

AGENDA

REGULAR MEETING OF THE
PLANNING COMMISSION
TUESDAY, OCTOBER 18, 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 4, 2016

7. PUBLIC HEARINGS

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 Categorical Exempt

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

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

OCTOBER 2016

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

NOVEMBER

November 1 st	6:00 p.m.	Planning Commission
November 8 th	6:00 p.m.	City Council
November 14 th	6:00 p.m.	Airport Advisory Committee
November 15 th	6:00 p.m.	Planning Commission
November 22 nd	6:00 p.m.	City Council

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

ALUC: Airport Land Use Commission

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

APCD: Air Pollution Control District

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

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

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

CEQA: California Environmental Quality Act

CFD: Community Facilities District

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

CUP: Conditional Use Permit

EIR: Environmental Impact Report

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

LLA: Landscaping and Lighting District

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

MNMTTC: 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 4, 2016

6 (a)

1. Call to Order

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:04 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 X
Michael Barbree X Margaret Raschella X Ralph Lee X

Staff present: Doreen Liberto-Blanck, Community Development Director; Scott Bruce, Principal Planner; 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:** September 20, 2016

Action: Motion made by Commissioner Raschella to approve minutes of September 6, 2016. Seconded by Commissioner Lee. Motion carried 5-0.

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 Categorical Exempt

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

Principal Planner, Scott Bruce presented this item using his power point presentation.

TONIGHT'S HEARING: CUP 2016-006

- **REQUEST TO ALLOW STORAGE OF TOWED VEHICLES ON A PARCEL IN THE HS DISTRICT.**
- **NO DECISION TO BE MADE TONIGHT. RECOMMEND CONTINUANCE TO OCTOBER 18, 2016.**
- **CATEGORICALLY EXEMPT THROUGH CEQA**

PROPOSED PROJECT

- **30 RECOVERED VEHICLES - ALL OPERATIONAL**
- **TEMPORARY STORAGE – 30 DAYS MAXIMUM**
- **NO PUBLIC ACCESS TO PARKING AREA**
- **PARKING TO BE SET BACK A MINIMUM OF 30' FROM FRANSISCAN WAY.**
- **NO NEW CONSTRUCTION. SCREENING MATERIAL WILL BE ADDED TO EXISTING FENCE**
- **NO ADDITIONAL LANDSCAPING IS PROPOSED**

EXISTING CONDITION

- **ALWAY'S TOWING OFFICE TO NORTH. FRANSISCAN WAY TO EAST. FENCED LOT TO SOUTH. OPEN PARCEL WITH AUTO SALES TO WEST.**
- **"PAVING" IS DECOMPOSED GRANITE and GRAVEL. SIMILAR TO SURROUNDING LOTS.**
- **ACCESS POINT / CURB CUT ONTO FRANSISCAN WAY.**
- **ALWAY'S TOWING IS LOCATED ON NORTHERN PORTION OF PARCEL NEAR BROADWAY STREET.**

SUMMARY and DISCUSSION

- **FENCED YARD IS EXISTING. FENCE HEIGHT IS 7' FROM GROUND TO BARBED WIRE. SCREENING IS TO BE ADDED.**
- **ALL VEHICLES WILL BE OPERATIONAL AND DRIVEN (Not Towed) INTO PARKING AREA. NO PUBLIC WILL BE ALLOWED IN PARKING AREA.**
- **SURFACE OF LOT IS DG and GRAVEL. 2 – 3 INCHES OF GRAVEL IS PROPOSED TO BE ADDED.**
- **NO ADDITIONAL LANDSCAPING IS PROPOSED AT THIS TIME.**

Chair Nuck opened the public hearing

Chair Nuck is concerned about the screening and ask if the slats have been considered. Mr. Hayes stated that he has seen the slats taking a beating from the wind as well.

Chair Nuck would like a condition of approval be that it is maintained. Staff stated that it could be every 3 years.

Commissioner Lee ask how long this service will be there. Mr. Hayes stated it is a year lease but he intends to stay indefinitely. He also wanted to know if it could look grass green. Commissioner Lee would like to see some landscaping as he feels there is a lack of landscaping. He would like to see some tree wells with some trees on both sides. He wishes the City would look into it.

Commissioner Barbree would suggest keeping the cars to the back of the property.

Chair Nuck continued the public hearing to October 18, 2016.

