AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, FEBRUARY 20, 2018
6:00 P.M.

Council Chambers, City Hall
212 S. Vanderhurst Avenue, King City, CA

1. **CALL TO ORDER**

2. **FLAG SALUTE**

3. **ROLL CALL:**

   Planning Commission Members: Michael Barbree, Margaret Raschella, Ralph Lee, Vice Chairperson David Mendez, and Chairperson David Nuck

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. **SELECTION of CHAIR AND VICE CHAIR**

   Selection of a Chairperson and Vice Chairperson by a vote of the committee for a period of a year. Per Municipal Code §2.12.020 Appointment, at the first meeting of each calendar year, the committee shall elect a chairperson and a vice chairperson within its membership, who shall serve until the first meeting of the following year. A chairperson and vice chairperson may be elected for successive terms, without restriction as to number.

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 February 6, 2018 Planning Commission Meeting
   Recommendation: Approve and file.

7. **PUBLIC HEARINGS**

A.	Project Name:	Proposed All-Temp Refrigeration Warehouse
	Case No.:	CUP 2017-011, AR 2017-004 and LM 2017-002
	Applicant:	Tom Willoughby, All-Temp Refrigeration
	Location:	740 S. First Street (APN: 235-092-042-005-000), and (APN: 235-042-004-000), King City, CA. 93930

Consideration: This is a continued public hearing from the Planning Commission meeting of February 6, 2018. The Commission will consider the approval of Conditional Use Permit Case No. CUP2017-011, Architectural Review Case No. AR2017-004, And Lot Merger Case No. LM2017-002 for the Construction of a new 5,000 Square Foot Office and Related Storage of Equipment for Heating and Air Conditioning Contractor Services at 740 S. First Street, King City, Ca 93930.

Recommendation: Staff recommends the Planning Commission conduct the public hearing and adopt Resolution No. 2018-207 which approves Cases No. CUP2017-011, AR2017-004 and LM2017-002 for the construction of a 5,000 square foot office and storage for a heating and air-conditioning contractor's office, a lot merger of two (2) parcels into one (1) parcel, with the changes to the architectural appearance of the building prepared by the applicant's architect, based on the findings of fact and subject to the Conditions of Approval

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 32 In-Fill Development Projects, Categorical Exemption set forth in CEQA Guidelines, §15332 as this project involves development of within the city limits on a project site of no more than five acres substantially surrounded by urban uses. The site is adequately serviced by all required utilities and public services. The project is consistent with the general plan designation and zoning regulations. The project site has no value as habitat for endangered, rare or threatened species. The applicant will be required to provide street, gutter, curb sidewalk and other public improvements as identified for South First Street. Site drainage will be required to meet the City's and Central Coast Regional Water Quality Control Board standards. The project would not result in significant effects related to traffic, noise, air quality or water quality.

This item was continued from February 6, 2018.

B. Project Name: Temporary Agricultural Employee Housing

Case No.: CUP 2016-001A2 and AR 2016-001A2

Applicant: SGH Holdings, LLC

Location: 218 N. First Street, King City, CA. 93930

Consideration: CUP Amendment and Architectural Review Amendment for addition of Temporary Housing for 150 of H2A Agricultural Employees at an existing barracks style Farmworker Housing Facility located at 218 N. First Street, King City CA. 93930. The project includes bunk beds for the additional residents, outdoor recreational facilities, indoor recreational/relaxation areas on the first and second floors of the existing building, dining room, additional restrooms,

addition of windows, laundry facilities and other related improvements. The project also includes the parking of busses and vans at a nearby off-site property located south of the farmworker barracks facility.

Recommendation: Staff recommends the Planning Commission 1) review request for Conditional Use Permit and Architectural Review, 2) receive public comment; and 3) adopt the attached Resolution approving the Mitigated Negative Declaration, ("MND"), Conditional Use Permit CUP 2016-001A2 and AR2016-001A2.

Environmental Determination: Initial Study and Mitigated Negative Declaration ("MND") in accordance with the California Environmental Quality Act (CEQA), the City of King, California, is the Lead Agency. A MND has been prepared for the project identified above. The purpose of this Notice of Intent ("NOI") is to solicit comments on the environmental analysis contained in the MND. There are no known environmental impacts that cannot be satisfactorily mitigated. There are no known regional environmental issues.

C. Project Name: King City In Bloom Mural Project #1

Case No.: SN2018-001

Applicant: King City In Bloom

Location: 101 Broadway Street, King City CA. 93930

Consideration: Mural Permit Application for a 390 Square Foot Historical Mural Painted on the East Wall of 101 Broadway Street, King City, CA. 93930

Recommendation: Staff recommends the Planning Commission approve Mural Permit Case No. SN 2018-001 for King City In Bloom to paint a 30'x13' (390 square foot) historical mural on the exterior east wall of 101 Broadway Street, subject to the attached conditions of approval.

Environmental Determination: The project qualifies as a Class 11 Categorical Exemption set forth in CEQA Guidelines, Class 11 "consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs." This project involves painting of a mural on an existing wall and involves no expansion of use. Therefore, the Categorical Exemption Class 11 set forth in the CEQA Guidelines, §15311, is deemed to apply to this project.

8. NON-PUBLIC HEARINGS

None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT –

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

February 2018		
February 6th	6:00 p.m.	Planning Commission
February 12th	6:00 p.m.	Airport Advisory Committee
February 13th	6:00 p.m.	City Council
February 19th	6:00 p.m.	Recreation Commission
February 20th	6:00 p.m.	Planning Commission
February 27th	6:00 p.m.	City Council

March 2018		
March 6th	6:00 p.m.	Planning Commission
March 12th	6:00 p.m.	Airport Advisory Committee
March 13th	6:00 p.m.	City Council
March 19th	6:00 p.m.	Recreation Commission
March 20th	6:00 p.m.	Planning Commission
March 27th	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

Planning Commission Minutes

February 6, 2018

1. Call to Order

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:03 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_

Action: Motion made by Commissioner Raschella to excuse Commissioner Mendez. Seconded by Commissioner Barbree. Motion carried 4-0.

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

4. Public Comments

None

5. Presentations

Selection of Chair and Vice Chair tabled until next meeting when all Commission is present Motion by Commissioner Lee and seconded by Commissioner Raschella.

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: January 16, 2018

Action: Motion made by Commissioner Barbree to approve minutes of January 16, 2018 with corrections. Seconded by Commissioner Raschella. Motion carried 4-0.

7. Public Hearing Items

A. Project Name: Proposed All-Temp Refrigeration Warehouse

Case No.: CUP 2017-011, AR 2017-004 and LM 2017-002

Applicant: Tom Willoughby, All-Temp Refrigeration

Location: 740 S. First Street (APN: 235-092-042-005-000), and (APN: 235-042-004-000), King City, CA. 93930

Consideration: Approval of Conditional Use Permit Case No. CUP2017-011, Architectural Review Case No. AR2017-004, And Lot Merger Case No. LM2017-002 For the Construction of a New 5,000 Square Foot Office and Related Storage of Equipment for Heating and Air

Conditioning Contractor Services At 740 S. First Street, King City, Ca 93930.

Recommendation: Staff recommends the Planning Commission conduct the public hearing and adopt Resolution No. 2018-207 which approves Cases No. CUP2017-011, AR2017-004 and LM2017-002 for the construction of a 5,000 square foot office and storage for a heating and air-conditioning contractor's office, a lot merger of two (2) parcels into one (1) parcel, with recommended changes to the architectural appearance of the building, based on the findings of fact and subject to the Conditions of Approval

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 32 In-Fill Development Projects, Categorical Exemption set forth in CEQA Guidelines, section 15332 as this project involves development of within the city limits on a project site of no more than five acres substantially surrounded by urban uses. The site is adequately serviced by all required utilities and public services. The project is consistent with the general plan designation and zoning regulations. The project site has no value as habitat for endangered, rare or threatened species. The applicant will be required to provide street, gutter, curb sidewalk and other public improvements as identified for South First Street. Site drainage will be required to meet the City's and Central Coast Regional Water Quality Control Board standards. The project would not result in significant effects related to traffic, noise, air quality or water quality.

Principal Planner Don Funk introduced this item with a PowerPoint presentation.

Applicant Tom Willoughby was present.

Commissioner Barbree asked if the applicant had an opportunity to do a cost estimate. Planner Funk stated that the conditions were given to the applicant last week.

Commissioner Barbree wanted to know if there is any planned development in this area. Community Development stated no there is no planned development however there is a Master Plan to help development in the future.

Chair Nuck opened the public hearing.

Tom Willoughby, applicant stated that when he brought this project to the City in August there wasn't a problem before. He is going to do an architectural block with the building on it that was suggested. He wants it to look good. He wants to keep his business in town. He has to be able to afford it too. He may want to be do retail later on and expand the building at a later date. He wants his building to look good.

Chair Nuck asked if the applicant felt that he could do what staff is asking. Tom stated stucco on a metal building will not work for him. He stated the metal flex's and the stucco wouldn't work on it.

Commission wants to know if he could do what staff is proposing. He said he could do the landscaping now and parking at a later date when he expands the building. He is proposing a fence around for security purposes with landscaping on the outside.

Commissioner Lee feels that this building is starting a theme for future buildings and he feels it is important to get this aspect nailed down.

Josh Rich, Boutique Unlimited, he doesn't feel that the façade is something that the City would want.

Applicant is willing to work with the City. He has changed the pitch and the block to accommodate staff and he will work with them. He wants his building to look nice. Color is not that big of a deal Mr. Willoughby stated. He will have lights as well for safety.

He will have a machine metal shop as well as office space and maybe later retail.

Chair Nuck would like to know if there could be a meeting with the applicant and staff to come closer together as they feel like they are far apart.

Chair Nuck closed the public hearing.

Action: Motion made by Commissioner Raschella to continue this item to the next meeting. Seconded by Commissioner Barbree. Motion carried 4-0.

B.	Project Name:	Boutique Unlimited: Operations Phasing
	Case No.:	CUP 2016-014(a) 18
	Applicant:	Boutique Unlimited: Mike Ferguson
	Location:	161 Airport Drive, King City, CA. 93930
	Consideration:	CUP Amendment Case No.2016-014(a) 18; Phased Operations – 161 Airport Drive (APN 026-521-030).
	Recommendation:	Staff recommends the Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2016-014(a)18.
	Environmental Determination:	King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. Level 2 Manufacturing CA (Type 2) and Distribution were allowed in August 2017, (Ordinances 2017-745 and 746). During the review and decision-making process related to CUP 2016-014, the City of King conducted an Initial Study (IS) of the project, determined that the project was fully within the scope of the prior analysis by the MND and provided public notice. On December 19, 2017 the Planning Commission made a of a Finding of Consistency with the MND per CEQA Guidelines Section 15162. This proposed Amendment does not add uses or increase development size, intensity or location and is therefore consistent and in accord with the Commission's Finding.

Principal Planner Scott Bruce introduced this item with a PowerPoint.

GENERAL CONDITIONS:
All Conditions of Approval associated with CUP 2016-014(a) 18 remain in force unless specifically amended herein.
Additional information regarding the Distribution process, including product tracking, transfer and storage will be provided to the satisfaction of the Community Development Director, HdL and Fire and Police chiefs.
Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee.

A time frame for Phase 1 Operations, a plan for construction of the permanent building while Phase 1 Operations are in place and a plan for removing Phase 1 uses / completing approved Site Plan shall be provided
All HdL approvals specific to this Phase shall be in place prior to beginning Operations.
A Performance Bond or Letter of Credit, may be required at the discretion of the City Manager.
ADA Compliance required for Phase 1 Use
Planning Commission will review at time of Operations Permit Review.

COMMUNITY DEVELOPMENT DEPARTMENT:
Allowed Use During Phased Operations: Commercial Cannabis, Manufacturing Level 2 (CA Type 7), Distribution (CA Type 11)
Development / Construction: The Applicant has requested that modular container spaces be contained inside a temporary structure on the site. The Applicant also requests one or two modular offices to be located outside the temporary building. All proposed structures / modulars will be located as shown on the site plan. Modulars inside the temporary structure are to include:
One manufacturing / extraction pod
One secure storage container for pre and post manufactured product
One or two containers for distribution storage and packaging.
Modulars outside the temporary structure include: One or two modular office spaces.
The proposed structure is a single story 3,000 sf structure consisting of metal walls and metal roof. It will be accessed from the access easement along the western boundary of the site at the location indicated on the previously approved site plan. Roof color will be green per previous CUP Approval
Building Plans and site development plans will be submitted and approved prior beginning of Operations.

PARKING: Parking will conform to the Plan and Application Package as Submitted. Phase 1 parking will be DG as shown. A drainage plan for Phase 1 will be provided.

