

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, OCTOBER 3, 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 September 19, 2017 Planning Commission Meeting  
Recommendation: approve and file.

### 7. PUBLIC HEARINGS

- A. Project: Amend Chapter 16.12 of Title 16 of the Municipal Code Adding Section 16.12.340 Requiring Findings of Facts for Subdivisions Related to Cal. Gov. Code Section 66474.02
- Case No.: ZC 2017-004
- Applicant: City of King
- Location: Citywide
- Consideration: Recommendation to The City Council Re: An Ordinance Amending Section 16.22 Of Chapter 16 of the King City Municipal Code as Part of Disaster Resiliency Long Term Planning

**Recommendation:** Staff recommends that Planning Commission 1) review the Ordinance, 2) receive public comment 3) provide recommendation to the City Council regarding the Ordinance that would amend Section 16.22 Of Chapter 16 of the King City Municipal Code as Part of Disaster Resiliency Long Term Planning

**Environmental Determination:** The ordinance is exempt from having to comply with the requirements of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15061(b)(3) which states: "CEQA only applies 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". There is no possibility the City's activity in adopting this ordinance, as mandated by the State, will have a significant, adverse effect on the environment.

**8. NON-PUBLIC HEARINGS**

None

**9. PLANNING COMMISSIONER REPORTS**

**10. DIRECTOR'S REPORT**

**11. WRITTEN CORRESPONDENCE**

**12. ADJOURNMENT**

**UPCOMING REGULAR MEETINGS**

<b><u>October 2017</u></b>		
October 3 <sup>rd</sup>	6:00 p.m.	Planning Commission
October 9 <sup>th</sup>	6:00 p.m.	Airport Advisory Committee
October 10 <sup>th</sup>	6:00 p.m.	City Council
October 16 <sup>th</sup>	6:00 p.m.	Recreation Commission
October 17 <sup>th</sup>	6:00 p.m.	Planning Commission
October 24 <sup>th</sup>	6:00 p.m.	City Council
<b><u>November 2017</u></b>		
November 7 <sup>th</sup>	6:00 p.m.	Planning Commission
November 13 <sup>th</sup>	6:00 p.m.	Airport Advisory Committee
November 14 <sup>th</sup>	6:00 p.m.	City Council
November 20 <sup>th</sup>	6:00 p.m.	Recreation Commission
November 21 <sup>st</sup>	6:00 p.m.	Planning Commission
November 28 <sup>th</sup>	6:00 p.m.	City Council

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

**ALUC:** Airport Land Use Commission

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

**APCD:** Air Pollution Control District

**BMP:** Best Management Practice, Bike Master Plan

**CAP:** Climate Action Plan

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

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

**CEQA:** California Environmental Quality Act

**CFD:** Community Facilities District

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

**CUP:** Conditional Use Permit

**EIR:** Environmental Impact Report

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

**FEMA:** Federal Emergency Management Agency

**GHG:** Greenhouse gas

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

**HCP:** Habitat Conservation Plan

**HCD:** State Department of Housing & Community Development

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

**LAFCO:** Local Agency Formation Commission

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

**LLA:** Landscaping and Lighting District

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

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

**MOU:** Memorandum of Understanding

**MND:** Mitigated Negative Declaration

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

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

**NEPA:** National Environmental Policy Act

**SOI:** Sphere of Influence.

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

**TOT:** Transient Occupancy Tax

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

**VMT:** Vehicle Miles Traveled

## Planning Commission Minutes

September 19, 2017

### 1. Call to Order

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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

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

### 3. Roll Call

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

Commissioner Mendez made a motion to excuse Commissioner Raschella, seconded by Commissioner Barbree. Motion carried 4-0.

**Staff present:** Community Development Director, Doreen Liberto-Blanck; Principal Planner, Don Funk; Assistant Planner, Maricruz Aguilar-Navarro; Admin. Asst./Deputy City Clerk, Erica Sonne.

### 4. Public Comments

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None

### 5. Presentations

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None

### 6. Consent Calendar

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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 5, 2017

**Action:** Motion made by Commissioner Barbree to approve minutes of September 5, 2017. Seconded by Commissioner Mendez. Motion carried 4-0.