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 6:28 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 7(a)

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 18, 2016
TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION
FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;
DAVID HALE, CITY ATTORNEY
BY: SCOTT BRUCE, PRINCIPAL PLANNER
RE: CUP 2016-006, 1011 BROADWAY, CITY OF KING

RECOMMENDATION:

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

BACKGROUND:

In late spring 2016, Alway's Towing requested interpretation to allow Towing Service operating out of an existing structure at 1011 Broadway Street (corner of Broadway and Franciscan). The site is in the HS (Highway Service) District. The operations were to be primarily as a dispatch office. Tow trucks might be present during office hours; towed vehicles would be parked inside the structure.

Staff reviewed the request and the Director made a determination that the proposed use was similar in character to the previous use on the site (oil and lube). Alway's Towing has been operating at this location since June, 2016.

Alway's Towing is a AAA certified towing service serving Southern Monterey County / Northern Monterey County with other offices in Salinas and Prunedale.

Alway's Towing is now requesting approval to store towed vehicles on the southern portion of the lot, inside a currently fenced area. A maximum of 30 vehicles would be stored at any one time.

On October 04, 2016 the Planning Commission heard this item, received information and Continued it until October 18, 2016. At the Hearing Applicant proposed improvements / specifics of towing use and Conditions of Approval were discussed. **See Conditions of Approval, Exhibit 6.**

DISCUSSION:

As noted above, CUP 2016-006 requests permission to park towed vehicles on a portion of the lot located at 1011 Broadway Street. **See Site Plan, Exhibit 4.**

The project site is bounded on the north by Broadway Street, on the east by Franciscan Way with R-4 residential beyond, on the south by PD and on the west by HS (Highway Service).

The Applicant's Project Description **See Project Description, Exhibit 1.** indicates that these vehicles would be the product of tow and recovery operations and would be on site for 30 days or less.

The Project Description also indicates that:

- The proposed use would take up approximately .8 acres of the 1.8 acre site
- The fenced area would be screened
- No additional signage is proposed
- Vehicles would be limited to cars and pick-up trucks
- Office hours 8 – 5 Monday to Friday with 24 hr towing.
- Employees will include one (1) office person and six (6) tow truck operators
- The existing surface of the existing Parking Lot is DG and gravel
- Approximately 10,000

Fencing:

As noted in the Project Description, the entirety of the proposed parking area is currently fenced. Screening will be installed in the current fencing. **See Exhibit 3.** Although Section 17.26.090 indicates that maximum fence height is six (6) feet in the HS district, current fence height (with security wire at the top) is seven (7) feet. The California Highway Patrol requires security fencing for this type of operation and the existing fence will remain.

Section 17.26.090 indicates that maximum fence or wall height is six (6) feet. Section 17.04.210 indicates that "*Fence*" means any structural device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar materials."

The applicant indicates that the screening used will be Boen "Value Veil" PN 30058, purchased through Home Depot, as presented at the October 04, 2016 Hearing.

Paving:

As noted in the Project Description **See Exhibit 1.** The lot is currently "paved" with a combination of DG and gravel. The applicant will agree to providing an additional layer of gravel (2" – 3" prior to commencing operations). The trailer lot to the south is "paved" similarly.

Section 17.52.010 provides parking requirements. The proposed use – vehicle storage – does not create a parking requirement. However, sufficient paved parking for customer service needs is located adjacent to the Alway's towing office space on the northern portion of the lot.

Staff suggests that, in making a determination, the Commission consider the operation of the facility which has been represented as being limited to tow trucks entering and exiting the parking area, depositing and removing parked vehicles. Public access is extremely limited.

ALTERNATIVES:

1. Hear the item, invite public comment (if any) and approve it as presented.
2. Deny the item.
3. Provide alternative direction to Staff.

ATTACHMENTS:

1. Exhibit 1: Project Description
2. Exhibit 2: Site Photos
3. Exhibit 3: Fencing
4. Exhibit 4: Site Plans
5. Exhibit 5: Resolution 2016-162
6. Exhibit 6: Conditions of Approval

Submitted by:

SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:



DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

Always Towing & Recovery use of Yard area adjacent to 1011 Broadway

Project Description:

Always Towing and Recovery currently occupies the building at 1011 Broadway (formerly Broadway Lube). Company utilizes this building for customer service, office staff and inside storage of towed vehicles. On-site parking is provided for all customers and employees at this existing building. Company requests a conditional use permit allowing it to occupy the adjacent yard area in order to consolidate and expand storage capacity for vehicles. Use of the adjacent yard area is intended to increase company efficiency, enhance security for vehicles and provide added convenience for customers.

