

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, AUGUST 15, 2017
6:00 P.M.

Council Chambers, City Hall
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. Meeting Minutes of August 1, 2017 Planning Commission Meeting
Recommendation: approve and file.

7. NON-PUBLIC HEARINGS

None

8. PUBLIC HEARINGS

- A. Project: Wind Sculptures
Case No.: CUP 2016-007
Applicant: City of King
Location: 743 Broadway Street (New O'Reilly Auto Center)
Consideration: Final Design of Wind Sculptures and Amend the Action Taken on Restricting the Height of Wind Sculptures At 743 Broadway Street
Recommendation: Planning Commission review and approve the final design of the wind sculptures for Case No. CUP 2016-007, which

includes allowing flexibility of height of wind sculptures. Landscaping would replace the sidewalk.

Environmental Determination:

The proposed change is consistent with the approved Mitigated Negative Declaration. The proposed wind sculpture and wayfinding sign is similar in nature to the previously approved kiosk structure. The change is minor in nature and no significant environmental impacts are anticipated. No additional environmental determination is required.

- B. Project:** Amending CUP2017-004 Conditions of Approval
- Case No.:** CUP2017-004 Amendment
- Applicant:** David Downs, Mobilitie, LLC
- Location:** Latitude/Longitude: 36.205456, -121.133448. (Franciscan Way)
- Consideration:** Amendment to Conditional Use Permit Case No. CUP2017-004 to Amend Conditions of Approval for the small cell site within the existing public right-of-way along Franciscan Way.
- Recommendation:** Continue the item to the September 5, 2017 Planning Commission meeting.

Environmental Determination:

Staff has found the project categorically exempt, pursuant to Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines: New Construction or Conversion of Small Structures, Class 3 (b).

- C. Project:** Amending CUP2016-004 Conditions of Approval
- Case No.:** CUP2016-004 Amendment
- Applicant:** David Downs, Mobilitie, LLC
- Location:** Latitude/Longitude: 36.213680/-121.129431. (Ellis Street)
- Consideration:** Amendment to Conditional Use Permit Case No. CUP2016-004 to Amend the Conditions of Approval for the small cell site within the existing public right-of-way along Ellis Street.
- Recommendation:** Continue the item to the September 5, 2017 Planning Commission meeting.

Environmental Determination:

Staff has found the project categorically exempt, pursuant to Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines: New Construction or Conversion of Small Structures, Class 3 (b).

- D. Project:** Amending CUP2016-003 Conditions of Approval
- Case No.:** CUP2016-003 Amendment
- Applicant:** David Downs, Mobilitie, LLC
- Location:** Latitude/Longitude: 36.215359/-121.130148. (Vanderhurst Avenue)

Consideration: Amendment to Conditional Use Permit Case No. CUP2016-003 to Amend the Conditions of Approval for the small cell site within the existing public right-of-way along Vanderhurst Avenue.

Recommendation: Continue the item to the September 5, 2017 Planning Commission meeting.

Environmental Determination: Staff has found the project categorically exempt, pursuant to Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines: New Construction or Conversion of Small Structures, Class 3 (b).

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

<u>August 2017</u>		
August 8 th	6:00p.m.	City Council
August 14 th	6:00p.m.	Airport Advisory Committee
August 15 th	6:00 p.m.	Planning Commission
August 21 st	6:00p.m.	Recreation Commission
August 22 nd	6:00 p.m.	City Council
<u>September 2017</u>		
September 5 th	6:00 p.m.	Planning Commission
September 11 th	6:00 p.m.	Airport Advisory Committee
September 12 th	6:00 p.m.	City Council
September 18 th	6:00 p.m.	Recreation Commission
September 19 th	6:00 p.m.	Planning Commission
September 26 th	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)

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

August 1, 2017

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 X
Michael Barbree X Margaret Raschella X Ralph Lee X

Staff present: Community Development Director, Doreen Liberto; Principal Planner, Scott Bruce.

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: July 18, 2017

Action: Motion made by Commissioner Barbree to approve minutes of July 18, 2017. Seconded by Commissioner Mendez. Motion carried 5-0.