LANDSCAPING: Landscape at buildout will not change. A 40' setback shall be along access easement at front of / access to building. Landscaping will conform to plans and Application Package as submitted. Additional detail including water budget to be submitted for Community Development Department approval. Irrigation Plans shall be presented to and approved by Building Official prior to Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.
Phase 1 Operations: No planting has been proposed at this time. On-site landscaping may be required per the approved landscaping concept to the satisfaction of the Community Development Director or Designee. (See CUP 2016-014, December 19, 2017). ROW to be cleaned and maintained to satisfaction of Community Development Director / Designee. See Staff Report, Exhibit 3.
SITE will be maintained in clean condition with regular weed abatement.

FENCING: Fencing along Airport Drive shall be no climb chain link with screening slats, including 2' of barbed wire at the top.angled out. Existing fence may be considered for use, depending on condition, as determined by Community Development Director / Designee. Perimeter fences shall be "no climb" chain link, six (6') foot in height with barbed wire, to a maximum of eight (8) feet with vertical slats woven into the chain link. Fencing along access easement shall be located on subject property (currently in easement ROW), to be eight (8') foot wrought iron, curved at the top, angled out. Fencing will be installed on lot line between CUP 2016-008 and CUP 2016-014. See Staff Report Exhibit 7.

BUILDING AND SAFETY DEPARTMENT: No application for Building Permit has been submitted. An application / permit package must be submitted and approved prior to beginning temporary operations.

BUILDING PLANS:
All Planning Commission COA shall be imprinted on plans submitted for building permits. An application / permit package must be submitted and approved prior to beginning temporary construction / development. Package may be submitted concurrently with sewer and water connection information. Package to address structure and site construction. Package shall include specifics of modular units for manufacturing / distribution and temporary office space as well as the temporary metal structure.

SCOPE OF WORK DESCRIPTION: Scope of work shall clearly identify conform with that found outlined in the Staff Report.

SPRINKLERS: Temporary structure will be approved by Fire Marshall / Building Official prior to beginning Operations.

PHASING COORDINATION: Applicant shall provide coordinated construction plans describing the integration of Phase 1 Operations with Buildout, to satisfaction of Building Official and City Engineer.
ADA COMPLIANCE: Phase 1 construction will be ADA compliant.

PUBLIC WORKS DEPARTMENT: (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com,) to discuss the following COA as needed).
SCOPE OF WORK DESCRIPTION: Scope of work shall conform with that found in the CUP / Regulatory Permit Package.

SIDEWALK: Sidewalk (to match existing / to satisfaction of City Engineer) will be extended along the entire Airport Drive frontage. Construction documents for future improvements must be in process to satisfaction of City Engineer prior to beginning Phase 1 Operations. ROW Improvements are to be under construction prior to yearly application for Permit renewal. ROW must be weed abated prior to Phase 1 Operations, with regular maintenance.

DRAINAGE: Results of RWQCB SWPPP review and drainage calculations to be submitted to City Engineer. Site shall drain to satisfaction of City Engineer.

RECYCLED WATER CONNECTION: A connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it is made available. All internal and external irrigation will utilize "Purple Pipe" located in the Airport Drive Right-of-Way.

SANITARY SEWER: Connection to City of King Sanitary Sewer system must be demonstrated to satisfaction of City Engineer prior to beginning site operations.

OPERATIONS PERMIT: Renovations shall comply with and Operations be subject to full compliance with Section 17.03 of the City of King Zoning Code as amended and the Regulatory Application Package.
OPERATIONS PERMIT: The Regulatory Permits as approved December 19, 2017 by the City Manager are in force for the period of one year and shall be renewed annually. No operations shall occur without a current permit. Phase 1 Operations, if still operating, require Planning Commission review and approval prior to issuance of a new Operations Permit.
SECURITY CAMERAS: A camera plan for the temporary facilities shall be prepared and approved by HdL prior to beginning Phase 1 Operations.
SECURITY SYSTEMS: Security systems shall be revised to address Streamlined Operations, shall conform to the purpose and intent of those presented in the Application Package, to the satisfaction of the Chief of Police and the City's Consultant (HdL).
SOLVENTS: The Applicant has indicated that Butane, CO2 and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be identified for Streamlined Operations to the satisfaction of the City of King Fire and Police Departments in compliance with Section 17.03.270 (a) and (b)
SOLID WASTE: Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements. Disposal location shall be approved by HdL.
AIR QUALITY: Venting of Solvents, CO2 and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.

ODOR CONTROL: Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (i) of the City of King Zoning Code. At the beginning of operations City Staff shall inspect for odor not less than once monthly for a period of no less than three months. In the event that compliance has not been achieved, mechanical equipment and the City Code will be reviewed. In the event that compliance is not achieved, Staff shall make a recommendation to City Council per Section 17.03.240 of the City Zoning Code. Odor caused by outdoor dumpsters will be addressed in a similar manner.
EMPLOYEE BACKGROUND CHECKS: Employees shall be vetted (background checks) to the satisfaction of the City of King Chief of Police and in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Zoning Code. A third party perform the check, that Party suggested by City's Consultant (HdL) and accepted by Applicant and City of King. Results will be provided to Applicant, HdL and City of King Police Chief. Police Chief to verify.
HOURS OF OPERATION AND EMPLOYEES: The Applicant has indicated that the facility will be potentially be in operation 24 hours per day with shifts of a maximum of 17 employees. Onsite parking will be sufficient to cover overlap periods. No persons under the age of 21 will be allowed on site.
WORK PERMITS AND FEES: Work Permits shall be issued in conformance with Section 17.03.070 (a). Fees shall be as set by the City Council.

INDEMNIFICATION AGREEMENT: A signed Indemnification Agreement shall be in place prior to Issuance of the Regulatory Permit for each use. Such agreements shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreements shall prevail over Hold Harmless and Indemnification Clause attached hereto.
RECORD KEEPING: Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.

Chair Nuck opened the public hearing,

Seeing no one come forward.

Chair Nuck closed the public hearing.

Action: Motion made by Commissioner Raschella to adopt the attached Resolution approving Conditional Use Permit 2016-014(a)18 with changes to the fencing Condition to "refer to staff to work with the applicant on the type of fencing (rot iron) on the western front". Seconded by Commissioner Barbree Motion carried 4-0.

C.	Project Name:	Boutique Unlimited: Commercial Cannabis Nursery (TYPE 4) and Operations Phasing
	Case No.:	CUP 2016-008(c)18 (Third Amendment to CUP 2016-008)
	Applicant:	Boutique Unlimited: Mike Ferguson
	Location:	151 Airport Road, APN 026-351-022
	Consideration:	CUP Amendment 2016-008(c)18; Nursery Operations (CA Type 4), Phased Operations; 151 Airport Drive, City of King.
	Recommendation:	Staff recommends the Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment; 3) adopt the attached Resolution approving Conditional Use Permit 2016-008(c)18.
	Environmental Determination:	The project qualifies as a Class 32 Categorical Exemption per CEQA Guidelines 15332 (Infill Projects), being surrounded by urban uses and not having significant impacts to traffic, noise, air quality or water quality.

Principal Planner, Scott Bruce introduced this item.

GENERAL CONDITIONS:
All Conditions of Approval associated with CUP 2016-008(c) 18 remain in force unless specifically amended herein.
Additional information regarding the Distribution process, including product tracking, transfer and storage will be provided to the satisfaction of the Community Development Director, HdL and Fire and Police chiefs.
Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee.
A time frame for Phase 1 Operations, a plan for construction of the permanent building while Phase 1 Operations are in place and a plan for removing Phase 1 uses / completing approved Site Plan shall be provided
All HdL approvals specific to this Phase shall be in place prior to beginning Operations.
A Performance Bond or Letter of Credit, may be required at the discretion of the City Manager.

ADA Compliance required for Phase 1 Use
Planning Commission will review at time of Operations Permit Review.

COMMUNITY DEVELOPMENT DEPARTMENT:
ALLOWED USE DURING PHASE 1 OPERATIONS: Distribution (CA Type 11)
INTERIOR RENOVATION AND EXTERIOR: This amendment proposes to use the existing modular unit for administrative uses related to Distribution. One restroom is located in the modular unit
USE: Distribution use shall be in substantial conformance with the floor plan as provided. Loading and unloading of product will occur inside the existing structure, using the existing roll up door on the south side of the structure. 10' chain ink fencing shall separate Distribution Operations as shown. No exterior changes are associated with this Amendment. Please see Exhibits 1 and 3 of Staff Report.
PARKING: No amendment.
LANDSCAPING: No amendment. Entry planting to occur prior to beginning Phase 1 Operations, to satisfaction of Community Development Director or Designee. (See CUP 2016-008 May 16, 2017). ROW to be cleaned and maintained to satisfaction of Community Development Director / Designee.
LIGHTING: No amendment.
SIGNAGE: No amendment.
FENCING: No amendment. To occur prior to beginning Phase 1 Operations to satisfaction of Community Development Director or Designee. (See CUP 2016-008 May 16, 2017)

BUILDING AND SAFETY DEPARTMENT: (No application for Phase 1 Building / Construction Permit has been submitted. An application must be submitted after CUP approval and prior to any interior renovations).
BUILDING PLANS: All Planning Commission COA shall be imprinted on plans submitted for building permits specific to this Phase.
SCOPE OF WORK DESCRIPTION: Scope of work for Phase 1 shall conform with that found in the Application and Staff Report.
BUILDING PLANS: Building Plans as submitted for Plan Check / Occupancy shall include revisions to identify areas for Phase 1 Distribution. Final Building Plans shall show areas for Distribution and Nursery at build out. No Operations shall occur without approval of HdL, Fire Chief / assignee, Building Official and City Manager
SPRINKLERS: Building must be sprinkled to satisfaction of Building Official / Fire Officials.

PUBLIC WORKS DEPARTMENT: (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com,) to discuss the following COA as needed).
SCOPE OF WORK DESCRIPTION: Scope of work shall conform with that found in the CUP Amendment / Staff Report.
SIDEWALK: No amendment. Construction documents for future improvements must be in process to satisfaction of City Engineer prior to beginning Phase 1 Operations. ROW Improvements are to be under construction prior to yearly application for Permit renewal.
DRIVEWAY APPROACH REVISIONS: No amendment.
PARKING AND PAVING: No amendment.
IRRIGATION: No amendment
SANITARY SEWER: The Applicant has requested the continued use of one (1) existing restroom located in the modular unit at the south face of the existing structure. The restroom is currently served by a septic system. A septic system evaluation performed by a licensed contractor has been provided to the City Engineer. Continued use of the restroom will be at the discretion of the City Engineer. No kitchen facilities will be allowed. Connection to City of King Sanitary Sewer system required prior to expanded use.

OPERATIONS PERMIT:
Renovations shall comply with and Operations be subject to full compliance with Section 17.03 of the City of King Zoning Code as amended and the Regulatory Application Package.
REGULATORY PERMIT: The Regulatory Permits as approved by the City Manager on December 04, 2017 are in force for the period of one year. Phase 1 Operations shall operate under the authority of that Permit which must be renewed annually. Renewal is contingent upon continued compliance with all Conditions of Approval (CUP's 2016-008, 2016-008(a)17, 2016-008(b)17, 2016-008(17)c) and Conditions of Approval attached to Operations Permit approval(s). No operations shall occur without a current permit. ONE PERMIT is required per approved use. Permitted areas shall be to satisfaction / approval of HdL.
SECURITY CAMERAS AND LIGHTING: The previous camera location plan and lighting plan shall be revised for Phase 1 Operations to the satisfaction of the Chief of Police and the City's consultant, prior to

commencing Operations. Cameras and lighting shall be installed to satisfaction of HdL prior to Operations. (Concept Plan has been reviewed by HdL)
SECURITY OPERATIONS: The Security Plan shall be revised for Phase 1 Operations to the satisfaction of the City's consultant, prior to Operations. The Plan shall address physical operations and electronic product tracking. (Concept Plan has been reviewed by HdL).
FENCING: Fencing shall be placed per previous approval prior to beginning Operations. (6' high no climb chain link with barbed wire (not to exceed 8' total) with screening slats). Barbed wire shall be placed on top of rolling gate. Existing fence may be used when in good condition, to satisfaction of Community Development Director / Designee.
SOLID WASTE: Solid waste disposal shall be in compliance with County of Monterey Health Department, Waste Management, Inc. requirements and additional Green Waste requirements as placed by the State of CA or City of King.
ODOR CONTROL: No Amendment, compliance with CUP 2016-008 required.
SOLVENTS AND VOLATILES: Quantity, types, use storage and disposal shall be to satisfaction of Fire Marshall. Phase 1 does not include Manufacturing Use at this time.
AIR QUALITY: No Amendment. Venting of Solvents. CO2 and / or Ethanol / Alcohol from the structure shall be in compliance with Monterey County Air Resources Board Standards.
EMPLOYEE BACKGROUND CHECKS: No Amendment

HOURS OF OPERATION AND EMPLOYEES: Hours of operation of the structure will remain 24 hours a day 7 days a week. The maximum number of total employees (48) has not changed nor has the maximum number per shift (16).
WORK PERMITS AND FEES: No Amendment
INDEMNIFICATION AGREEMENT: A signed Indemnification Agreement for this Distribution Operation shall be in place prior to Issuance of the Regulatory Permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Municipal Code Section 17.03.160. Said agreement shall prevail over Hold Harmless and Indemnification Clause attached hereto.
RECORD KEEPING: Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Municipal Code Section 17.03.180.
TRANSPORT AND SHIPPING: Trips per day are estimated at one in and one out. Activity shall be monitored by Community Development Department, amendment to the CUP may be required at the discretion of the Director / designee if there is, in the Director's / designee's opinion, significant deviation from this estimate. Vehicle loading / unloading shall occur inside the structure as described in the Application Package.