Company is a full service tow and recovery operation with other offices in Salinas and Prunedale. Office in King City is intended to provide enhanced service capability to local law enforcement and the motoring public in Southern Monterey County. Company is the only AAA certified towing operation between Soledad and Paso Robles. This AAA certification is a direct benefit to motorists traveling in Southern Monterey County that need services such as tire changes, tow to repair shop or overnight storage. We feel that these auto related services are directly in line with business activity you would expect to find in a Highway Services (HS) zoning district.

Dispatch office will notify driver of need to provide tow or recovery operations at the request of private citizens or local law enforcement. Vehicles that would be stored on site will typically be the result of a request from law enforcement that has jurisdiction in a variety of circumstances, such as removal of a vehicle from roadways that have become immobile due to an accident, abandoned vehicles, DUI, etc. Vehicles are then stored until claimed by either the individual or insurance company. Any unclaimed vehicle is then either sent to a junk yard for salvaging (parted out) or will be sold. Vehicles will not be salvaged in this lot, only stored awaiting further disposition. Typical length of stay of vehicles in the storage area ranges from 1 to 30 days. After approximately 30 days any unclaimed vehicle is either sent to a junk yard or sold in accordance with State of California regulations. It is expected that there would be up to 30 vehicles stored in the lot at any given time. These vehicles would be cars and pickups, no semi-trucks, trailers or other large commercial vehicles are intended to be stored at this location.

Storage lot is currently fully fenced and will be visually screened along the entire perimeter in order to provide a clean and orderly appearance to any passer-by or from adjacent property. No additional business signage is proposed for this storage area.

Always Towing and Recovery office in King City is open Monday to Friday from 8am to 5pm. Tow services are dispatched on a 24hr a day basis. Employees at this location will consist of one person in the office and six tow truck operators.

CUP 2016-006

CITY OF KING

AUG 30 2016

Site Plan – Title Page

Surrounding Property Uses

Properties surrounding this lot are as follows:

- North – King City Cemetery across Broadway
- West – Empty lot owned by King City currently used as a construction yard for city project
- South – LA Hearne Company storage of bin trailers
- East – Mobile Home Park across Franciscan Way

Setback Dimensions

Fence line runs along property line except for Franciscan Way frontage which has a 4 ft setback.

Lot Size

Entire property = 1.8 acres
Subject Yard Area = .8 acres

Site Coverage

No buildings are being proposed for this Yard area.

Area distribution as follows:

- Fenced in Area for Vehicle storage = 32,000 sq ft
- Open space in front of Vehicle storage along Franciscan Way = 3000 sq ft
- Total Lot Space = 35,000 sq ft (.8 acre)
- Individual vehicle storage slots and driveway access = 25,000 sq ft (71% of total lot space)
- Space dedicated to Trees (landscaping) = 10,000 sq ft (29 % of total lot space)

Landscaping Coverage

Entire property = 20% (from City approved plans for remodel of building for Kings Worship Center-2011)
Subject Yard Area = 29% (from detail drawing of this project proposal)

Impervious Surface Coverage

Zero - Lot is DG and gravel. Surrounding contiguous properties are also not paved. LA Hearne trailer storage lot is DG and gravel same as our lot; City unimproved property to the West is simply dirt.

Buildings

No buildings exist or are proposed for subject Yard Area.

Parking

No additional customer parking is proposed in this open yard space. All required customer parking is provided for next to the existing building currently occupied by Always Towing & Recovery.

Fencing

Fencing is 8' total – 6' vertical with 2' security topping. Fencing along entire perimeter to be screened to provide a uniform and neat appearance to any passer-by or from adjacent properties.

CUP 20110-006

CITY OF KING

AUG 30 2016



Center of Lot – Looking at NorthEast corner of lot
Office on left / Franciscan Way Frontage / Mobile Homes
across the street



Center of Lot – Looking at NorthWest corner of lot
Construction Yard (Valero sign in background) /
Building behind Church on right



Center of Lot – Looking at SouthEast corner of lot
Franciscan Way Frontage / LA Hearne Trailers to the
right



Center of Lot – Looking at SouthWest corner of lot
LA Hearne Trailers on left / Denny's beyond construction
yard

Exhibit No.

2

**Very Limited Views of
Yard Area for Passing
Motorists/Pedestrians
along Broadway**



**Corner of Broadway
and Franciscan Way**



**Existing driveway
on Broadway**

Exhibit No.