7. Non-Public Hearing Items -None

A. Consideration: General Plan Consistency Determination Regarding Purchase of Real Parcels Located on the Corner of Broadway Street and Vanderhurst Avenue (Parcel A: APN#026-195-010, Portion of Parcel B: APN#026-195-018, and Parcel C: APN#026-195-012).

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Lee adopting the attached Resolution No.: 2017-185 which finds a General Plan Consistency Determination for the purchase of Real Parcels: Assessor Parcel No(s). 026-195-010, 026-195-012, and 026-195-018. Seconded by Commissioner Mendez. Motion carried 5-0.

B. Consideration: General Plan Consistency Determination Regarding an Irrevocable Offer of Dedication Public Street Right of Way (In Fee), Temporary Construction Easements and Sediment Placement Easement of Parcel 026-381-001-000 (San Lorenzo Creek Property).

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Barbree adopting the attached Resolution No. 2017-186 which finds a General Plan Consistency Determination for the sale of Assessor Parcel No. 026-381-001-000 with a public street right-of-way, temporary construction easements, and sediment placement easement. Seconded by Commissioner Raschella. Motion carried 5-0.

8. Public Hearing Items

A. Project: Ordinances Amending Title 17.03 and Amending the East Ranch Business Park Specific Plan

Consideration: Recommendation to the City Council to Amend the King City Municipal Code - Section 17.03; Amending Sections 17.30.020 and 17.31.020; And Amending the East Ranch Business Park Specific Plan

Principal Planner Scott Bruce introduced this item. He also handed out a word smithed page 10 where the City Attorney refined his wording but meaning is the same.

Brandon Gesicki clarified different licenses.

Chair Nuck opened the public hearing, seeing no one come forward, Chair Nuck closed the Public Hearing.

Action: Motion made by Commissioner Barbree adopting Resolution No. 2017-184, which recommends to the city council the approval of an ordinance amending chapter 17.03 of title 17, chapter 17.30, subsection 17.30.020, and chapter 17.31, subsection 17.31.020 of the king city municipal code; an ordinance amending the East Ranch Business Park specific plan ("ERBP-SP") and related planning and zoning documents to regulate commercial cannabis activity; and related CEQA determination. Seconded by Commissioner Mendez. Motion carried 5-0.

Commissioner Mendez made a motion to recommend to the City Council to go from 6 to 10 licenses. Seconded by Commissioner Raschella. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports-

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:48 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 8(A)

REPORT TO THE PLANNING COMMISSION

DATE: AUGUST 15, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: DONALD J. FUNK, PRINCIPAL PLANNER

RE: PUBLIC HEARING TO CONSIDER FINAL DESIGN OF WIND SCULPTURES AND AMEND THE ACTION TAKEN ON RESTRICTING THE HEIGHT OF WIND SCULPTURES AT 743 BROADWAY STREET

RECOMMENDATION:

It is recommended that the Planning Commission review and approve the final design of the wind sculptures for Case No. CUP 2016-007, which includes allowing flexibility of height of wind sculptures. Landscaping would replace the sidewalk.

BACKGROUND:

On **July 18, 2017**, the Planning Commission (Commission) approved changes to Conditions of Approval No. 29 and No. 30 of Case No. CUP 2016-007 allowing wind sculpture(s) as an alternative to the previously approved kiosk. The City Manager is considering a proposal to utilize wind sculptures at strategic locations throughout the City as a means of creating visual interest and beautifying the City. The City Council, on June 11, 2017 approved a Wind Sculpture Art in Public Places Plan. Hopefully, the wind sculptures at the new O'Reilly's Auto Parts building would be the first of numerous wind sculptures throughout the City.

As part of the approval of the wind sculptures at the O'Reilly site, the Commission added provisions that the bottom of the sculptures would be a minimum of twelve (12') feet above ground level and that the wind sculptures would be able to withstand potential wind forces during storm events.

On **August 1, 2017**, staff met with Paul Dorrell, Founder of the Leopold Gallery and Ron Baker, Superintendent for the O'Reilly's building at the site at the corner of Broadway and Canal Streets. O'Reilly's have indicated that they prefer the sculptures shown in **Exhibit 1**.