### 7. Public Hearing Items

- A. Project: Conditional Use Permit Case No. CUP 2017-015 amending CUP2016-003 Conditions of Approval
- Case No.: CUP2017-015
- Applicant: David Downs, Mobilitie, LLC
- Location: Latitude/Longitude: 36.215359/-121.130148. (Vanderhurst Avenue)
- Consideration: Consideration of Conditional Use Permit Case No. CUP2017-015 to Amend the Conditions of Approval 2016 a small cell site within the existing public right-of-way along Vanderhurst Avenue.

**Recommendation:** Recommending Planning Commission approve Conditional Use Permit Case No. CUP 2017-015 which amends Conditions of Approval for CUP2016-003.

**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).

Assistant Planner Aguilar introduced this item.

**Action:** Motion made by Commissioner Mendez to approve Conditional Use Permit Case No. CUP 2017-015 which amends Conditions of Approval for CUP2016-003. Seconded by Commissioner Barbree. Motion carried 4-0.

**B. Project:** Conditional Use Permit Case No. CUP 2017-014 amending CUP2016-004 Conditions of Approval

**Case No.:** CUP2017-014

**Applicant:** David Downs, Mobilitie, LLC

**Location:** Latitude/Longitude: 36.213680/-121.129431. (Ellis Street)

**Consideration:** Consideration of Conditional Use Permit Case No. CUP2017-014 to Amend the Conditions of Approval for the small cell site within the existing public right-of-way along Ellis Street.

**Recommendation:** Recommending Planning Commission approve Conditional Use Permit Case No. CUP 2017-014 which amends Conditions of Approval for CUP2016-004.

**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).

Community Development Director Doreen Liberto introduced this item.

**Action:** Motion made by Commissioner Lee to approve Conditional Use Permit Case No. CUP 2017-014 which amends Conditions of Approval for CUP2016-004. Seconded by Commissioner Mendez. Motion carried 4-0.

**C. Project:** Conditional Use Permit Case No. CUP2017-013 amending CUP 2017-004 Conditions of Approval

**Case No.:** CUP2017-013

**Applicant:** David Downs, Mobilitie, LLC

**Location:** Latitude/Longitude: 36.205456, -121.133448. (Franciscan Way)

**Consideration:** Conditional Use Permit Case No. CUP2017-013 amending 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: Recommending Planning Commission approve Conditional Use Permit Case No. CUP 2017-013 which amends Conditions of Approval for CUP 2017-004.

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).

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Lee to approve Conditional Use Permit Case No. CUP 2017-013 which amends Conditions of Approval for CUP 2017-004. Seconded by Commissioner Mendez. Motion carried 4-0.

D. Project: Variance Permit  
Case No.: VAR 2017-001  
Applicant: Timothy Davis  
Location: 331 N. Russ Street (APN 026-174-001-000) and 327 N. Russ Street (APN 026-174-002) King City, CA 93930.  
Consideration: The request is for a variance permit to rebuild a residence that was destroyed by a fire on APN: 026-174-001, Lot 1, Block 13. The project includes a setback variance and resolve an existing non-conforming land use with the adjoining parcel, Lot 2, Block 13, APN: 026-174-002 that involves correcting a unit that currently straddles the lot line between the two parcels.  
Recommendation: Conduct the public hearing and adopt Resolution No. 2017-189 which approves Variance Case No. VAR2017-001, based on the findings of fact and subject to the Conditions of Approval.  
Environmental Determination: The project is categorically exempt (Class 1 Existing Facilities and Class 3 New Construction or Conversion of Small Structures) pursuant to Section 15301 and Section 15303 of the California Environmental Quality Act ("**CEQA**") Guidelines.

Principal Planner Don Funk introduced this item, showing a power point presentation.

Chair Nuck opened the public hearing

Tim Davis the applicant stated that he would like to withdraw his application.

Chair Nuck closed the public hearing.

Action: Motion made by Commissioner Barbree to accept Mr. Davis' withdraw of his application. Seconded by Commissioner Mendez. Motion carried 4-0.

## **8. Non-Public Hearing Items -**

### **9. Regular Business- None**

**10. Planning Commission Report** – Planning Commission wanted to know if someone was working on the first street fence that was damaged. They also asked about the Medical Cannabis projects. Community Development Director Liberto stated that 5 applications for Medical Cannabis will be coming to the Planning Commission on October 17<sup>th</sup>. Commission was curious about the wind sculptures and the signs were just approved for O'Reilly.