2

Franciscan Way view of Yard Area
with expected screening material



Fence Screening
Material

Purchase from
Home Depot
PN 30058

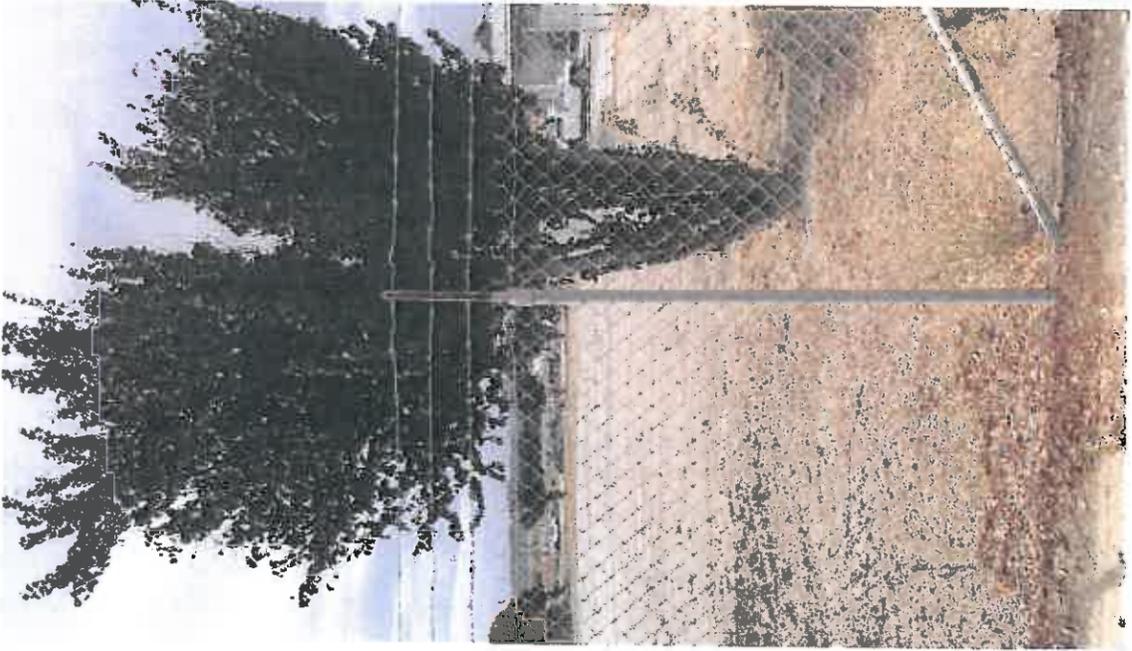
Made by Boen
"Value Veil"



Value Veil is made from HDPE (High Density Polyethylene) material offering up to 90% privacy blockage. This unique product is applicable for residential, as well as commercial sites. Value Veil Privacy Netting is perfect for pools, construction sites, demolition sites, parks and recreations, golf course, events and more.



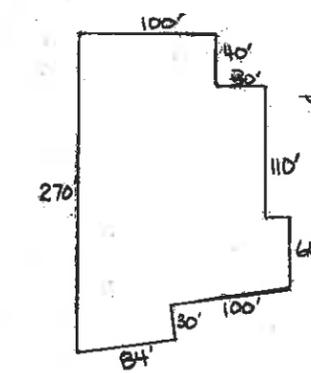
Exhibit No. 3



Security topping (barbed wire) on chain link fence.
Required by law enforcement agencies for storage
of vehicles that have been towed at their request.

Exhibit No. 14

PARKING STALLS
10' x 20'
CAPACITY APPROX = 35



YARD PERIMETER DIMENSIONS

EXISTING TREES

ALWAYS TOWING OFFICE

TRASH

Street Light

SITE PLAN - 1011 BROADWAY

1" = 20'