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

Action: Motion made by Commissioner Barbree to adopt the attached Resolution approving Conditional Use Permit 2016-008(c)18. Seconded by Commissioner Raschella. Motion carried 4-0.

D. Project Name: Elite Molecular, LLC: Parking Area and Drainage Revisions

Case No.: CUP 2017-009(a)18

Applicant: Elite Molecular: David Bonvillain

Location: 101 Airport Drive

Consideration: CUP Amendment 2017-009(a)18; Parking Lot Revisions-101 Airport Drive, City of King: APN 026-351-023

Recommendation: Staff recommends the Planning Commission 1) review Conditional Use Permit; 2) receive public comment; and 3) adopt Resolution approving Conditional Use Permit 2017-009(a)18

Environmental Determination: The project qualifies as a Class 32 Categorical Exemption per

CEQA Guidelines 15332 (Infill Projects), being surrounded by urban uses and not having significant impacts to traffic, noise, air quality or water quality.

Principal Planner, Scott Bruce introduced this item going thru his power point.

GENERAL CONDITIONS:
All Conditions of Approval associated with CUP 2016-014(a) 18 remain in force unless specifically amended herein.
Additional information regarding the Distribution process, including product tracking, transfer and storage will be provided to the satisfaction of the Community Development Director, HdL and Fire and Police chiefs.
Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee.
A time frame for Phase 1 Operations, a plan for construction of the permanent building while Phase 1 Operations are in place and a plan for removing Phase 1 uses / completing approved Site Plan shall be provided
All HdL approvals specific to this Phase shall be in place prior to beginning Operations.
A Performance Bond or Letter of Credit, may be required at the discretion of the City Manager.
ADA Compliance required for Phase 1 Use
Planning Commission will review at time of Operations Permit Review.

COMMUNITY DEVELOPMENT DEPARTMENT:

PARKING: Parking will conform to the Concept Plan and Staff Report Description.
LANDSCAPING: Landscaping will be installed per concept plans and Application Package as approved with CUP 2017-009. Timing will be to satisfaction of Community Development Director / Designee, acknowledging future renovation to existing structure. Preference is for all landscaping to be installed at time of parking lot improvements (with planter areas). Irrigation Plans shall be presented to and approved by Building Official prior to Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.
LIGHTING: Any Security Lighting proposed for parking area will be installed with parking area. Two poles in the parking area not to exceed 30 feet in height. All lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky.
FENCING: New fencing at property boundary along Airport Road and facing Bitterwater Road shall be wrought iron and eight (8) feet in height. All other perimeter fences shall be "no climb" chain link, six (6') foot in height with barbed wire, to a maximum of eight (8) feet with vertical slats woven into the chain link. 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.

PUBLIC WORKS DEPARTMENT: (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com,) to discuss the following COA as needed).
SCOPE OF WORK DESCRIPTION: Scope of work shall conform with that found in the CUP Application Package and Staff Report (CUP 2017-009(a)18.
PARKING AND PAVING: New parking and paving area will be installed per construction documents to be submitted to City Engineer and to City Engineer's satisfaction. Parking shall drain to landscaped areas – post development runoff shall not exceed the existing condition. Final limits of Asphalt / DG and base material beneath DG shall be to satisfaction of City Engineer.
AIRPORT DRIVE ROW IMPROVEMENTS: Improvements and timing shall be to satisfaction of City Engineer. Parking / ROW match shall be to satisfaction of City Engineer. Paving Sidewalk (to match existing) will be extended along the entire Airport Road frontage
DRIVEWAY APPROACH REVISIONS: Sidewalk to be at 2% maximum cross fall per ADA requirements.
GRADING AND DRAINAGE / IMPERVIOUS SURFACE: Grading and Drainage / Water Quality shall be to satisfaction of Regional Water Quality Control Board and City Engineer.
FENCING: The CUP 2017-009 Application Package indicated that the fencing at the southwest corner of the site would accommodate the current geometrics of the travel way used by lot owners to the north as the access the access easement which lies to the west of this site.
This reconfiguration does not amend the previous approval. A Condition of CUP 2017-009 was as follows: Prior to Building Permit approval the Applicant shall show to the satisfaction of City Engineer and City Attorney that an agreement has been executed which defines the conditions of travel way use among

all lot owners / lessees using the easement as primary access to their site(s). This Condition remains in effect.
SECURITY CAMERAS: One camera that is part of the City's City-wide system shall be installed at the driveway access to the street.

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

Action: Motion made by Commissioner Lee adopt Resolution approving Conditional Use Permit 2017-009(a)18. Seconded by Commissioner Raschella. Motion carried 4-0.

E.	Project Name:	Elite Molecular, LLC: Phase 1 Use
	Case No.:	CUP 2017-009(b)18
	Applicant:	Elite Molecular: David Bonvillain
	Location:	101 Airport Drive, King City, CA 93930
	Consideration:	CUP Amendment 2017-009(b)18: Phased Operations-101 Airport Drive, City of King, APN 026-351-023
	Recommendation:	Staff recommends the Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution approving Conditional Use Permit 2017-009(b)18
	Environmental Determination:	The project qualifies as a Class 32 Categorical Exemption per CEQA Guidelines §15332 (Infill Projects), being surrounded by urban uses and not having significant impacts to traffic, noise, air quality or water quality.

Principal Planner, Scott Bruce introduced this item going thru his power point.

GENERAL CONDITIONS:
All Conditions of Approval associated with CUP 2016-014(a) 18 remain in force unless specifically amended herein.
Additional information regarding the Distribution process, including product tracking, transfer and storage will be provided to the satisfaction of the Community Development Director, HdL and Fire and Police chiefs.
Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee.
A time frame for Phase 1 Operations, a plan for construction of the permanent building while Phase 1 Operations are in place and a plan for removing Phase 1 uses / completing approved Site Plan shall be provided
All HdL approvals specific to this Phase shall be in place prior to beginning Operations.
A Performance Bond or Letter of Credit, may be required at the discretion of the City Manager.
ADA Compliance required for Phase 1 Use
Planning Commission will review at time of Operations Permit Review.

COMMUNITY DEVELOPMENT DEPARTMENT:

ALLOWED USE DURING PHASE 1 OPERATIONS: Manufacturing Level 2 (CA Type 7) and Distribution (Type 11) uses are allowed.
INTERIOR RENOVATION AND EXTERIOR: No changes to exterior will be made. Manufacturing and Distribution use will be in substantial conformance with the Phase 1 floor plan as provided (See Staff Report Exhibit 2) Construction / Development shall conform to Application Package as presented, to the

satisfaction of the Community Development Director or designee. HdL approval of floor plan / security Operations Plan is required prior to Operations.
PARKING: No Amendment. See CUP 2017-009(a)18.
LANDSCAPING: No Amendment. See CUP 2017-009(a)18.
LIGHTING: No Amendment
SIGNAGE: No Amendment
FENCING: No Amendment. See CUP 2017-009(a)18.

BUILDING AND SAFETY DEPARTMENT: (No application for Building Permit has been submitted. An application must be submitted after CUP approval and prior to any interior renovations).
BUILDING PLANS: All Planning Commission COA shall be imprinted on plans submitted for building permits.
SCOPE OF WORK DESCRIPTION: Scope of work for Phase 1 shall conform with that found in the CUP Amendment / Staff Report.
BUILDING PLANS: Building Plans as submitted for Plan Check / Occupancy shall include revisions to identify areas for Phase 1 Distribution. Building Plans shall show areas for Distribution and Manufacturing. No Operations shall occur without approval of HdL, Fire Chief / assignee, Building Official and City Manager Specifications of Modular Units shall be provided.
SPRINKLERS: Building must be sprinkled to satisfaction of Building Official / Fire Officials.
ADA: Compliance Required.
PUBLIC WORKS DEPARTMENT: (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com,) to discuss the following COA as needed).
SCOPE OF WORK DESCRIPTION: Scope of work for Phase 1 shall conform with that found in the Application and Staff Report (CUP 2017-009(b)18.
AIRPORT DRIVE ROW IMPROVEMENTS: Improvements and timing shall be to satisfaction of City Engineer. Parking / ROW match shall be to satisfaction of City Engineer. Paving Sidewalk (to match existing) will be extended along the entire Airport Road frontage
SIDEWALK: Sidewalk (to match existing) will be extended along the entire Airport Road frontage.
DRIVEWAY APPROACH REVISIONS: Sidewalk to be at 2% maximum cross fall per ADA requirements.
PARKING AND PAVING: Timing and improvements shall be to satisfaction of City Engineer, coordinated with CUP 2017-009(a).
FENCING: The Applicant has indicated that fencing at the southwest corner of the site will accommodate the current geometrics of the travel way used by lot owners to the north as the access the access easement which lies to the west of this site. Prior to Building Permit approval for Buildout the Applicant shall show to the satisfaction of City Engineer and City Attorney that an agreement has been executed which defines the conditions of travel way use among all lot owners / lessees using the easement as primary access to their site(s).
RECYCLED WATER CONNECTION: At such time as the irrigation for the landscaped area is improved or installed, a connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the Industrial Way Right-of-Way. A lateral line to the subject property will be installed by the City.
RECYCLED WATER, WATER QUALITY ASSESSMENT: The City may require a future water quality assessment to evaluate mass loading / nutrient balance, based upon the results of regular, ongoing analysis.
SANITARY SEWER: All interior runoff from Phase 1 cleaning shall be directed to city sanitary sewer system.

OPERATIONS PERMIT:
Phase 1 Development and Construction shall comply with and Operations be subject to full compliance with Section 17.03 of the City of King Zoning Code as amended and Operations protocols as required / approved by HdL..
OPERATIONS PERMIT: The Operations Permit(s) as approved by the City Manager on December 04, 2017 are is in force for the period of one year. Each permit shall be renewed annually. No operations shall occur without a current permit.
SECURITY CAMERAS: The previous camera location plan and lighting plan shall be revised for Phase 1 Operations to the satisfaction of the Chief of Police and the City's consultant, prior to commencing Operations. Cameras and lighting shall be installed to satisfaction of HdL prior to Operations.
SECURITY OPERATIONS: The Security Plan shall be revised for Phase 1 Operations to the satisfaction of the City's consultant, prior to Operations. The Plan shall address physical operations and electronic product tracking. (Concept Plan has been reviewed by HdL). The required City of King security camera at Airport Drive shall be operational prior to the beginning of Operations.

SECURITY SYSTEMS: Security systems shall be in conformance with those presented in the Application Package, to the satisfaction of the Chief of Police and the City's Consultant.
SOLVENTS: The Applicant has indicated that Butane, CO2 and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be to the satisfaction of the City of King Fire and Police Departments in compliance with Section 17.03.270 (a) and (b)
SOLID WASTE: Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements. and additional Green Waste requirements as placed by the State of CA or City of King.

OPERATIONS PERMIT:
ODOR CONTROL: No Amendment. Compliance with CUP 2017-009 and its Conditions of Approval is required.
AIR QUALITY: Venting of Solvents, CO2 and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.
EMPLOYEE BACKGROUND CHECKS: No Amendment. Compliance with CUP 2017-009 and its Conditions of Approval is required.
HOURS OF OPERATION AND EMPLOYEES: The Applicant has indicated that the facility will be in operation between the hours of 6am and 10pm. Total employees has not been indicated. Onsite parking will be sufficient comply with Municipal Code Section17.030.140 and to cover overlap periods. No persons under the age of 21 will be allowed on site.
WORK PERMITS AND FEES: Work Permits shall be issued in conformance with Section 17.03.070 (a). Fees shall be as set by the City Council.
INDEMNIFICATION AGREEMENT: A signed Indemnification Agreement shall be in place prior to Issuance of the Regulatory Permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall prevail over Hold Harmless and Indemnification Clause attached hereto.
RECORD KEEPING: Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.

Chair Nuck opened the public hearing.

David Bonvillian further explained the change in manufacturing. The building is sectioned off already.

Chair Nuck closed the public hearing.

Action: Motion made by Commissioner Barbree adopt the attached Resolution approving Conditional Use Permit 2017-009(b)18. Seconded by Commissioner Raschella. Motion carried 4-0.

F.	Project Name:	King City Farms, LLC: Operations Phasing
	Case No.:	CUP 2017-010(a)18
	Applicant:	King City Farms, LLC: Brandon Gesicki
	Location:	325 Airport Drive,
	Consideration:	CUP 2017-010(a)18; Phased Operations – 325 Airport Drive (APN 226-351-016)
	Recommendation:	Staff recommends the Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2017-010(a)18.
	Environmental Determination:	King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific

Plan. The Zoning Ordinance was amended to allow Level two Manufacturing (CA Type 7) and Distribution (CA Type 11) in August, 2017.