**PLANNING COMMISSION HEARING
PROPOSED FINAL WIND SCULPTURE DESIGN
AUGUST 15, 2017
PAGE 2 OF 4**



**Exhibit 1, Artist Concept for Wind Sculptures
Preferred by O'Reilly's Representatives**

At the site meeting, Mr. Dorrell recommended locations for the three sculptures shown roughly in **Exhibit 3** below. He indicated that it would be best if the two outer sculptures be mounted slightly lower than the center sculpture. Based on his recommendations, the two outer sculptures would be about eleven (11') feet above ground level and the center sculpture about twelve (12') feet above ground level. These heights are based on the ground level of the wind-sculptures.

Mr. Dorrell also indicated that wind-sculptures can withstand winds up to 100 miles per hour. He said that the sculptures pivot bearings would need to be lubricated once a year.

Exhibit 2 shows the previously approved site plan for the kiosk. The kiosk included a sidewalk to provide access to the kiosk. **Exhibit 3** indicates how the site would be developed if the sculptures are approved. Landscaping would replace the proposed sidewalk. A concrete curb would define the public area of the easement.

**PLANNING COMMISSION HEARING
 PROPOSED FINAL WIND SCULPTURE DESIGN
 AUGUST 15, 2017
 PAGE 3 OF 4**

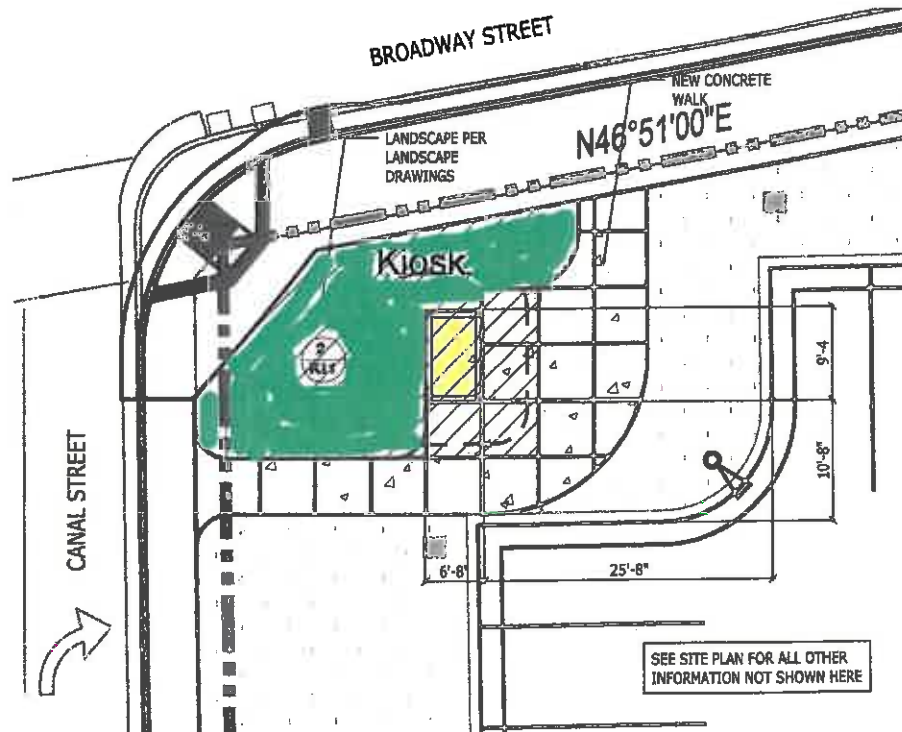


Exhibit 2, Previously Approved Kiosk Site Plan



Exhibit 3, New Recommended Approximate Locations of Proposed Wind Sculptures, Including Changes to Landscaping Area

**PLANNING COMMISSION HEARING
PROPOSED FINAL WIND SCULPTURE DESIGN
AUGUST 15, 2017
PAGE 4 OF 4**

DISCUSSION:

The proposal being recommended is similar to the wind sculptures shown in the staff report for the Commission meeting of July 18th. If approved by the Commission, the final design would have the two outer sculptures at eleven (11') feet above the ground and the center sculpture at twelve (12') feet above ground level.

At the time of the preparation of this staff report, it is hoped that the O'Reilly contractor can install both the bases and the three wind sculptures shown in **Exhibit 1**, depending on both the schedule of the contractor and the schedule of the wind sculpture supplier, Leopold Gallery.