PREPARED: 10 JULY 2016

Don E. Day
Property Manager

FRANCISCAN WAY
CITY OF KING

AUG 30 2016

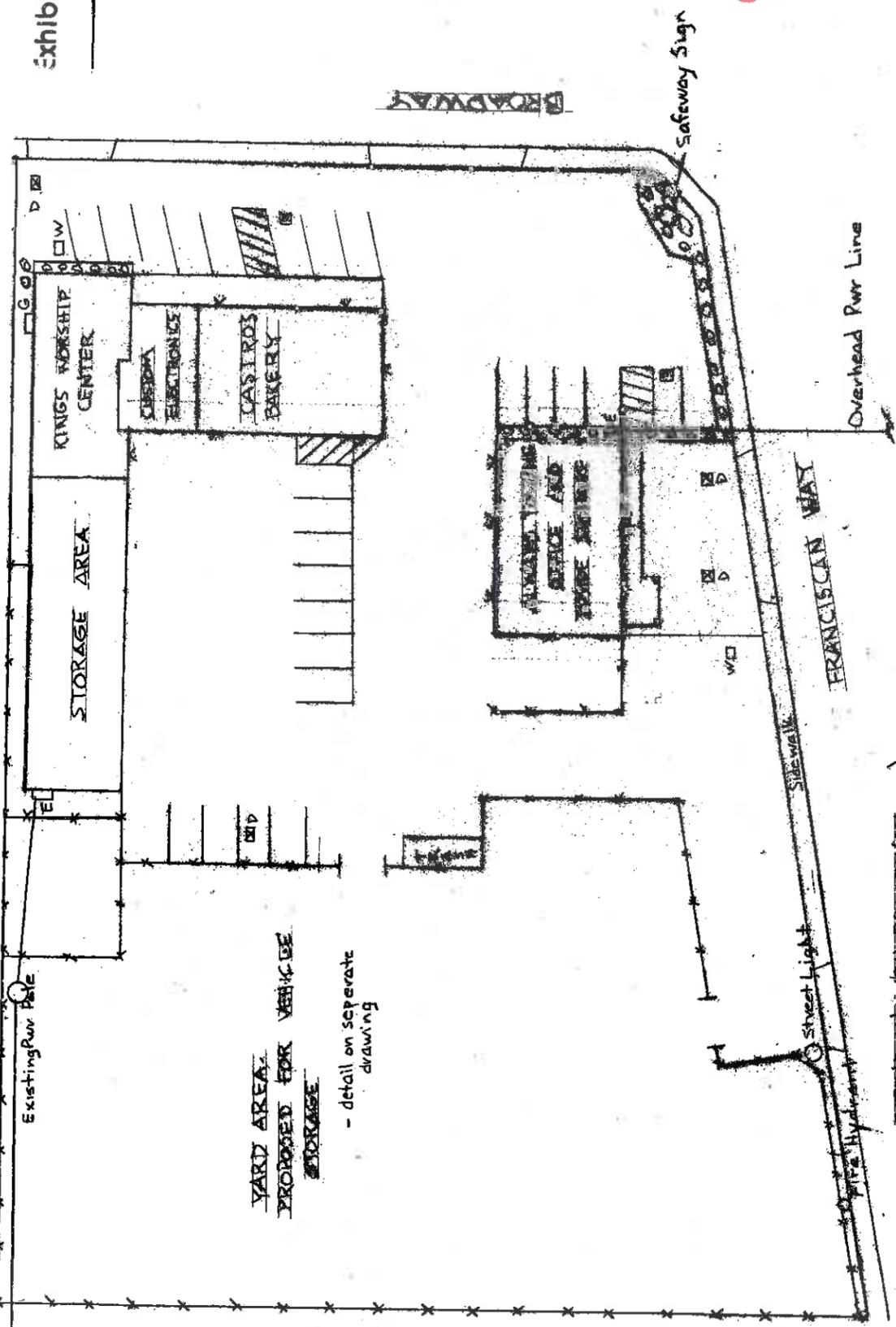


0120011-0010

Exhibit No. 4

- W: Water Service
- G: Gas Service
- E: Electric Service
- D: Storm Drain
- ⇒: Outside Light
- ** : Fence

(CDP 271110-001)