During the review and decision-making process related to CUP 2017-010, the City of King conducted an initial study(IS) of the project, determined that the project was fully within the scope of the prior analysis by the MND and provided public notice. On December 05, 2017 the Planning Commission made a Finding of Consistency per CEQA Guidelines Section 15162. This proposed Amendment does not add uses or increase development size, intensity or location and is therefore consistent and in accord with the Commission's Finding.

Principal Planner, Scott Bruce introduced this item going thru his power point.

GENERAL CONDITIONS:
All Conditions of Approval associated with CUP 2017-010(a) 18 remain in force unless specifically amended herein.
Additional information regarding the Distribution process, including product tracking, transfer and storage will be provided to the satisfaction of the Community Development Director, HdL and Fire and Police chiefs.
Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee.
A time frame for Phase 1 Operations, a plan for construction of the permanent building while Phase 1 Operations are in place and a plan for removing Phase 1 uses / completing approved Site Plan shall be provided
All HdL approvals specific to this Phase shall be in place prior to beginning Operations.
A Performance Bond or Letter of Credit, may be required at the discretion of the City Manager.
ADA Compliance required for Phase 1 Use
Planning Commission will review at time of Operations Permit Review.
Shall be sprinkled to the satisfaction of the Fire Marshal.

COMMUNITY DEVELOPMENT DEPARTMENT:
ALLOWED USE PHASE 1: Cannabis Manufacture (Volatile and Non-Volatile) (CA Type 7), and Distribution (CA Type 11) uses are allowed. See Staff Report Exhibits 2 and 3.
SITE DEVELOPMENT: The uses of the proposed Amendment are primarily contained within the existing 3,000 sf structure. One 9' x 20' modular office is to be located on an existing concrete pad in the north east corner of the existing 2.1 acre site (approximately.8 acre unusable due to slope)
NO IMPROVEMENTS to the exterior of the existing structure are required at this time. Exterior maintenance / improvements (including painting) may be required at the time that the Operations Permits reviewed for renewal.
IF IMPROVEMENTS are required at that time, materials and colors shall be as presented in the CUP 2017-010 Application Package. The structure for Manufacturing and Distribution (existing structure and addition) is and will be of metal construction. Colors are "Cool Dark Bronze and Cool Straw Gold as referenced in the Staff Report. Doors and windows shall be per the requirements of the East Ranch Business Park Specific Plan. Maximum structure height shall be 20' or as approved by Planning Commission at the public hearing.
MINOR CHANGES to the approved site plan / floor plan, which are determined by the Community Development Director to be substantially in conformity with the plans and Application Package as presented, may be granted by the Community Development Director.
CONSTRUCTION / DEVELOPMENT shall conform to CUP 2017-010(a)18 Application Package as presented, to the satisfaction of the Community Development Director or designee
PARKING: Parking at buildout will conform to the Plan and Application Package as originally submitted Phase 1 parking will be as shown on Staff Report Exhibit 2. Phase 1 Parking shall be DG or similar all-weather material to satisfaction of City Engineer. Parking will be reviewed at the time that the Operations Permit is reviewed for renewal. ADA requirements must be addressed with Phase 1 Operations.

COMMUNITY DEVELOPMENT DEPARTMENT:

LANDSCAPING: Landscaping at buildout is required to conform to plans and Application Package as submitted. Irrigation Plans shall be presented to and approved by Building Official prior to Landscape Installation. The landscaping and water retention areas shall be maintained in a healthy condition in perpetuity.
DURING PHASE 1 existing landscaping along Airport Drive will be allowed to remain. Additional landscaping "on-site" may be required per the approved landscaping concept to the satisfaction of Community Development Director / Designee.
LIGHTING: Security lighting is required to be mounted on the structures and on poles in the parking area not to exceed 30 feet in height. A lighting plan must be approved by the Director before installation. All new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky. Lighting shall be provided behind temporary modular office.
SIGNAGE: One sign on the building to provide address has been requested. Any additional signage shall conform to the requirements of Section 17.03 of the City of King Municipal Code and the requirements of the ERBP SP. Additional signage may be approved by the Community Development Department and may be submitted to the Planning Commission at the Director's discretion.
FENCING: For Buildout: Fencing abutting Airport Drive shall be moved out of the street right of way to be at or behind the Airport Drive property line. It shall six feet (6') in height and shall be split faced block with two (2') of wrought iron, angled out at the top for security purposes. All other fencing at the remainder of the perimeter shall be "no climb" chain link, six (6') foot in height with one foot of barbed wire, to a maximum of eight (8) feet with screening as presented. A similar fence shall be located at top of bank in the central portion of the property. Screening material shall be woven slats.
COMMUNITY DEVELOPMENT DEPARTMENT:
FENCING: For Phase 1: Fencing along Airport Drive will be allowed to remain at this time – maintenance will be performed and new barbed wire placed (including at top of gates) to satisfaction of Community Development Director / Designee.
During Phase 1 Operations the fencing / landscape concept along Airport Drive will be reviewed to ensure appropriate screening for cultivation areas. The Applicant is requesting a variation to the design / materials of the fence to include a combination of masonry / stone pilasters and screening material such as metal consistent with the look of the structures themselves. The existing landscaping in the ROW may be remove at discretion of the City. The new landscaping concept will work in coordination with the fencing concept. Landscaping / Fencing concept to be approved at discretion of Community Development Director / Designee prior Phase 1 Operations Permit(s) being renewed.
Fencing at buildout shall be part of revised site plan / phased construction approval.
Security: Cameras, site access and security personnel at buildout shall be as presented in the Application Package. One camera compatible with the City of King Surveillance System will be placed at the Industrial Way entrance to the site. The applicant is preparing a security / camera plan specific to Phase 1 to be submitted to HdL. No Phase 1 Operations shall occur without HdL approval of security / camera plan.
BUILDING AND SAFETY DEPARTMENT: (No application for Building Permit has been submitted). An application must be submitted after CUP approval, prior to construction. All construction methods and materials are subject to the approval of the City of King Building Official
BUILDING PLANS: All Planning Commission COA (for Phase 1 or for buildout as appropriate shall be imprinted on plans submitted for building permits.
SCOPE OF WORK DESCRIPTION: Scope of work shall conform with that found in the CUP / Application Package.
SPRINKLERS: Buildings shall be sprinkled including during Phase 1 Operations.
POWER: Applicant shall show evidence of specific power source prior to Occupancy / Operations.
COORDINATED CONSTRUCTION PLAN: Applicant shall provide coordinated construction plans identifying integration of Phase 1 / Future Phase construction and ongoing Operations.
FLOOR PLAN: The Plan shall conform to that approved by HdL. 5 modular pods shall be allowed. The existing restroom shall be expanded to meet ADA requirements
PUBLIC WORKS DEPARTMENT: (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com,) to discuss the following COAs as needed).
SCOPE OF WORK DESCRIPTION: Grading, utilities, parking and drainage are subject to City Engineer review and approval. Grading, drainage and site improvement shall conform to the Storm Water Pollution Prevention Plan (SWPPP) as approved by Central Coast Regional Water Quality Control Board. Site Drainage will be directed to a cistern in the northwest corner of the property via an onsite drainage system. Any water not percolating from the cistern (as in 100-year event) will be directed from cistern to City's storm drain system in Airport Drive.

Phase 1 Operations are confined to area within the existing structure and a concrete pad previously used for a temporary unit. Site disturbance is limited to treatment of Phase 1 parking area. Any Phase 1 Drainage and grading shall be to satisfaction of City Engineer.
RIGHT OF WAY IMPROVEMENTS: Curb, gutter and sidewalks must be installed along the Airport Drive frontages with 2% maximum cross-fall per ADA requirements (including areas of Driveway Approaches– to satisfaction of City Engineer. Construction documents for required improvements shall be completed prior to renewal of Phase 1 Operations Permit(s).
RECYCLED WATER CONNECTION: Prior to site improvements for buildout a connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the Airport Drive Right-of-Way. Building(s) shall connect to and utilize recycled water for all landscaping and cannabis irrigation water use at such time that the City and / or local water purveyor makes recycled water available through a dedicated main distribution line adjacent to the property.
PRIVATE DRIVE STRUCTURAL SECTION: The structural section of the parking area / private drive at Buildout shall conform to the recommendation of a Registered Soils Engineer, licensed in the State of California.
PRIVATE DRIVE GEOMETRY: Gate locations, queuing space and turning dimensions for Buildout shall be submitted to the City Engineer and Police and Fire and receive approval from the same.
AIRPORT COMMISSION APPROVAL Issuance of a Building Permit is subject to the approval of the Monterey County Airport Land Use Commission.
COMMERCIAL CANNABIS PERMIT: New Construction shall comply with and Operations be subject to full compliance with Section 17.03 of the City of King Municipal Code as amended and with the Application Package as approved.
REGULATORY PERMIT: Phase 1 Manufacturing and Distribution Operations must each maintain a commercial cannabis permit from the City Manager. Permits for this location became effective on December 18, 2017. Each commercial cannabis permit is in force for the period of one year and shall be renewed annually. No operations shall occur without a current permit.
HUB: The previous conditions indicated that the Distribution Permit would not allow for this site to be used as a "hub". That Condition is revised so that the maximum number of delivery related (SUV) trips is two (2) per day.
SECURITY CAMERAS: Phase 1 security cameras shall be installed in quantity and location per the approval of HdL City of King Police personnel shall have access to the system for real time review. One camera that is part of the City's City-wide system shall be installed at each driveway access from or exit to the street.
ON-SITE SECURITY: A guard will be present 24 /7 in the guard station at the northeast corner of the existing structure or in the modular office space. A security guard will be required to patrol the site at all times that employees are not present.
SOLVENTS: The Applicant has indicated that Butane, CO2 and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be to the satisfaction of the City of King Fire and Police Departments.
SOLID WASTE: Solid waste disposal from the project site shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements, as applicable.

ODOR CONTROL: Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (i) of the City of King Municipal Code. At the beginning of operations, applicant shall obtain an inspection from the City for odor not less than once monthly for a period of no less than three months. In the event that compliance has not been achieved as determined by the City, mechanical equipment will be reviewed. In the event that compliance is still not achieved, City Staff may make a recommendation to City Council per Section 17.03.240 of the City Municipal Code. Odor caused by outdoor dumpsters will be addressed in a similar manner.
AIR QUALITY: Venting of CO2 and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards as applicable.
EMPLOYEE BACKGROUND CHECKS: Employees shall be vetted (background checks) to the satisfaction of the City of King Chief of Police and in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Municipal Code. A third party acceptable to the City shall perform the check. Results will be provided to Applicant, the City's monitoring consultant and City of King Police Chief. The Police Chief. for a determination as to satisfaction.
HOURS OF OPERATION AND EMPLOYEES: The Applicants have indicated that Phase 1 Operations will potentially be in operation 24 hours a day, 7 days a week. Manufacturing Operations will observe quiet hours from 9:01pm to 6:00 am. A maximum of 6 persons per shift may be present, based on the site plan showing 4 spaces. No persons under the age of 21 shall be allowed on site.

WORK PERMITS AND FEES: Work Permits shall be required in conformance with Section 17.03.070 (a) of the Municipal Code as may be amended. Fees shall be as set by the City Council as updated from time to time.
INDEMNIFICATION AGREEMENT: A signed Indemnification Agreement shall be in place prior to issuance of each commercial cannabis permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall supersede the Hold Harmless and Indemnification Clause attached hereto.
RECORD KEEPING: Financial and Product Record for the project shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.

Chair Nuck opened the public hearing.

Brandon Gesicki thanked Scott and Staff for working with applicants. Clarified the parking to build towards paving. Brandon wanted to know about sprinklers. Dry suppression is ok in modular however sprinklers will need to be included and the water pressure is not sufficient at this time.

Chair Nuck closed the public hearing.

Action: Motion made by Commissioner Raschella adopt the attached Resolution approving Conditional Use Permit 2017-010(a)18. Seconded by Commissioner Barbree. Motion carried 4-0.

