plan, May 2006).

According to the U.S. Geological Survey and the California State Water Resources Control Board "Groundwater Quality in the Monterey Bay and Salinas Valley Groundwater Basins, California" written by Justin T. Kulongoski and Kenneth Belitz:

"The Salinas Valley is a large intermontane valley that extends southeastward from Monterey Bay to Paso Robles. It has been filled, up to a thickness of 2,000 feet, with Tertiary and Quaternary marine and terrestrial sediments that overlie granitic basement. The Miocene-age Monterey Formation and Pliocene- to Pleistocene-age Paso Robles Formation, and Pleistocene to Holocene-age alluvium contain freshwater used for supply. The primary aquifers in the study unit are defined as those parts of the aquifers corresponding to the perforated intervals of wells listed in the California Department of Public Health database. Public-supply wells are typically drilled to depths of 200 to 650 feet, consist of solid casing from the land surface to depths of about 175 to 500 feet, and are perforated below the solid casing. Water quality in the primary aquifers may differ from that in the shallower and deeper parts of the aquifer system. Groundwater movement is generally from the southern part of the Salinas Valley north towards the Monterey Bay.

Land use in the study unit is about 44 percent (%) natural (mostly grassland and forests), 43% agricultural, and 13% urban. The primary agricultural uses are row crops, pasture, hay, and vineyards. The largest urban areas are the cities of Santa Cruz, Watsonville, Monterey, Salinas, King City, and Paso Robles."

Recharge to the groundwater system is primarily from stream-channel infiltration from the major rivers and their tributaries, and from infiltration of water from precipitation and irrigation. The primary sources of discharge are water pumped for irrigation and municipal supply, evaporation, and discharge to streams."

Mitigation Measure No. 8.a: The City Engineer shall review each project, unless exempted by the Regional Water Quality Control Board ("**RWQCB**"), to assure compliance with these requirements, including the "POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS IN THE CENTRAL COAST REGION." These RWQCB standards include BMPs for erosion and sediment control during project construction and after completion of the project. LID measures include, but are not limited to: i) limiting disturbance of creeks and natural drainage features,

minimizing compaction of highly permeable soils, limiting removal of native vegetation at the site to the minimum area needed to build the project, limiting impermeable surfaces, including buildings and paving, and the use of innovative design layout that further increases permeable surfaces and landscaping.

Development shall minimize stormwater runoff by implementing one or more of the following site design measures identified by the RWQCB:

- (1) Direct roof runoff into cisterns or rain barrels for reuse
- (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California building code
- (3) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with California building code
- (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with California building code
- (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces
- (6) The directing of runoff to bioretention basins,
- (7) Other similar measures as determined by the City Engineer.

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?				(l) 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?				(k)	

Impact Discussion:

The project is consistent (including conditions which will be applied to the permit) with all zoning and general plan standards. No significant impacts will result from the project. The proposed rezoning is consistent with the General Plan Land Use Element.

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?				(l) 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 will not result in any significant noise or subject employees at the site to any unacceptable noise levels nor will it create significant noise impacting nearby residential uses. The proposed walls will help to reduce noise impacts on neighboring residential occupants.

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?				(m) 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 project will not significantly affect housing or result in any displacement of City residents.

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?			(n)	(o) X	
b.	Police protection?				X	
c.	Schools?				(p)	
d.	Parks or other recreational facilities?				X	
e.	Other governmental services?				X	

Impact Discussion:

The project will not change existing conditions for services at the site.

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?				(q) 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 (r)	
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:

The project will be required to meet all access and parking requirements of the City. The City Engineer is requiring an additional widening of Broadway Street and a dedication of two feet of additional right-of-way width to meet the standards of the City for Broadway Street. Also, the applicant is required to modify the curb-returns at the intersection of Broadway Street and Canal Street.

15. UTILITIES & SERVICE SYSTEMS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				(s) 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:

As described above, the site will have to meet all Central Coast RWQCB stormwater requirements for runoff.

Adequate facilities are available to serve the proposed uses and building and the project will comply with all federal, state and local regulations.

The sewage for the site will be converted from on-site septic system to a connection with the public sewage system. Said improvements will be subject to the review and approval of the City prior to issuance of the building permit.

Mitigation Measure No. 15.a: The applicant shall be 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.

V. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

- County Airport
Land Use
Committee
("ALUC")
- Waste
Management
Service
- Monterey
County
Environmental
Health Bureau
- CCRWQCB
Monterey County
Planning

B. General Plan

- | | |
|---|---|
| <u> </u> (t) Land Use Element | <u> </u> X Conservation Element |
| <u> </u> X Circulation Element | <u> </u> X Noise Element |
| <u> </u> Seismic Safety/Safety Element | <u> </u> X Local Coastal Plan and Maps |
| <u> </u> X Zoning Ordinance | <u> </u> X Housing Element |

C. Other Sources of Information

- | | |
|---|--|
| <u> </u> X Field work/Site Visit | <u> </u> NA Ag. Preserve Maps |
| <u> </u> X Calculations | <u> </u> X Flood Control Maps |
| <u> </u> X Project Plans | <u> </u> X Other studies, reports |
| <u> </u> X Traffic Study | <u> </u> X Zoning Maps |
| <u> </u> X Records | <u> </u> X Soils Maps/Reports |
| <u> </u> X Grading Plans | <u> </u> X Plant maps |
| <u> </u> X Elevations/architectural renderings | <u> </u> X Archaeological maps and reports |
| <u> </u> X Published geological maps | <u> </u> X (Others) Groundwater studies, well records |
| <u> </u> X 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
Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				(u) X	
Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	
Substantial adverse: Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

- a. The proposed 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.
- 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/mitigated 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

November 10, 2015

Initial Study Date

Printed Name

City of King
Lead Agency

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

Following are the mitigation measures that, if implemented, will reduce the potential impacts of the project to less than significant. Where it is indicated that the "applicant" is responsible, said responsibility, if the property or building is sold, shall continue to be with the current and future landowners.

Mitigation Measure No. 3.a and 3.c: A plan shall be prepared by the project engineer or Certified Professional Erosion Control Specialist (for dust, chemical pollution and erosion control) to ensure these measures are implemented. Where appropriate, said dust protection plan may be part of a project erosion and sediment control plan. All new projects must comply with all Federal, State, Regional, and local air quality standards. State law requires any facility that has the potential to emit air contaminants to apply for a permit from Monterey Bay Unified Air Pollution Control District ("**MBUAPCD**"). Additionally, if development within the Project includes other sources that are exempt from MBUAPCD permit authority (e.g., indirect sources, fugitive area sources), all direct and indirect emissions should be compared to the appropriate threshold(s) of significance. When net emissions from a new or modified facility exceed State thresholds, the increase shall be offset. New businesses and/or tenants of the facility shall consult directly with the MBUAPCD for permitting requirements and compliance with air quality standards.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Plan submitted prior to issuance of building permits. Measures to be implemented during entire grading, construction and after completion of project.

Implementation Responsibility: Cost and materials are responsibility of Applicant

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 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 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 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."

From the California Office of Historic Preservation, Technical Assistance Series #1, California Environmental Quality Act ("**CEQA**") and Historical Resources:

- a. To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally

significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

b. Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Evaluation required during grading and construction of project.

Implementation Responsibility: Cost and materials are responsibility of Applicant

Mitigation Measure No. 6.a: Prior to construction, a soils report will be required and the structure will be designed to meet the requirements specified in that report. The architect or structural engineer shall verify that the structure will meet all seismic requirements.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Measures to be implemented during entire grading, construction and landscaping period.

Implementation Responsibility: Cost and materials are responsibility of Applicant

Mitigation Measure No. 8.a: The City Engineer shall review each project, unless exempted by the RWQCB, to assure compliance with these requirements, including the RWQCB "POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS IN THE CENTRAL COAST REGION." These RWQCB standards include BMPs for erosion and sediment control during project construction and after completion of the project. LID measures include, but are not limited to: i) limiting disturbance of creeks and natural drainage features, minimizing compaction of highly permeable soils, limiting removal of native vegetation at the site to the minimum area needed to build the project, limiting impermeable surfaces, including buildings and paving, and the use of innovative design layout that further increases permeable surfaces and landscaping.

Development shall minimize stormwater runoff by implementing one or more of the following site design measures identified by the RWQCB:

- (1) Direct roof runoff into cisterns or rain barrels for reuse.
- (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California building code.
- (3) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with California building code.
- (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with California building code.
- (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces.
- (6) The directing of runoff to bioretention basins.
- (7) Other similar measures as determined by the City Engineer.