CITY OF KING

AUG 3 0 2016

SITE PLAN - 1011 BROADWAY
 1" = 30'
 PREPARED: 10 JULY 2016
 APN: 026-391-027

Prepared by:
 David Hays
 Property Manager

YARD AREA
 PROPOSED FOR VEHICLE
 STORAGE
 - detail on separate
 drawing

Existing Pwr Pole

Safeway Sign

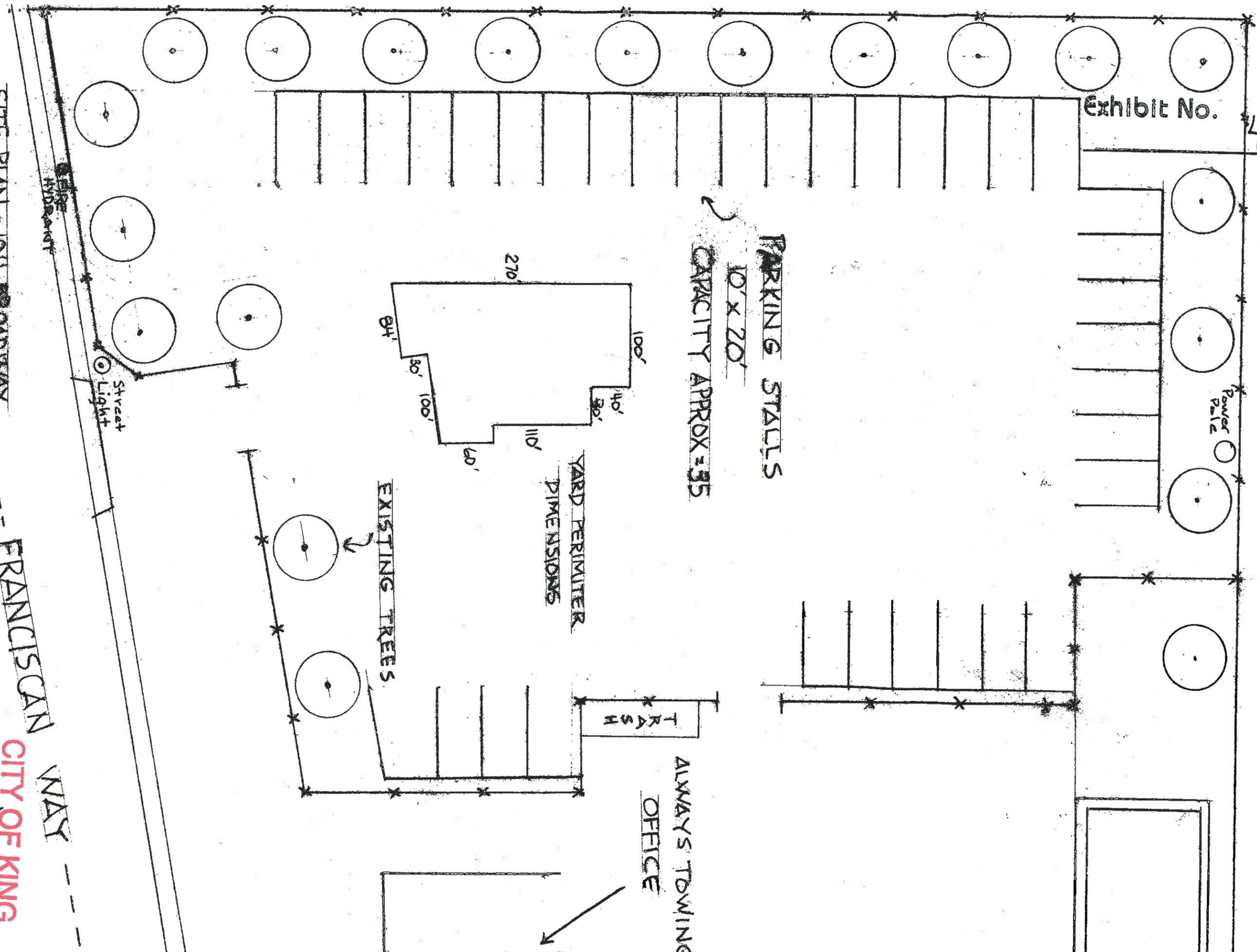
Overhead Pwr Line

FRANCISCAN WAY

Sidewalk

Street Light

Pipe Hydrant



PARKING STALLS

10' x 20'

CAPACITY APPROX = 35

YARD PERIMETER DIMENSIONS

EXISTING TREES

TRASH

ALWAYS TOWING OFFICE

Street Light

HYDRANT

SITE PLAN - 1011 BROADWAY

1" = 20'