8. Non-Public Hearing Items –

None

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports- None

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 8:21 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King

KING CITY
CALIFORNIA

Item No. ( )

REPORT TO THE PLANNING COMMISSION

DATE: **FEBRUARY 20, 2018**

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

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

BY: **DONALD J. FUNK, PRINCIPAL PLANNER**

RE: **CONSIDERATION OF CONDITIONAL USE PERMIT CASE NO. CUP2017-011, ARCHITECTURAL REVIEW CASE NO. AR2017-004, AND LOT MERGER CASE NO. LM2017-002 FOR THE CONSTRUCTION OF A NEW 5,000 SQUARE FOOT OFFICE AND RELATED STORAGE OF EQUIPMENT FOR HEATING AND AIR CONDITIONING CONTRACTOR SERIVCES AT 740 SOUTH FIRST STREET, KING CITY, CA 93930.**

RECOMMENDATION:

It is recommended that the Planning Commission conduct the public hearing and adopt Resolution No. 2018-207 which approves Cases No. CUP2017-011, AR2017-004 and LM2017-002 (subject to City Engineer review and approval), and based on the findings of fact and subject to the Conditions of Approval. ***(Reference Exhibits 2 and 3.)***

BACKGROUND:

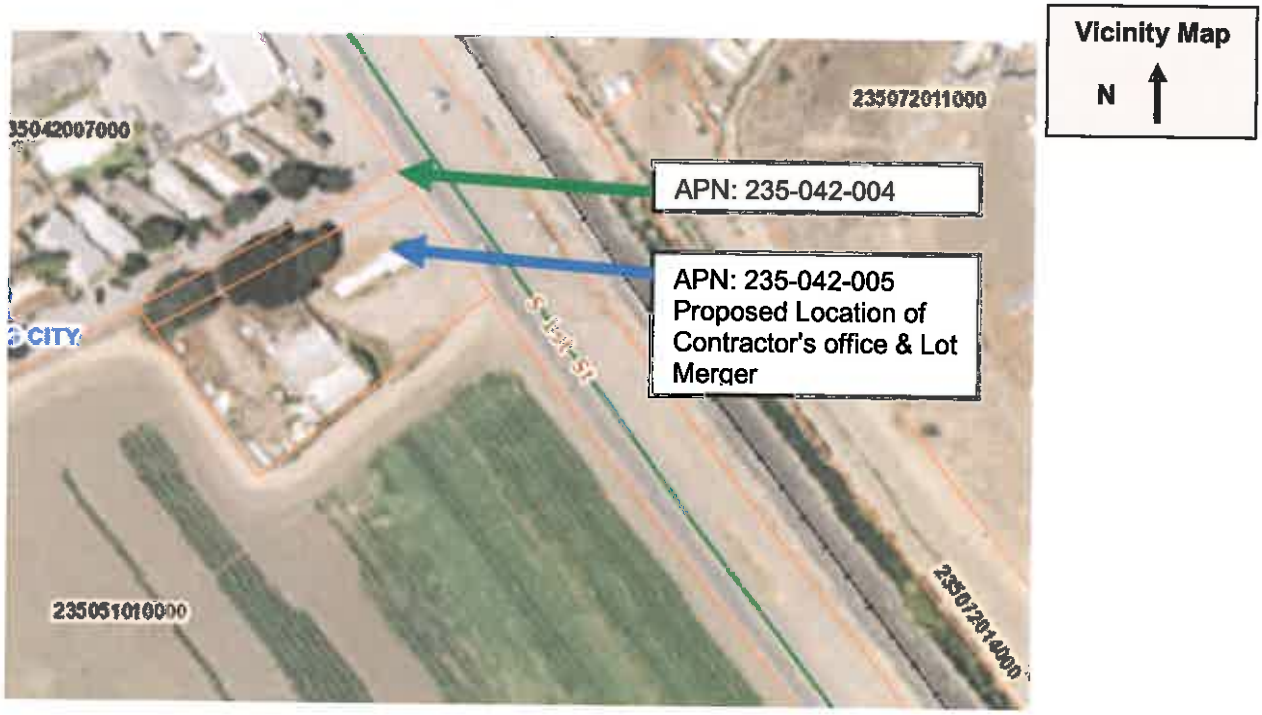
On **February 6, 2018**, the Planning Commission ***("Commission")*** held a public hearing to consider the request of Tom Willoughby for a Conditional Use Permit (Case No. CUP2017-011), Architectural Review (Case No. AR2017-004) and a Lot Merger (Case No. LM2017-002) for the construction of a 5,000 square foot office and storage for a heating and air-conditioning contractor's office, a lot merger of two (2) parcels into one (1) parcel, with recommended changes to the architectural appearance of the building, The Commission, after considering the proposal and listening to public testimony, decided to continue the hearing to **February 20, 2018** to allow time for the applicant to revise drawings and meet with staff.

The applicant proposes to merge two (2) parcels located at 740 South First Street, southwest of the intersection of South First Street and Lonoak Road and to construct a new 4,880 square foot heating and air-conditioning equipment storage and 120 square foot office on the vacant 0.67 acre site. The lot merger would

eliminate the parcel boundary that divides parcels APN235-042-004 and APN235-042-005. The two (2) parcels being merged are approximately 0.572 acres and 0.099 acres. The address is 740 S. First Street, King City, CA 93930. The property is zoned Highway Service ***("H-S")*** and has a General Plan Land Use Designation of Highway Service Commercial ***("HSC")***. The project is within the First Street Corridor Master Plan ***("FSCMP")***, which recommends that landscaping and buildings enhance the entry to the City.

As directed by the Commission, staff met with the applicant representative on **February 8th** and presented revised drawings, increasing the roof slope from 2 in 12 to 3 in 12 and adding windows to the south and east building elevations as well as adding landscaping to the north side of the site and increasing the landscaping to twenty-one (21%) percent. The new drawings are attached in **Exhibit 1, Figures 1 thru 6.** Staff and the applicant are now in agreement on the design.

Figure 1: Aerial of Proposed Project Site



DISCUSSION:

Analysis

The applicant has added windows to the front and south side elevations of the building to improve the appearance of the building. The applicant has also increased the roof pitch from 2 in 12 to 3 in 12, which also improves the building appearance. The applicant has increased landscaping area to comply with code. The landscaping will also help to screen the view of the blank north side of the proposed building.

The proposed uses at the 28,829 square foot, 0.67 acre site include:

Storage area (not sales or office):	4,880	sq. ft.
Office:	120	sq. ft.
Total Proposed Contractor's Office and Equipment Storage Building:	**5,000**	**sq. ft.**
Parking Lot	9,000	sq. ft.
Landscaping shown	6,100	sq. ft.
Minimum Landscaping required (12%)	5,766	sq. ft.
Trash Enclosures	120	sq. ft.

Architectural Review Analysis

The addition of windows and increase in roof pitch, as well as additional landscaping, will enhance the appearance of the site.

SURROUNDING USES:

Table 1 provides an overview of the adjacent zoning and land use.

Table 1 Adjacent Zoning/Existing Land Use			
North:	H-S (Zoning) Residential Use	**East:**	A (zoning) AG (land use)
West:	H-S (zoning) Vacant Land Use	**South:**	H-S (zoning) Vacant Land Use

MUNICIPAL CODE REQUIREMENTS:

Conditional Use Permit Requirements
Table 2 Development Standards for Proposed Project

Table 2		
Issue	**Development Standards**	**Requirements Met?**
Maximum Building Height Allowable	*30'* *Two Stories Max*	*Yes* *23'*
Minimum Setbacks	***Front**: 10'* ***Side:** 10'.* **Rear:** *20'*	*20'* *10'* *50'+*
Minimum Landscaping	*20% Minimum*	*21%*
Minimum Off-Street Parking For Similar Use	**Off-street parking:** *1 space per 200 square feet of sales floor area and 1 space per 1000 square feet of remaining gross floor area: 5,000 sq. ft. Building with 11 parking spaces is*	*11 parking spaces proposed.*

	limited to a maximum of 1,400 sq. ft. of commercial retail space and 3,600 square feet of non-retail interior storage.	
Fences/Walls	*Max 6 ft. ht. side & rear yards & Max 3 ft within front yard setback*	*Proposes 5 ft. dec block wall along front setback. Proposes 6 ft chain link around side & rear of property.*
Signage	*No new signs being proposed*	*Sign permit required for any future new signs.*
Trash Enclosures	*1 Enclosed trash area required*	*Applicant proposes block wall trash enclosure w/ gate*

GENERAL PLAN/POLICIES AND REQUIREMENTS:

Table 3 provides the land use designations for the project.

Table 3 General Plan Designations	
General Plan Land Use Designation:	HSC (Highway Service Commercial)
Specific Plan Area:	None

Advantages

The project will provide needed office and equipment (air conditioners) storage space for the applicant. The project will result in new development and will provide a needed service for residents of the City as well as benefit to the community. The landscaping and building treatments will improve the building and site appearance.

Disadvantages

While the project does provide adequate parking for the currently proposed contractor's office and storage, the project will not provide sufficient parking for future expansions of the commercial/retail/office use of the building. Additional parking would be required if the building were converted into an office or commercial retail use.

ENVIRONMENTAL DETERMINATION:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 32 In-Fill Development Projects, Categorical Exemption set forth in CEQA Guidelines, section 15332 as this project involves development of within the city limits on a project site of no more than five acres substantially surrounded by urban uses. The site is adequately serviced by all required utilities and public services. The project is consistent with the general plan designation and zoning regulations. The project site has no value as habitat for endangered, rare or threatened species. The applicant will be required to provide street, gutter, curb sidewalk and other public improvements as identified for South First Street. Site drainage will be required to meet the City's and Central Coast Regional Water Quality Control Board standards. The project would not result in significant effects related to traffic, noise, air quality or water quality.

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 Commission. 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.

As of the date of the preparation of this staff report, no written testimony has been received by the City. The City Engineer indicates that the applicant will be requested to provide the construction of the curb, gutter, sidewalk and other public improvements along the frontage of First Street as required by the City standards for First Street.

PUBLIC NOTICE AND INPUT:

A public hearing notice was published in the King City Rustler newspaper on **January 24, 2018** 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. A public hearing was conducted on **February 6, 2018.** That hearing was continued to **February 20, 2018.**

COST ANALYSIS:

Development review application fees are based on actual time and materials per the City Fee Scheduled. The Applicant is covering the cost required for review and processing.

ALTERNATIVES:

The following alternatives are provided for Commission consideration:

1. Adopt Resolution No. 2018-207 which approves CUP2017-011, AR2017-004, LM2017-002 with findings and conditions of approval; or

2. Request modifications in the design and/or proposed use; or

3. Deny Resolution No. 2018-207 which denies the project from construction. (If the Commission wishes to deny the project, the reasons should be specified and the item continued to a future hearing so the appropriate findings of fact and resolution can be prepared by staff.); or

4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 – New Figures
2. Exhibit 2 – Findings of Fact
3. Exhibit 3 – Resolution No. 2018-207
4. Exhibit 4 – Conditions of Approval
5. Exhibit 5 – Project Description

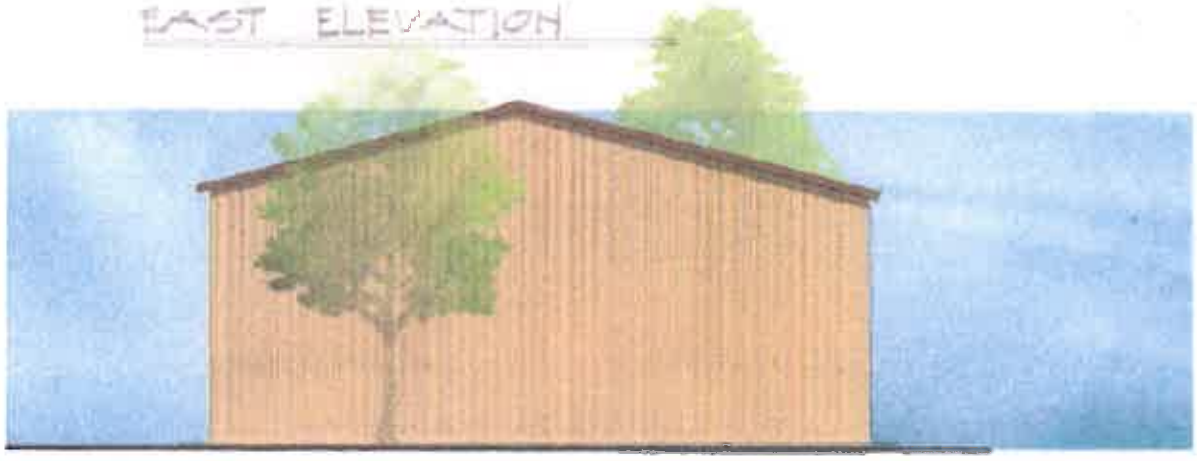
Submitted by: NCA For Donald Funk
Donald J. Funk, Principal Planner

Approved by: NCA For Doreen Liberto
Doreen Liberto, AICP, Community Development Director