Implementation Party: Applicant

Enforcement Agency: City of King

Timing: Erosion and sediment control plans required before initiation of grading and construction. Implementation begins before grading and continues throughout project grading and construction. Final BMPs shall be implemented before completion of project and will be implemented for the life of the use of the property, buildings, landscaping and other improvements. On-Going.

Implementation Responsibility: Cost and materials are responsibility of Applicant

Mitigation Measure No. 15.a: The applicant/landowner shall be 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.

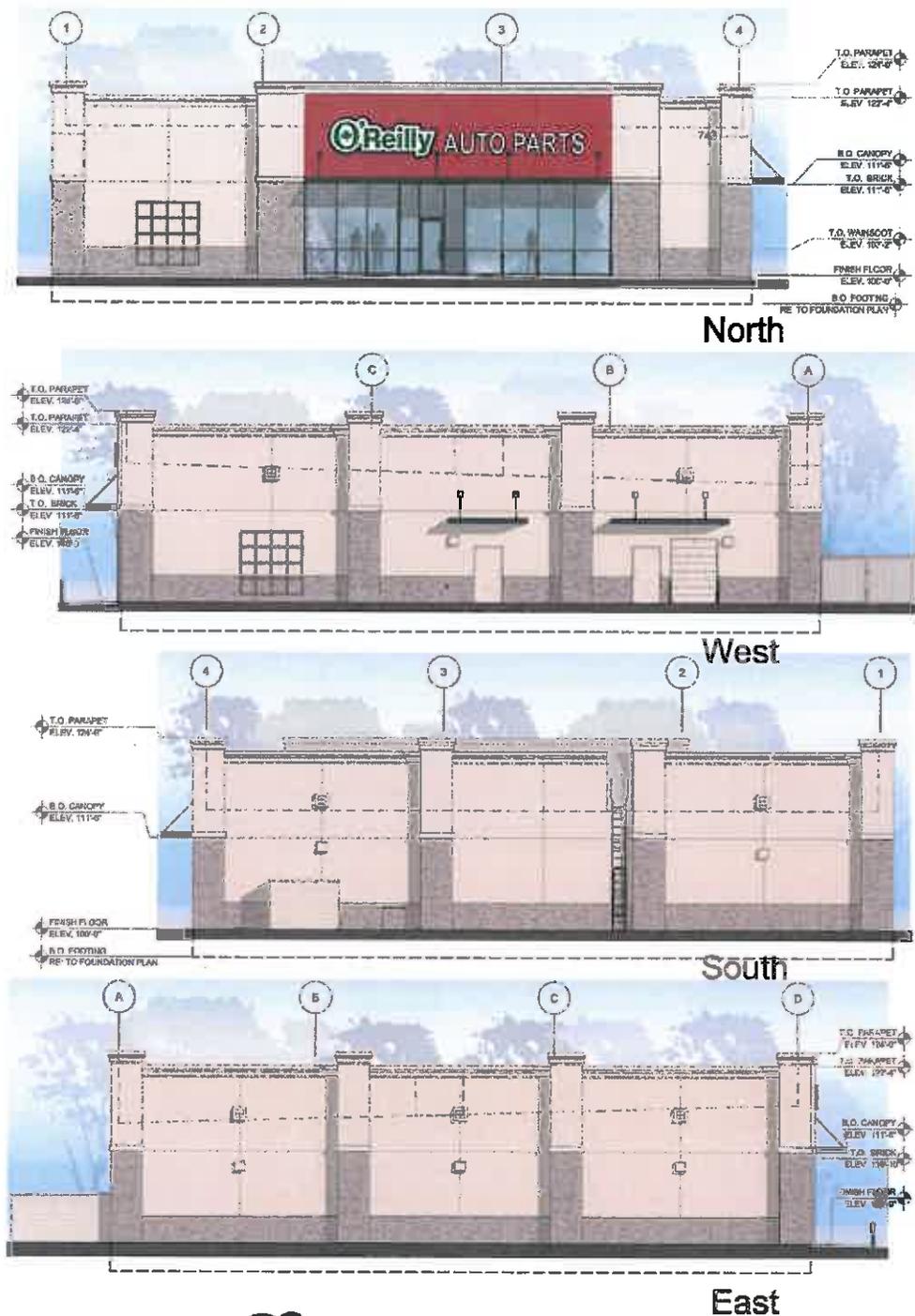
Implementation Party: Applicant

Enforcement Agency: County

Timing: Erosion and sediment control plans required before initiation of grading and construction. Implementation begins before grading and continues throughout project grading and construction. Final BMPs shall be implemented before completion of project and will be implemented for the life of the use of the property, buildings, landscaping and other improvements. On-going for the life of the land use.