ENVIRONMENTAL DETERMINATION:

The proposed change is consistent with the approved Mitigated Negative Declaration. The proposed wind sculpture and wayfinding sign is similar in nature to the previously approved kiosk structure. The change is minor in nature and no significant environmental impacts are anticipated. No additional environmental determination is required.

PUBLIC NOTICE AND INPUT:

The proposed amendment was noticed on **August 4, 2017** in the Salinas Californian Newspaper.

Exhibits:

1. Exhibit 1 – Final proposed wind sculptures
2. Exhibit 2 – Original site plan for kiosk
3. Exhibit 3 – Approximate site plan for wind sculptures, including recommended changes to landscaping

Submitted by: *JKG For Donald Funk*
Donald J. Funk, Principal Planner

Approved by: *DLG For Doreen Liberto*
Doreen Liberto, AICP, Community Development Director



**Exhibit 1, Artist Concept for Wind Sculptures
Preferred by O'Reilly's Representatives**



Exhibit 2, Previously Approved Kiosk Site Plan

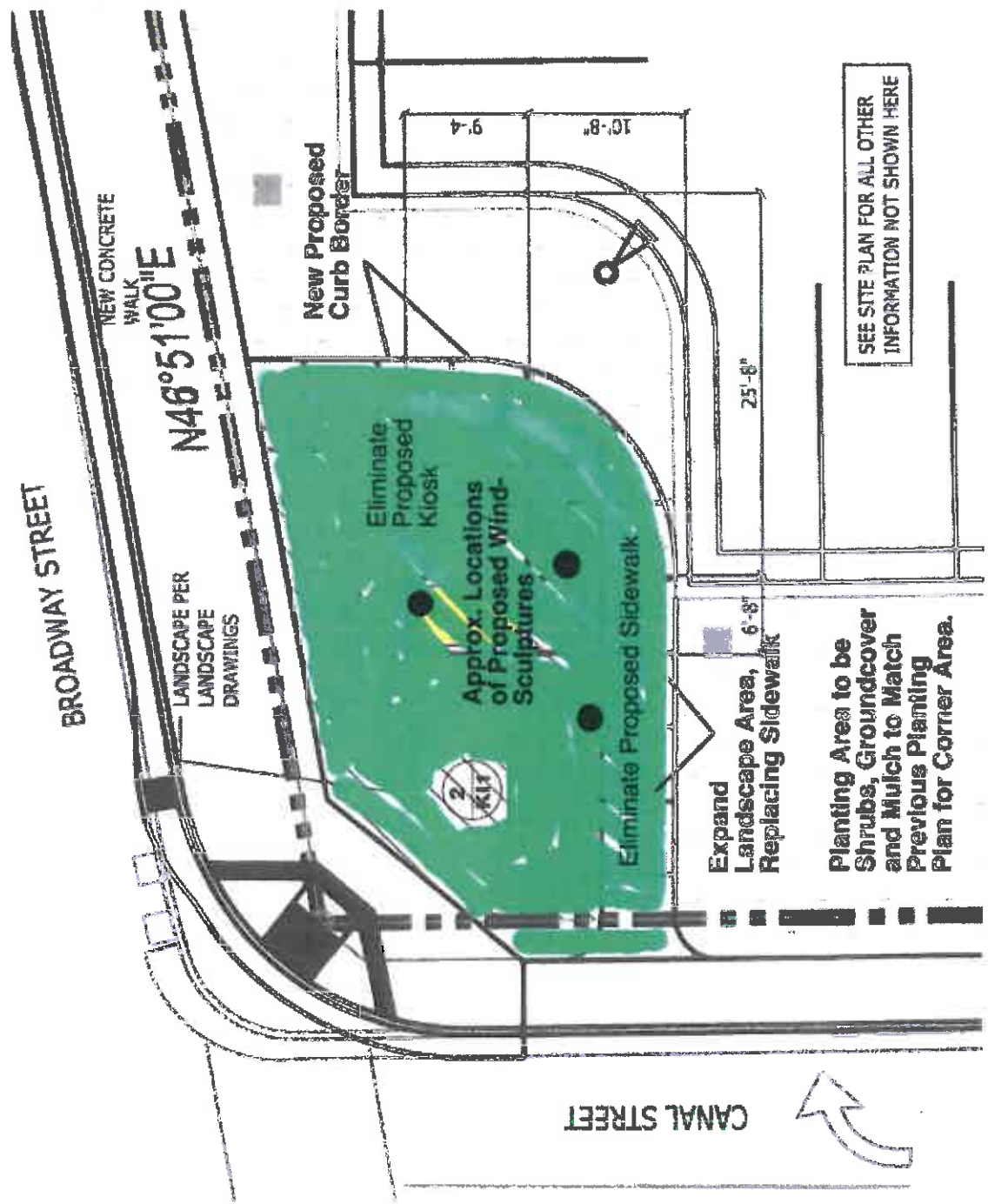


Exhibit 3, New Recommended Approximate Locations of Proposed Wind Sculptures, Including Changes to Landscaping Area



Item No. **8(B)**

REPORT TO THE PLANNING COMMISSION

DATE: AUGUST 15, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

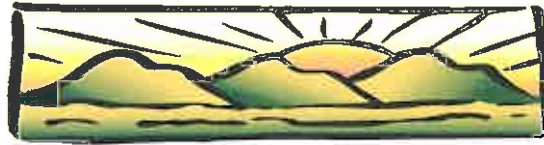
FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: CONSIDERATION OF AMENDMENT TO CONDITIONAL USE PERMIT CASE NO. CUP2017-004 TO AMEND THE CONDITIONS OF APPROVAL FOR THE SMALL CELL SITE WITHIN THE EXISTING PUBLIC RIGHT-OF-WAY ALONG FRANCISCAN WAY.

RECOMMENDATION:

Staff is recommending Planning Commission continue the item until the September 5, 2017, Planning Commission meeting. On August 2, 2017, David Downs, Applicant requested to amend the language on the Conditions of Approval. A public hearing notice was published on August 5, 2017, and notices sent to property owners within three hundred (300') feet of the project site, however, the necessary items to process the amendments have not yet been submitted by the Applicant.