PREPARED: 10 JULY 2016

Shawn & Dawn Property Manager

FRANCISCAN WAY CITY OF KING

AUG 30 2016



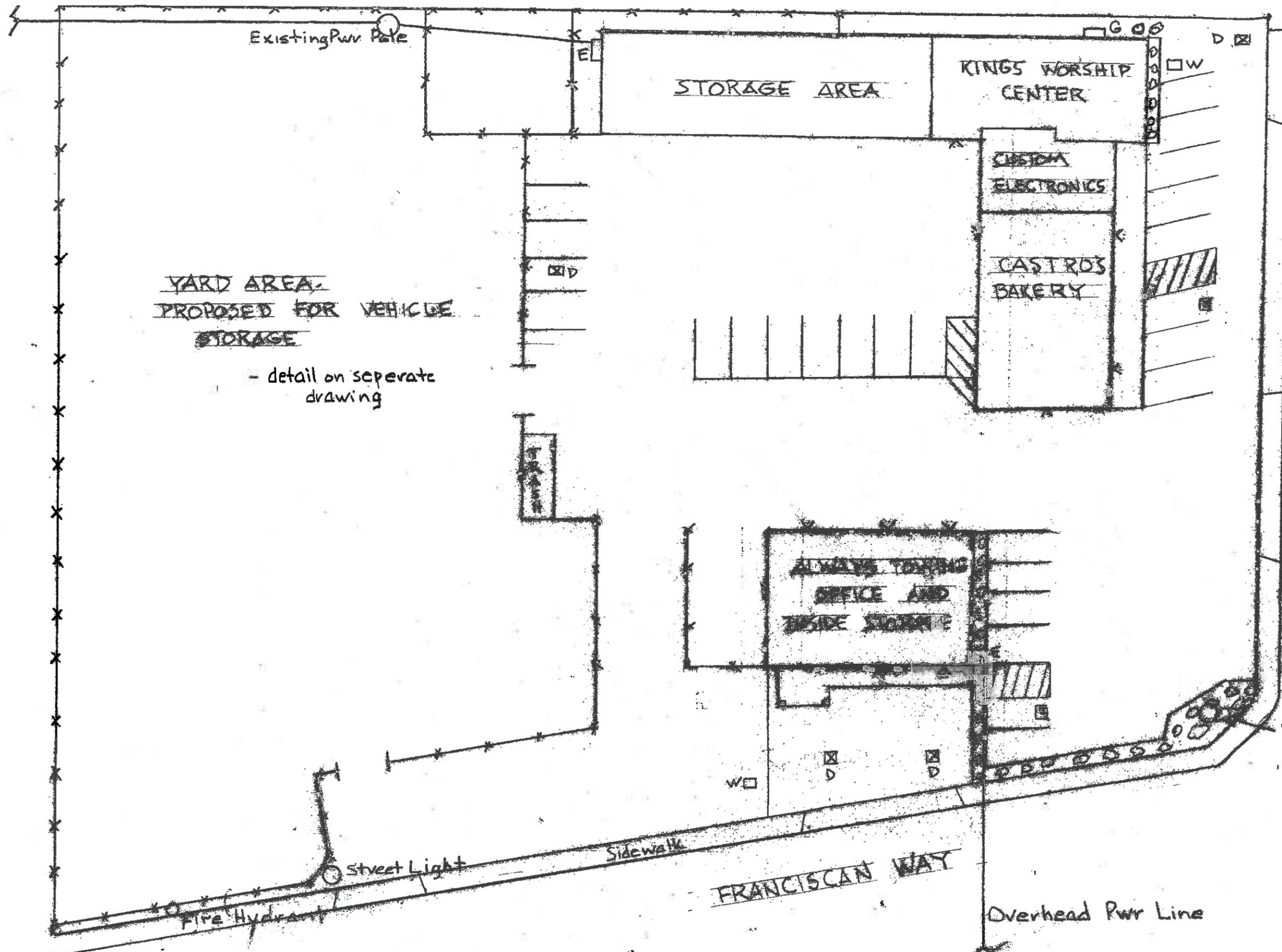
CUP 9016-000

Exhibit No.

4

- W = Water Service
- G = Gas Service
- E = Electric Service
- D = Storm Drain
- = Outside Light
- ** = Fence

CIP 27110-0000



YARD AREA
PROPOSED FOR VEHICLE
STORAGE

- detail on separate drawing

SITE PLAN - 1011 BROADWAY
 1" = 30'
 PREPARED: 10 JULY 2016
 APN: 026-391-022



Prepared by:
 Lorie Hayes
 Property Manager

CITY OF KING

AUG 30 2016

RESOLUTION NO. 2016-162**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-006**

WHEREAS, on **August 31, 2016**, Larry Hayes, Agent for Joan Miller, Alway's Towing and Recovery, submitted an application for temporary vehicle parking and storage related to Tow and Recovery Operations at a portion of the lot located at 1011 Broadway Street (HS Zoning District)

WHEREAS, on September **28, 2016**, a Letter of Completeness was sent to the applicant; and,

WHEREAS, the proposed use is allowed with the approval of a Conditional Use Permit in the HS (Highway Service District)

WHEREAS, the Project is Categorically Exempt under CEQA §15301 (Existing Facilities) and §15302 (Replacement or Reconstruction); and,

WHEREAS, the Commission has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **October 04, 2016**; and

WHEREAS, the Commission makes the followings findings of facts:

1. The purpose of the proposed use is to park and store vehicles from California Highway Patrol (CHP) (and other law enforcement) tow and recovery operations. Vehicles will be stored for a maximum of 30 days. Vehicles will not be salvaged from this lot.
2. The proposed use is consistent with the General Plan Land Use Designation (HS) Highway Service Commercial and Zoning Designation (HS) – Highway Service District
3. The proposed use will be completely contained within an existing fenced area, no new structures or fencing will be erected. Screening will be installed as part of the existing fence. Boen "Value Veil" PN 30058 or equivalent will be used.
4. Existing fencing includes security barbed wire creating total height of seven (7) feet. The HS District allows a maximum fence height of six (6) feet. The existing fence will remain.
5. The existing lot is paved with a combination of decomposed granite (DG) and gravel, similar to the lot to the south. A new layer of gravel (2" – 3") will be added. Parking spaces may be unmarked and wheel stops are not required.
6. Existing landscaping will remain and no new landscaping is proposed.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves Conditional Use Permit Case No. CUP 2016-006.