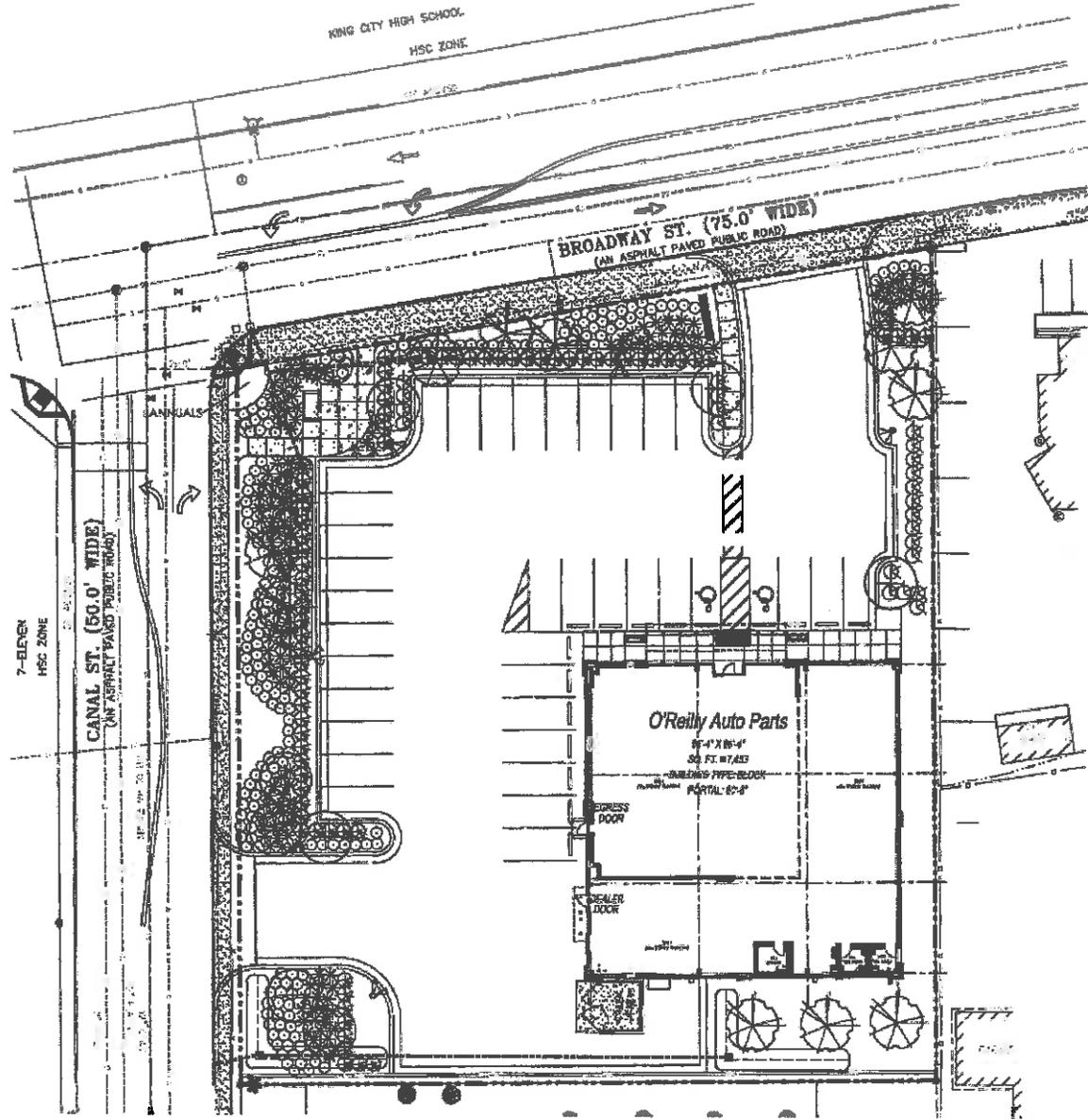
Implementation Responsibility: Cost and materials to comply with requirements of the reviewing agency are responsibility of Applicant

EXHIBIT 5
Project Plans



King City, CA
743 Broadway St

Proposed Building Elevations



Landscaping and Plot Plan