EXHIBIT 1

Figure 1, Proposed Revised Front and Rear Elevation Drawings

EAST ELEVATION



WEST ELEVATION

Figure 2, Proposed Revised South and North Building Elevation Drawings

Figure 3, Proposed Trash Enclosure

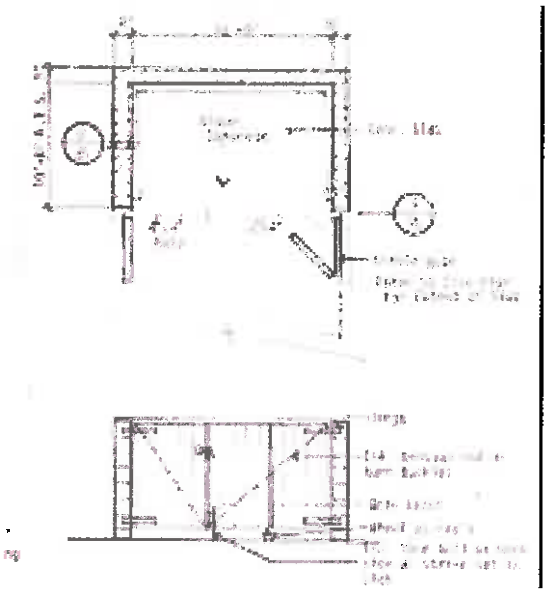


Figure 4, Proposed Revised Plot Plan

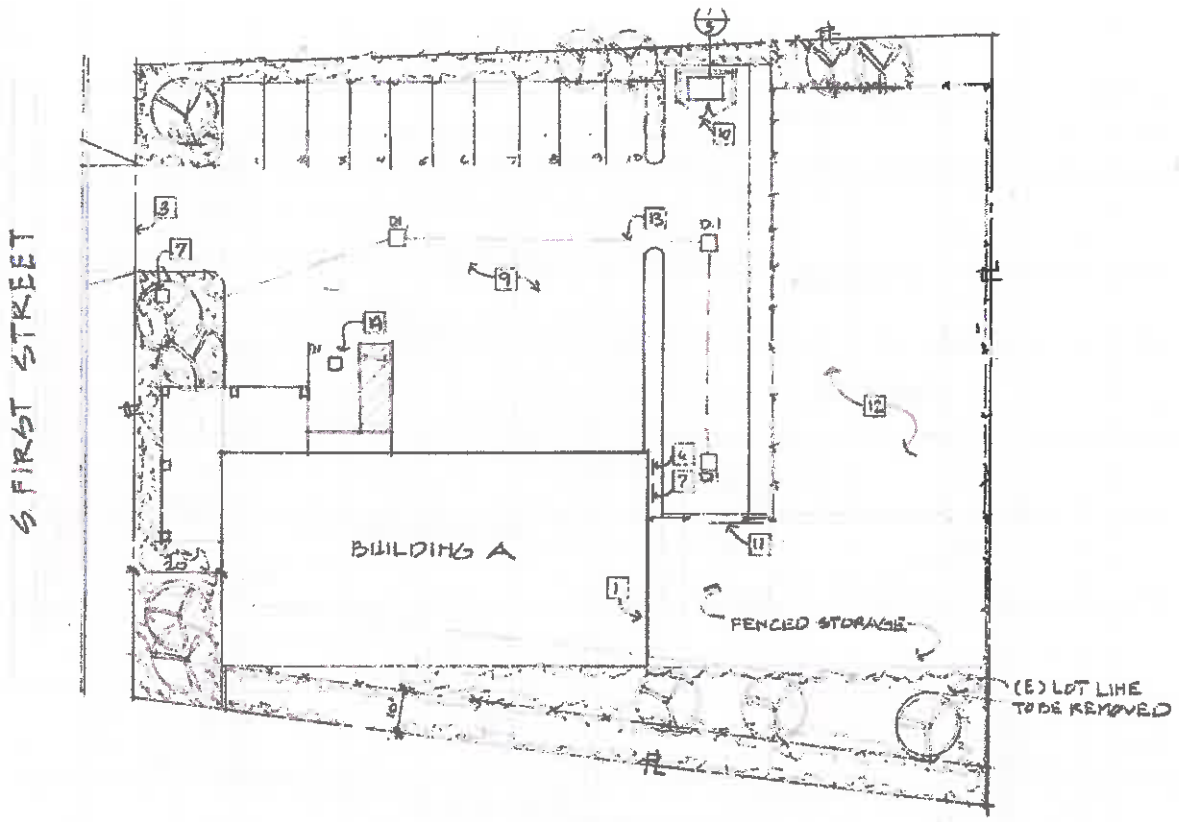


Figure 5, Proposed Lot Merger and Aerial Photo of Site

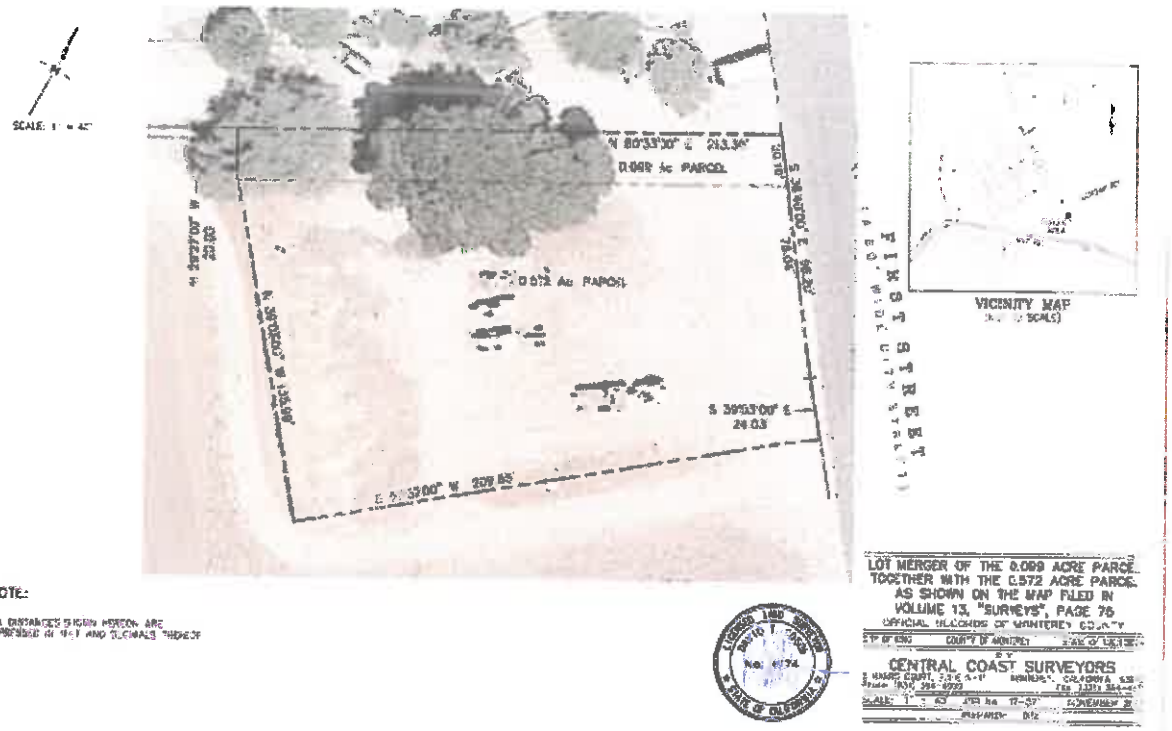
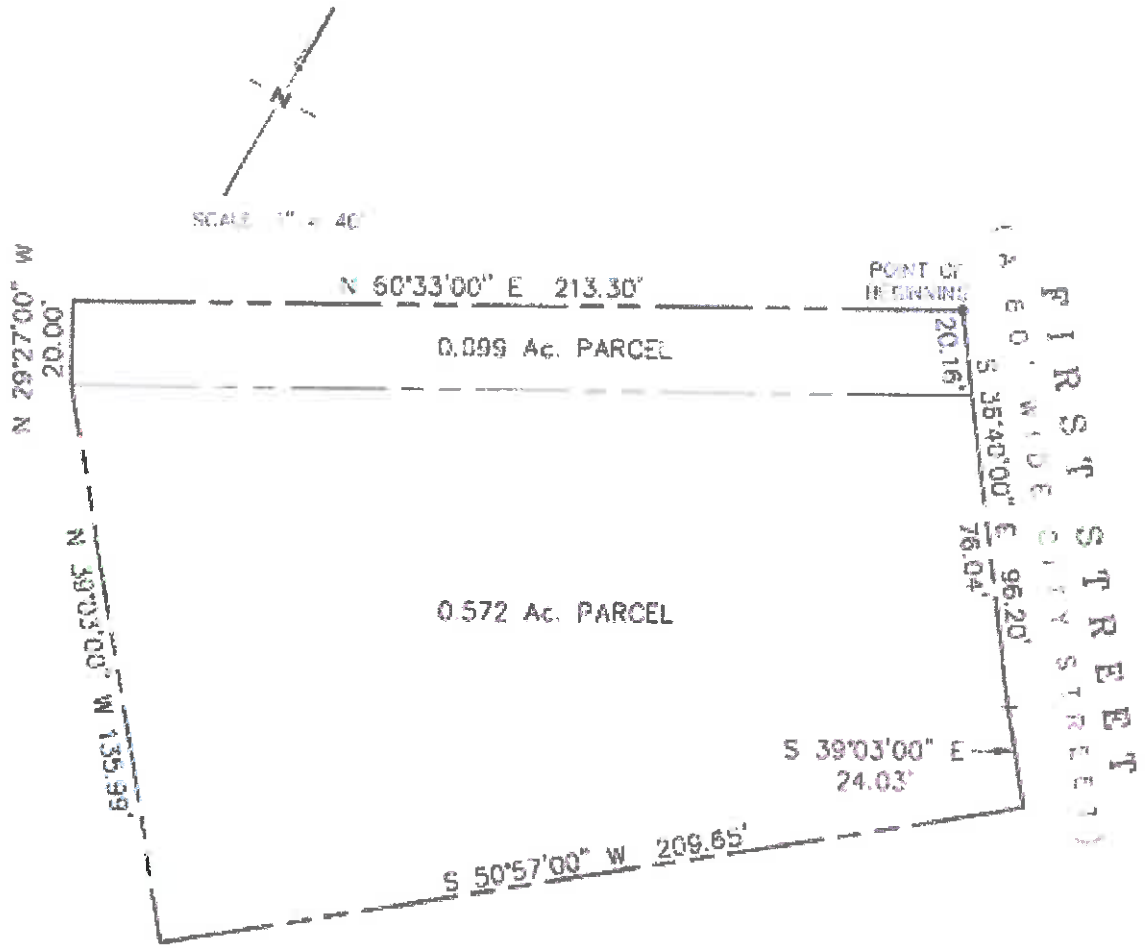


Figure 6, Tentative Lot Merger Map



NOTE:

ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

EXHIBIT TO ACCOMPANY LOT MERGER LEGAL DESCRIPTION OF THE 0.099 ACRE PARCEL TOGETHER WITH THE 0.572 ACRE PARCEL AS SHOWN ON THE MAP FILED IN VOLUME 13, "SURVEYS", PAGE 75 OFFICIAL RECORDS OF MONTEREY COUNTY

CITY OF KING COUNTY OF MONTEREY STATE OF CALIFORNIA

BY

CENTRAL COAST SURVEYORS

5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940
Phone: (831) 394-4930 Fax (831) 394-4931

SCALE: 1" = 40' JOB No. 17-87 NOVEMBER 2017

PREPARER: DRZ

EXHIBIT 2

CUP 2017-011, AR2017-004, LM2017-002

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.

California Environmental Quality Act (CEQA) Findings of Fact

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 32 In-Fill Development Projects, Categorical Exemption set forth in CEQA Guidelines, section 15332 as this project involves development of within the city limits on a project site of no more than five acres substantially surrounded by urban uses. The site is adequately serviced by all required utilities and public services. The site was previously occupied by an urban development. The property to the north is developed with residential and commercial uses. The project is consistent with the general plan designation and zoning regulations. The project site has no value as habitat for endangered, rare or threatened species. The applicant will be required to provide street, gutter, curb sidewalk and other public improvements as identified for South First Street. Site drainage will be required to meet the City's and Central Coast Regional Water Quality Control Board standards. The project would not result in significant effects related to traffic, noise, air quality or water quality.

During construction related activities, the proposed project would not likely have the potential to generate storm-related runoff pollutants. if the project includes erosion and sediment control measures for grading, construction and on-going activities after the project is complete. 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.

Conditional Use Permit (CUP) and Architectural Review Findings of Fact

a. The proposed project incorporates additional windows and exterior building treatment as well as a steeper roof pitch to make the project consistent with the requirements and policies of the City of King General Plan Highway Service Commercial designation and Zoning Ordinance H-S ***("Highway Service Zoning District")*** and First Street Corridor Master Plan ***("FSCMP")***.

b. The general appearance of the proposed building is in keeping with the character of the zoning district and its surrounding properties.

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 Zoning District and FSCMP because the building (with recommended modifications for colors and materials), landscaping and other improvements are attractively designed and provided amenities that add to the value of the area.

e. The COA as shown on **Exhibit 4** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

Lot Merger Findings of Fact

a. The approval of the lot merger of two existing parcels of 0.572 acres and 0.099 acres into one parcel of approximately 0.67 acres shall meet minimum standards for lot size 6,000 square feet (0.14 acres).

b. The proposed lot merger is consistent with the California Subdivision Map Act ***("SMA")*** standards applicable to lot mergers and that said merger will be recorded as provided by State law.