**11. Director Reports-** Two City Employees are retiring, Paul Hodges Building Official and Sal Morales Public Works Superintendent.

**12. Written Correspondence-** None

**13. Adjournment**

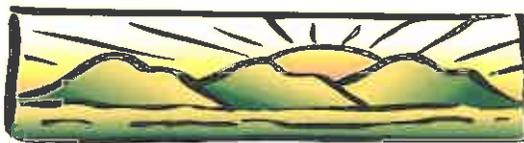
There being no further business, the Planning Commission meeting was adjourned at 6:38 p.m.

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David Nuck  
Planning Commission Chairperson  
City of King

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Erica Sonne  
Planning Commission Secretary  
City of King



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

Item No. 7(A)

**REPORT TO THE PLANNING COMMISSION**

**DATE: OCTOBER 3, 2017**

**TO: PLANNING COMMISSION**

**FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR**

**RE: CONSIDERATION OF RECOMMENDING THE CITY COUNCIL AMEND SECTION 16.22 OF CHAPTER 16 OF THE KING CITY MUNICIPAL CODE AS PART OF DISASTER RESILIENCY LONG TERM PLANNING**

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**RECOMMENDATION:**

It is recommended the Planning Commission adopt the attached Resolution.

**BACKGROUND:**

Cal. Government Code Section 66474.02 of the Subdivision Map Act ("SMA") requires that three (3) specific findings of fact must be made in approving subdivisions in areas designated as high fire hazard severity zones or state responsibility areas. The Ordinance is part of the City's commitment to disaster resiliency long term planning.

**DISCUSSION:**

California Government Code Section 66474.02 requires decision makers to make three (3) findings of fact before approving a subdivision located in a state responsibility area or a high fire hazard severity zone. The findings of fact are:

1. The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code.
2. Supported by substantial evidence in the record, structural fire protection and services will be available for the subdivision through any of the following entities:

**PLANNING COMMISSION  
AMENDMENT TO CHAPTER 16.22  
OCTOBER 3, 2017  
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- a. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.
  - b. The Department of Forestry and Fire Protection by contract entered into pursuant to Sections 4133, 4142, or 4144 of the Public Resources Code.
3. To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

Staff recommends that Chapter 16.22 (Subdivision) be amended and Section 16.12.340 be added which includes the above findings of fact.

**COST ANALYSIS:**

The cost to make additional findings of fact will be funded as part of the application process fee.

**ENVIRONMENTAL REVIEW:**

The Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

**ALTERNATIVES:**

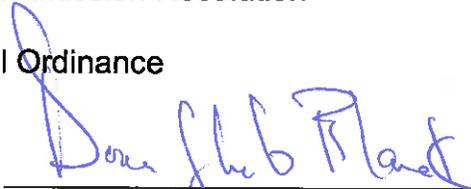
The following alternatives are provided for Council consideration:

1. Adopt the attached Resolution;
2. Do not adopt the attached Resolution; or
3. Provide staff other direction.

**Exhibits:**

1. Planning Commission Resolution
2. City Council Ordinance

Approved by: \_\_\_\_\_

  
Doreen Liberto, AICP, Community Development Director

**RESOLUTION NO. 2017-194**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING  
RECOMMENDING THE CITY COUNCIL AMEND SECTION 16.22 OF  
CHAPTER 16 OF THE KING CITY MUNICIPAL CODE AS PART OF  
DISASTER RESILIENCY LONG TERM PLANNING**

**WHEREAS**, the City of King (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

**WHEREAS**, Cal. Government Code Section 66474.02 of the Subdivision Map Act (“SMA”) requires certain findings of fact be made for subdivisions within state responsibility areas or high fire hazard severity zones; and

**WHEREAS**, on October 3, 2017, the Planning Commission (“Commission”) reviewed and considered the information provided in the staff report and testimony presented during the duly noticed public hearing; and

**WHEREAS**, the Commission recommends the City Council (“Council”) finds the adoption of this ordinance is exempt from having to comply with the requirements of the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15061(b)(3) which states: “CEQA only applies 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”. There is no possibility the City’s activity in adopting this ordinance, as mandated by the State, will have a significant, adverse effect on the environment.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King recommends that the City Council amend Chapter 16.12 of Title 16 and add Section 16.12.340, as follows:

**Section 16.12.340. Findings for Approval of Subdivision Maps Located in Fire Hazard Areas**

Pursuant to the provisions of California Government Code Section 66474.02, before approving a tentative map, or a parcel map for which a tentative map was not required, for a subdivision located in a state responsibility area or a high fire hazard severity zone, the decision-maker must make all of the following findings of fact:

1. The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code.
2. Supported by substantial evidence in the record, structural fire protection and services will be available for the subdivision through any of the following entities:
  - a. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.
  - b. The Department of Forestry and Fire Protection by contract entered into pursuant to Sections 4133, 4142, or 4144 of the Public Resources Code.
3. To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

This shall not supersede regulations established by the State Board of Forestry and Fire Protection or other ordinances within the County Code that provide equivalent or more stringent minimum requirements than those contained within this section.

**PASSED, APPROVED AND ADOPTED this 3<sup>TH</sup> day of October, 2017.**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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DAVID NUCK, CHAIRPERSON

ATTEST: \_\_\_\_\_  
ERICA SONNE, DEPUTY CITY CLERK

**ORDINANCE NO. 2017-751**

**AN ORDINANCE AMENDING CHAPTER 16.12 OF TITLE 16 OF THE KING CITY MUNICIPAL CODE ADDING SECTION 16.12.340 AND FINDINGS OF FACTS FOR SUBDIVISIONS RELATED TO CALIFORNIA GOVERNMENT CODE SECTION 66474.02**

**WHEREAS**, the City of King (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

**WHEREAS**, California Government Code Section 66474.02 requires certain findings of facts be made before approving a tentative map, or a parcel map for which a tentative map was not required, for a subdivision located in a state responsibility area or high fire hazard severity zone; and

**WHEREAS**, on October 3, 2017, the Planning Commission (“Commission”), after conducting a public hearing, adopted Resolution No. 2017-194, recommending the City Council (“Council”) adoption Ordinance No. 2017-751; and

**WHEREAS**, on October 10, 2017, the Council conducted a duly noticed public hearing regarding adding findings of facts regarding incorporating specific findings of facts on subdivisions and parcel maps related to wildfire exposure; and

**WHEREAS**, the Council finds the adoption of this ordinance is exempt from having to comply with the requirements of the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15061(b)(3) which states: “CEQA only applies 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”. There is no possibility the City’s activity in adopting this ordinance, as mandated by the State, will have a significant, adverse effect on the environment.

**NOW THEREFORE**, the City Council of the City of King does ordain as follows:

**SECTION 1.** The above recitals are incorporated are hereby by reference.

**SECTION 2.** The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.)

**SECTION 3.** Chapter 16.12, Section 16.12.340 of Title 17, of the King City Municipal Code and specifically identified below are amended to read as follows:

**Section 16.12.340. Findings for Approval of Subdivision Maps Located in Fire Hazard Areas**

Pursuant to the provisions of California Government Code Section 66474.02, before approving a tentative map, or a parcel map for which a tentative map was not required, for a subdivision located in a state responsibility area or a high fire hazard severity zone, the decision-maker must make all of the following findings of fact:

1. The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code.
2. Supported by substantial evidence in the record, structural fire protection and services will be available for the subdivision through any of the following entities:
  - a. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.
  - b. The Department of Forestry and Fire Protection by contract entered into pursuant to Sections 4133, 4142, or 4144 of the Public Resources Code.
3. To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

This shall not supersede regulations established by the State Board of Forestry and Fire Protection or other ordinances within the County Code that provide equivalent or more stringent minimum requirements than those contained within this section.

**SECTION 4.** Except as amended by this Ordinance, Chapter 16.12 of Title 16 of the King City Municipal Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 10th day of October 2017, and adopted the Ordinance after the second reading at a regular meeting held on the 24 day of October 2017, by the following roll call vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**ATTEST**

\_\_\_\_\_  
**STEVEN ADAMS**, City Clerk

**CITY OF KING**

By: \_\_\_\_\_  
**MIKE LEBARRE**, Mayor

**APPROVED AS TO FORM:**

By \_\_\_\_\_  
**SHANNON L. CHAFFIN**, City Attorney  
Aleshire & Wynder, LLP

I, \_\_\_\_\_, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.