This resolution was passed and adopted this 18th day of **October 2016** by the following vote:

AYES:

NAYS:

ABSENT:
ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE DEPUTY CITY CLERK for MARICRUZ AGUILAR-NAVARRO, ASSISTANT
PLANNER / PLANNING COMMISSION SECRETARY

EXHIBIT No. 6

Case Number: COA 2016 - 006
CONDITIONS OF APPROVAL

General Conditions (Applicant should contact Scott Bruce, if there are questions on the following conditions of approval "COA").

- 1 **Project Description:** Conditional Use Permit ("**CUP**") Case No. 2016-006 to allow parking of vehicles as part of Alway's Towing and Recovery operations at the southwest corner of Broadway and Franciscan Streets. Alway's Towing office and dispatch space is located on a part of the same lot to the north. Outdoor parking will occur only within the existing fenced area. The property is located in the HS (Highway Service) District; the proposed use is allowed in the HS District with an approved Conditional Use Permit.
- 2 **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire. It is the applicant's responsibility to request an Extension of Time, **before the one (1) year expiration date so the approval does not become null and void.**
- 3 **Lighting:** No new lighting is proposed and must be approved before installation. If approved, all new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads or surrounding properties.
- 4 **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.
- 5 **Hold Harmless and Indemnification Clause:** The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**") and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "*proceeding*") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Koczanowicz and Hale, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:
 - a. *Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or*
 - b. *Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("**CEQA**") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or involved in such proceeding.*

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

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

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

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

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

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

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

- 6 **Structural/Architectural Changes:** (Improvements as submitted are limited to screening material placed in the existing fence and two (2) to three (3) inches of gravel to be placed in the parking lot.) Construction (location of parked vehicles) shall be in substantial conformance with the plans, and COA presented to and approved by the Planning Commission in connection with the Project. No COA, colors, materials or architectural features shall be eliminated, added or modified without Planning Commission review and action. Minor changes, which are determined by the Community Development Director to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Planning Commission, may be granted by the Community Development Director.
 - a) Screening material shall be same or equivalent to the material presented to the Planning Commission. (Boen "Value Veil" PN 30058). Screening material will be reviewed by Staff with a determination of condition / requirement for replacement of damaged areas to be presented to Planning Commission every three (3) years.
 - b) Parked vehicles will be located as far to the west as possible in the lot.
- 7 **Other County, State and Federal Permits:** Prior to initiation of the proposed use, the applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
- 8 **Signage/Window Coverage:** (No requests for new signage have been submitted at this time). New signs shall require a Sign Permit from the City. A Temporary Sign Permit shall be obtained from the City for any temporary banners or temporary signs. A separate sign permit shall be obtained for new signage, including window signage and reviewed and approved by the Community Development Department.

Building and Safety Department (No proposed improvements requiring a Building Permit have been submitted at this time).

- 9 **Building Plans:** All Planning Commission COA shall be imprinted on plans submitted for building permits.

10 **Scope of Work Description:** The applicant shall complete a concise Scope of Work description specific to the project imprinted on the Title Sheet at the time of plan submittal for plan check review.

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.) (Contact Octavio prior to laying gravel)

11 **Gravel:** The applicant shall receive approval from City Engineer prior to laying gravel and commencing operations. Gravel thickness shall be two (2) to three (3) inches. Compaction or other preliminary work shall be as required by City Engineer.

Miscellaneous Conditions (The Applicant should talk with Scott Bruce, Community Development Department, on the following COA, if there are any questions.)

12 **Landscaping:** No landscaping plan has been submitted nor is landscaping required. In the event that the applicant intends to install landscaping, the Applicant shall submit a landscaping plan to the Community Development Department for review and approval. The landscaping plan shall specifically identify material type, quantity and size as well as type of automatic irrigation system proposed to maintain the landscaping. Once the landscaping plan is approved, it shall be installed in accordance with the approved plan. Plants to be of drought tolerant species. The landscaping shall be maintained in a healthy condition in perpetuity.

Conditional Use Condition Agreement:

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

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

Applicant Signature: _____ Date: _____