EXHIBIT 3

RESOLUTION NO. 2018- 207

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, APPROVING A CONDITIONAL USE PERMIT CASE NO. CUP2017-011, ARCHITECTURAL REVIEW CASE NO. AR2017-004, AND LOT MERGER CASE NO. LM2017-002 FOR TOM WILLOUGHBY TO MERGE TWO PARCELS AND PERMIT CONSTRUCTION OF A 5,000 SQUARE FOOT AIR CONDITIONING CONTRACTOR'S OFFICE AND STORAGE OF AIR CONDITIONING EQUIPMENT LOCATED ON ASSESSOR'S PARCEL NUMBERS: 235-042-004 AND 235-042-005, 740 SOUTH FIRST STREET, KING CITY, CALIFORNIA.

WHEREAS, on **August 3, 2017**, Tom Willoughby filed applications for Cases No. CUP2017-011, AR2017-004, VAR2017-002, and on **December 13, 2017** filed an application for Lot Merger Case No. LM2017-002 for the construction of a 5,000 square foot contractor's office and associated storage to be the located at 740 South First Street; and

WHEREAS, on **January 22, 2018**, the application was found to be complete; and

WHEREAS, pursuant to the California Environmental Quality Act ***("CEQA")*** Guidelines (14 Cal. Code Regs. §15000 et. seq.) and in accordance with the California Environmental Quality Act of 1970, the proposed project, as conditioned, is not anticipated to have any significant impacts on the environment; and

WHEREAS, the project incorporates building design features and landscaping in order to meet the objectives of the City's General Plan Land Use Element Policy No. 3.3.1; and

WHEREAS, the Planning Commission ***("Commission")*** of the City of King, California, met at the duly noticed public hearing on **February 6, 2018**, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the Commission of the City of King, California on **February 6, 2018**, continued the public hearing with direction to the applicant to submit plan revisions and meet with staff; and

WHEREAS, the Commission makes the followings Findings of Facts:

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

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 32 In-Fill Development Projects, Categorical Exemption set forth in CEQA Guidelines, section 15332 as this project involves development of within the city limits on a project site of no more than five acres substantially surrounded by urban uses. The site is adequately serviced by all

required utilities and public services. The site was previously occupied by an urban development. The property to the north is developed with residential and commercial uses. The project is consistent with the general plan designation and zoning regulations. The project site has no value as habitat for endangered, rare or threatened species. The applicant will be required to provide street, gutter, curb sidewalk and other public improvements as identified for South First Street. Site drainage will be required to meet the City's and Central Coast Regional Water Quality Control Board standards. The project would not result in significant effects related to traffic, noise, air quality or water quality.

During construction related activities, the proposed project would not likely have the potential to generate storm-related runoff pollutants. If the project includes erosion and sediment control measures for grading, construction and on-going activities after the project is complete. 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.

Conditional Use Permit (CUP) and Architectural Review Findings of Fact

a. The proposed project contains building and landscaping features to soften the industrial appearance which would make the project consistent with the requirements and policies of the City of King General Plan Highway Service Commercial designation and Highway Service ***("H-S")*** Zoning District and First Street Corridor Master Plan ***("FSCMP")***.

b. With changes recommended in the Conditions of Approval, the general appearance of the proposed building is in keeping with the character of the Zoning District and surrounding properties.

c. The proposed building and contractor's office use will not be detrimental to the harmonious and orderly growth of the City.

d. The proposed project will not impair the desirability of investment or occupation in the H-S Zoning District and FSCMP because the building, (with recommended modifications for colors and materials), landscaping and other improvements are attractively designed and provided amenities that add to the value of the area.

e. The COA as shown on **Exhibit 4** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the project operates in a manner that does not adversely affect the surrounding areas. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

Lot Merger Findings of Fact

a. The approval of the lot merger of two existing parcels of 0.572 acres and 0.099 acres into one parcel of approximately 0.67 acres shall meet minimum standards for lot size 6,000 square feet (0.14 acres).

b. The proposed lot merger is consistent with the California Subdivision Map Act standards applicable to lot mergers and that said merger will be recorded as provided by State law.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves Conditional Use Permit Case No. CUP2017-011, Architectural Review Permit Case No. AR2017-004, and Lot Merger Case No. LM2017-002 for the construction of a 5,000 square-foot building for a heating and air conditioning contractor with associated storage consistent with and as described in the Conditions of Approval **(Exhibit 4)** and the project submittals **(Exhibit 1)** as **modified** by the Conditions of Approval.

This resolution was passed and adopted this **20th day of February, 2018**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
DAVID NUCK, CHAIRPERSON

ATTEST:_____
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 4

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT CASE NUMBER CUP 2017-011, ARCHITECTURAL REVIEW CASE NUMBER AR 2017-004 AND LOT MERGER CASE NUMBER LM2017-002, PLANNING COMMISSION CONDITIONS OF APPROVAL/MITIGATION MEASURE (740 S. FIRST STREET, KING CITY, CA)

Community Development Department (The applicant should discuss the following conditions of approval ***("COA")*** with Maricruz Aguilar, 831.386.5916, if there are any questions.)

1. **Project Description:** This is an approval of unclassified uses under the Highway Service Commercial Zoning District ***("H-S")*** for development of one (1) building for the use of Heating and Air Conditioning Contractor Services offices, operations, building contractors, equipment supply companies, and/or restaurant supply businesses where products and building materials will be kept entirely within the buildings. The proposed building is 4,880 sq. ft. contractor's office and equipment storage space and 120 sq. ft. office space proposed at 740 S. First Street, King City, CA 93930. ***(Reference Attachment 1 – Full Project Description.)***

The conditional use permit ***("CUP"),*** and architectural review ***("AR")*** approvals include, but are not limited to:

Uses:

- Construction of a contractor's storage area of approximately 4,880 sq. ft. and 120 sq. ft. of office space for Heating and Air Conditioning Contractor Services. Based on eleven (11) total parking spaces, future uses of the building will be limited to a maximum of 1,400 square feet of commercial retail and 3,600 square feet of non-retail interior storage.
- A rear fenced outdoor storage area used for storage of service vehicles.
- Installation of eleven (11) paved parking spaces, including curb protection for landscape areas and buildings.
- On-site bio-swales.
- Lot merger of APN: 235-042-005 and APN: 235-042-004, subject to review and approval of the City Engineer.
- The operations anticipate 1-2 employees and operate from 8 a.m. to 5 p.m., Monday through Friday and on-call services.

Architecture:

- The building is a pre-fabricated metal building with an awning overhang along the office frontage. The addition of exterior rock finish (or stucco or decorative block, similar to **Exhibit 1, Figure 6**), a minimum height of five (5) feet, will be placed along the office frontage and wrap around the building's east elevation to soften the industrial appearance of the building within a tourist zoning category. The tones include a beige background with a forest green roof and green trim and added stone, stucco or decorative block accents as well as windows along the building frontage and south-west corner of the building.

The project shall be developed in conformance with the site plan, floor plans, elevations, details, and other applicable submittals as approved by the Planning Commission ***("Commission")*** on **February 20, 2018,** and shown on **Exhibit 1, Figures 1 thru 6.**

2. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. Municipal Code Section 17.64.030 prohibits any time extensions of the CUP beyond one year from the date of approval. No extension shall be permitted for the CUP as required by Municipal Code Section 17.64.030.

3. **Development Impact Fees: Prior to final occupancy,** the applicant shall pay all applicable development impact fees except the traffic impact fee. ***(Reference – Development Impact Fee Schedule.)***

4. **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.

5. **Architectural Structural and Design Changes: At the time of building permit submittal**, Building Construction Drawings, Site Plans and Drainage Plans shall be in substantial conformance with the items noted above, conditions of approval presented to and approved by the Commission in connection with the project. No conditions, colors, materials, landscaping or

architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable. The Community Development Director or her/his representative shall review plans for substantial conformance with the approval by the Commission. Any major modifications shall require approval of the Commission.

6. **Hold Harmless 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 International, Hanna & Brunetti, Aleshire & Wynder, attorneys), employees and agents (including Earth Design International, 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 International, Aleshire & Wynder, attorneys, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

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

   Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ***("CEQA")*** by City's advisory agencies, boards or commissions; appeals boards or commissions; 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 International, Hanna & Brunetti, Aleshire & Wynder, 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, Aleshire & Wynder, attorneys), attorneys, employees and agents (including Earth Design International, and Hanna & Brunetti) from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, sphere of influence amendment, annexation, pre-zoning, general plan amendment, specific plan, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the

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

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:

- The counsel to so defend City.
- All significant decisions concerning the manner in which the defense is conducted.
- Any and all settlements.

City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants' fees and costs shall be paid by the applicant. In addition, in the event of litigation, the applicant shall pay any and all City Staff and consultants' fees and costs.
The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

5. **Other County, State and Federal Permits: Prior initiation of the proposed use,** the applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.

6. **Sign Permit: This permit does not include any identification signs. Before installing any signs on the property,** the applicant shall make a separate application and obtain an approved sign permit by the Community Development Department. Contact the Community Development Department regarding application procedures for Sign Permit(s). All signs should be compatible with the structure and site design relative to color, material, and placement. This CUP does not provide approvals for any signage. A separate sign permit application is required for any signage. 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 Chapter 17.55. Address numbers shall also be added to the building or site, visible for emergency vehicles on First Street.

7. **Bicycle Parking: Prior to final occupancy,** the applicant shall provide bicycle racks or other secure bicycle parking to accommodate two (2) bicycles. A bicycle parking facility may also be a fully enclosed space or locker accessible

only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location of the racks, shall be to the satisfaction of the City Engineer and Community Development Department. The rack should be coated with or constructed of a durable material that prevents rust and corrosion.

8. **Lighting Plan: Prior to issuance of final occupancy**, lighting plan shall be submitted for Police Department, Building and Safety Department and Community Development Department approval. The Lighting Plan shall show the locations and height of all exterior lighting fixtures. Lighting: All outdoor lighting shall be hooded and directed so as not to shine on residential neighborhoods, public roads or surrounding properties. Where appropriate, light-emitting diode (***"LED"***) lighting should be used for external lighting to reduce the site's electricity consumption.

9. **Landscaping Plan: At the time of building permit submittal,** a final landscape and irrigation plan providing a minimum of twenty (20) percent of the property area shall be submitted for approved by the Community Development Department as part of the building permit plan. **Prior to final occupancy,** a minimum of twelve (12) approved trees shall be planted as shown on the site plan and attached as **Exhibit 2**. A minimum of twelve (12) trees shall be planted at the site and shall be at least **fifteen (15) gallon** and include automatic irrigation system. Said landscaping shall also include shrubs and ground cover as well as two (2") inches of wood mulch. Landscaping shall include measures to screen outside vehicle storage from adjacent existing residential land use (either hedge, wall or fencing with permanent slats a minimum of six (6') feet in height,

Public Works Department (The applicant should discuss the following COA with contact Octavio Hurtado, 831.386.5919.)

10. **Trash Storage Area:** Trash containers shall be stored within the trash enclosure at all times, except when being unloaded. The trash enclosure shall be constructed of block walls and wood gates and sized to accommodate trash, recycling, and green waste containers. A trash storage area shall be identified with bins for trash and recyclables. The storage area shall be screened from public view.

11. **Sidewalk/Public Accessibility: Before issuance of an occupancy permit,** public improvements to South First Street shall be completed and approved by the City Engineer including any necessary paving for full street width, curbs, gutters, sidewalks and improvements of the parkway strip adjacent to the property. Improvement drawings of said improvements shall be prepared and signed by a qualified civil engineer. An ADA/CA Title 24 Accessibly compliant walkway and sidewalk shall be installed from the proposed project to the sidewalk adjacent to the public right-of-way, as found acceptable by the Public

Works Department, City Engineer and Building and Safety Department. All details and information applicable to this requirement shall be included on the plans submitted for ADA/CA Title 24 Accessibly review before application for a building permit. All public sidewalks shall be in existing or dedicated City right-of-way.

12. **Encroachment Permit: Prior to starting street frontage improvements**, the applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley).

13. **Street Frontage: Prior to issuance of occupancy permit,** the applicant shall show that right-of-way improvements, including curb, gutter, sidewalk, and existing handicap ramp. The applicant shall make upgrades to comply with ADA standards along project frontage. This includes making upgrades to sidewalk, driveways and handicap ramps that do not meet ADA standards, as necessary. The actual limits shall be reviewed and approved by the City Engineer.

14. **Submittal of Erosion and Sediment Control Measures and SWPPP (MM HY-1): Prior to any construction**, erosion and sediment control measures for grading and construction as well as for the permanent project shall be prepared and approved by the City Engineer. In addition, if required by State and Federal Law, 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. Soils and/or percolation test(s) may be required by the City Engineer and/or RWQCB to identify measures necessary to maintain and reduce stormwater on-site and other measures to provide erosion, sediment and pollution control at the site.

Building and Safety Department (The applicant should discuss the following COA with the Building Official, at 831.386.5932, if there are any questions.)

15. **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.

16. **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 Building & Safety Department. A soils report and/or percolation tests may also be required by the City Engineer and/or Regional Water Quality Control Board ***("RWQCB")*** to determine measures to meet erosion and sediment control requirements for the project and final improvements.