KING CITY
C A L I F O R N I A

Item No. 8(C)

REPORT TO THE PLANNING COMMISSION

DATE: AUGUST 15, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

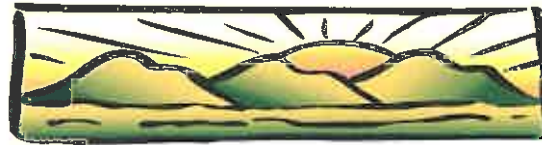
FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: CONSIDERATION OF AMENDMENT TO CONDITIONAL USE PERMIT CASE NO. CUP2016-004 TO AMEND THE CONDITIONS OF APPROVAL FOR THE SMALL CELL SITE WITHIN THE EXISTING PUBLIC RIGHT-OF-WAY ALONG ELLIS STREET.

RECOMMENDATION:

Staff is recommending Planning Commission continue the item until the September 5, 2017, Planning Commission meeting. On August 2, 2017, David Downs, Applicant requested to amend the language on the Conditions of Approval. A public hearing notice was published on August 5, 2017, and notices sent to property owners within three hundred (300') feet of the project site, however, the necessary items to process the amendments have not yet been submitted by the Applicant.



KING CITY
C A L I F O R N I A

Item No. **8(D)**

REPORT TO THE PLANNING COMMISSION

DATE: AUGUST 15, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: CONSIDERATION OF AMENDMENT TO CONDITIONAL USE PERMIT CASE NO. CUP2016-003 TO AMEND THE CONDITIONS OF APPROVAL FOR THE SMALL CELL SITE WITHIN THE EXISTING PUBLIC RIGHT-OF-WAY ALONG N. VANDERHURST AVENUE.

RECOMMENDATION:

Staff is recommending Planning Commission continue the item until the September 5, 2017, Planning Commission meeting. On August 2, 2017, David Downs, Applicant requested to amend the language on the Conditions of Approval. A public hearing notice was published on August 5, 2017, and notices sent to property owners within three hundred (300') feet of the project site, however, the necessary items to process the amendments have not yet been submitted by the Applicant.