17. **Pad Elevation Certification:** The pad elevation certification may be submitted upon foundation inspection.

18. **Fire Exits:** **Prior to final occupancy,** fire exist plans shall be submitted for review and approval of the Building and Safety Department and Fire Department.

19. **Utilities:** **Prior to final occupancy,** the applicant shall provide a recorded easement running with the land that includes a sun-setting at the time that the building is demolished with no cost to the city or developer for the re-location of the utilities.

20. **Lot Merger Map:** **Prior to issuance of a building permit,** the applicant shall file a final Lot Merger Map to merge APN235-042-004 and APN235-042-005, subject to the approval of the City Engineer and Community Development Director. Said map shall contain information as deemed necessary by the City and be of a form specified by the City Engineer. Said map, after review and approval by the City Engineer, shall be recorded by the applicant in a manner that conforms to the Subdivision Map Act and requirements of the City of King.

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

21. **Automated Fire Suppression System:** **Concurrent with the building permit application,** the applicant shall submit automated fire suppression system plans to the Building and Safety Department for review and approved by the City Engineer, Building and Safety Department and Fire Department.

Police Department (The applicant should discuss the following COA with the Police Chief, at 831. 385.5944, if there are any questions.)

22. **Security Plan:** **Prior to occupancy,** the applicant shall submit a security plan for Police Chief consideration.

Miscellaneous Conditions of Approval
Other Environmental Conditions:

23. **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 ***("Director")*** and City Engineer. The Landscape and Drainage Plans 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 one-hundred (100%) percent of the runoff from the building and paved areas will infiltrate though a plant and soil medium that provides for bioremediation of any pollutants in the

runoff and upper soil layer.

24. **Screening of Roof and Ground Equipment:** **At the time of building permit submittal,** the applicant shall submit plans showing the methods of screening of roof-mounted and ground mounted equipment such as, but not limited to air conditioning and other equipment. Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. Well maintained satellite dishes may be left unpainted. These details must appear on elevations submitted for architectural review. Ground mounted equipment should be screened by walls or effectively by landscaping.

25. **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 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."

26. **Drainage:** **Prior to grading and construction,** a plan to address grading and construction-related rainstorm erosion and sedimentation shall be prepared and

approved by the City Engineer. Measures shall include erosion protection during rainstorms by protection of the soil using methods to be approved by the City Engineer. After construction, permanent erosion control and measures to maintain rainstorm flows on-site will be employed as approved by the City Engineer. 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.

27. **Fences & Gates:** **At the time of building permit submittal**, a fence and gate detail plan shall be submitted for review and approval by the Community Development Director, Fire Department and Police Department. **Prior to the issuance of the building permit**, the fence and gate details shall be made in conformance with any conditions or modifications as deemed necessary by the Community Development Director, Fire Chief and Police Chief. The trash area shall be enclosed and screened by a block wall surrounding the trash and solid wood gates. The fence adjacent to the trailer park shall be of view-obscuring fence material and installation of a compact evergreen hedge six feet in height to help screen the area.

28. **Parking:** The landuse of the building shall be limited to those uses specified in the project description and as described in COA No. 1. Any different future uses proposed for the site shall be reviewed by the Community Development Department. All new uses shall include a determination of sufficient parking based on Municipal Code Section 17.26.120 and associated parking standards of the City of King. Additional fully improved parking, including landscaping areas, shall be required if any land use requires additional parking to be determined by the Director as based on Municipal Code Section 17.26.120. The City Engineer shall determine driveway access for visibility and safety.

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

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

Applicant's Signature _____ Date: _____

Exhibit 5
Project Description

P.O. Box 1743
220 Lynn street
King city, Ca. 93930
(831)-385-0810

WESLEY BEEBE ARCHITECTURE

Maricruz Aguilar
City of King
King City, CA. 93930

RECEIVED
JAN 22 2018
CITY OF KING

Project Description

Tom Willoughby
740 first Street
King City, ca. 93930
APN: 235-042-005

The purpose for this project Is to build a commercial Building A 4,880 Sq. Ft.

The site is Zoned H- S Highway Service

The first Phase building and parking lot would be used for warehouse and office for All-Temp Refrigeration. Tom would like to rent the second phase building to building contractors, Equipment supply companies, Restaurant supply business. The schedule for phase one is ASAP or the summer of 2018 and for phase two is two years in the future.

There would be a total of 11 parking spaces with more room in the back for overflow. The site would have its own bio-swale to deal with rain water runoff.

We are working for a lot merger for the two parcels to form one site. The surveyor currently working on this part of the project.

We will be asking for outside storage area the area will be fenced and used to store pickups and trailers.

The hours of operation would be from 8-5, if we had two units we anticipate 1-2 employees each. All trucks left on site would be stored in side.

Let me know if you have any questions

Wes Beebe

RECEIVED
JAN 22 2018
CITY OF YUMA

KING CITY
CALIFORNIA

Item No. 7(B)

REPORT TO THE PLANNING COMMISSION

DATE: **FEBRUARY 20, 2018**

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

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

BY: **DONALD J. FUNK, PRINCIPAL PLANNER**

RE: **CONSIDERATION OF AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND A CUP CASE NO. CUP 2016-001 (A2) AND AR2016-001 (A2), FOR PROPOSED PHASE II REMODEL OF EXISTING BARRACKS STYLE FARMWORKER HOUSING FACILITY TO ADD 150 BEDS, A CARETAKER'S UNIT AND RECREATIONAL AREAS TO AN EXISTING 214 BED FARMWORKER QUARTERS LOCATED AT 218 NORTH FIRST STREET, KING CITY, CALIFORNIA**

RECOMMENDATION:

It is recommended Planning Commission conduct the public hearing, accept public testimony and adopt Resolution No. 2018-214.

PROJECT SUMMARY:

On **November 6, 2017**, SGH Holdings LLC, ***("Applicant')*** submitted an application for the following permits:

- Conditional Use Permit (Case No. CUP2016-001 (A2)
- Architectural Review (Case No. AR2016-001) (A2)

The applications were deemed complete on **December 4, 2017**. Revised site plans were submitted on November 9, 2017 and on November 30, 2017.

The proposal is considered Phase II and involves remodeling a portion of the warehouse to convert it into additional barracks within the existing Temporary Farmworker Housing barracks facilities located at 218 North First Street. The project also involves conversion of an old docking area into a private shuttle bus and employee parking area.

DISCUSSION:

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared for the proposed project. The IS and MND include an evaluation of the proposal to increase the farmworker housing facility from the current two-hundred and fourteen (214) H2-A farmworkers to three-hundred and sixty-four (364) workers as well as specific mitigation measures that, when implemented, will reduce any potential environmental impacts to a less than significant level. The proposal also includes offsite parking for buses and shuttles. The offsite parking lot is owned by Smith-Monterey. The Applicant and Smith-Monterey LLC have entered into a five-year lease agreement for the use of the existing vacant building and parking area. There is a current lease agreement between the owner of the bus parking lot, Smith-Monterey LLC, and the applicant, SGH Holdings, is for a period of five (5) years, beginning April 2017 and ending April 2022 for the use of the bus/van parking area. Should the lease agreement lapse, the applicant shall inform the City within one week of the lapse and submit a proposal for a different bus parking area. Said request will require an application to the City for a modification of CUP 2016-001 (A2) and shall require review of the Planning Commission. In the separate MOU between the City, SGH and Smith-Monterey, provision is made for the extension of Broadway Street, providing future access to the Downtown Addition Specific Plan area east of the railroad right-of-way. *(See **Figure 1** – Bus Storage area.)*

Phase 1 – Original CUP approval from September 20, 2016 (reference only):

The original CUP request remodeled a portion of the existing building (formerly an old tomato processing plant with a loading docking area). The original approval included a conditional use permit (Case No. CUP 2016-001), architectural review (Case No. AR 2016-001) and variance (Case No. 2016-001) applications. The original approval also included a change the zoning text for the First Street Corridor (FSC) Zoning District and the C-2 Zoning District to allow farmworker housing to allow temporary H2-A Visa Farmworker Program Housing for a total of 214 employees in a barrack style arrangement within portion of the Meyer Building located at 218 N. First Street.

The facility, based on the originally approval has a temporary permit for a period of five (5) years, starting with the original CUP/AR approval date of **September 20, 2016**, with the ability to have the applicant submit a request of extension one-year at a time for a total of five (5) extensions or up to a total project life of ten (10) years.

On December 7, 2016, the Planning Commission approved Amendment No. 1 for modifications to the floor plan, the project description, and the exterior elevations.

Phase II – CUP Amendment No. 2, as proposed:

The proposed CUP Amendment No. 2 (Case No. 2016-001A2) is an interior remodel that would convert an area of the existing barracks building and add a recreational area on the existing vacant second floor that would add one-hundred fifty (150) more beds to

the Agricultural-Farmworker housing facility located at 218 North First Street. The scope includes additional modular restrooms, a new dining area, recreation equipment in the small outdoor recreation area, second floor recreational area, parking area, bus loading/unloading area, a new second floor relaxation and recreation space and a one-bedroom caretaker/manager unit. The project also includes employee shuttle bus parking on the adjacent property (APN: 026-293-005-000) located south of the site. The applicant has an agreement with the landowner of that property for temporary use as bus parking.

The project, if approved, will add one-hundred and fifty (150) bunk beds for H2-A "Guestworker" Visa residents to the existing temporary farmworker housing facility currently providing space for two-hundred and fourteen (214) farmworkers for a total of three-hundred sixty-four (364) employees.

In addition, the project site has an existing one (1) bedroom studio apartment for an onsite manager of the facility. The dining area is proposed to be relocated to the area east of the manager's unit. Additional bathrooms would be added and the vacant second floor area would be converted to a recreation/relaxation area for use of the residents. The project includes an off-site bus and van parking area located south of the farmworker housing. The workers are typically bused to and from work sites. Onsite parking for visitors and caretakers was developed in Phase I near the main entrance to the barracks.

Phase II Project Description:

- Relocate Dining Hall.
- Provide an additional one-hundred and fifty (150) beds, for a total of three-hundred and sixty-four (364) beds plus a caretaker unit.
- Including a small apartment for onsite manager
- Requesting approval for an offsite Parking Lot for busses and vans (used to transport residents)
- Installing new recreational equipment to the fenced small outdoor recreation area near entrance.
- Adding additional indoor recreational/relaxation areas to the second floor, in addition to the existing recreational/relaxation area on the first floor.
- New paint to the exterior of the building
- Removal of the two roll-up doors along the frontage and replace them with windows with some awnings.

The site backs to the Union Pacific Railroad right-of-way, which is adjacent to and east of the proposed farmworker housing. Old vacant areas of the tomato processing facility,

north and south of the proposed housing, will remain vacant. First Street is located to the west of the proposed temporary housing. The vacant building located south of the existing farmworker housing barracks is used occasionally for staff meetings but is not included in recreational, sleeping, eating or other similar use by residents. It is on a separate property, not owned by the applicant.

Open Space/Recreation Area:

The overall gross area of both existing Phase I and proposed Phase II is approximately 43,499 square feet, including the sleeping area, dining area, laundry area, restrooms, recreation area and manager's apartment. The applicant proposes that the facility would be occupied by H2-A farmworkers, a program that provides for laborers from outside of the United States are brought to the area for a period of approximately nine or ten months to work on local farms and ranches, generally during the spring through late fall of each year. While the total area is being expanded, the only new space being added to the square footage of the original Phase I is the addition of the use of the existing vacant second floor. That space is located above the current dining area. Facilities to serve the new additional residents include additional bathrooms, a relocated dining hall, additional sleeping barracks areas and the additional second floor recreational area. With the addition of the second-floor recreational area and improvements of the existing outdoor recreational area, the total recreational space per occupant remains at approximately 29 square feet per resident farmworker employees.

A small outdoor recreation area exists behind the existing parking area, approximately an area of about thirty (30') feet by one-hundred (100') feet, approximately three-thousand (3,000) square feet. At this time, there are no outdoor recreational equipment, courts or other recreational facilities within the paved area enclosed by a fence. There are two existing benches. However, the benches appeared to be in poor condition during a recent site visit. There is a need for some outdoor play equipment, such as a basketball backboard and a net and surface lines for games such as volleyball or other net games.

Inside the existing farmworker barracks building, there is currently a sparsely appointed lounge and play area approximately forty-five (45') feet by seventy (70') feet, around 3,150 square feet in area. There is a foosball table near several sofas in the downstairs recreation area as well as a television and several couches for the occupants. During a recent site visit, the foosball table was being heavily used and appeared to very popular with the residents. The total recreational area, including outdoor and indoor areas, is approximately 6,150 square feet, or about twenty-nine (29) square feet per resident, based on the existing two-hundred and fourteen (214) employees. In order to maintain the current ratio of indoor and outdoor recreational area, a total of approximately 10,556 square feet would be needed for the total of 354 residents. Staff is recommending three-thousand (3,000) square feet near the main entry for outdoor recreation/relaxation area for residents, with a minimum of 2,110 square feet of downstairs indoors recreational

area and an additional 5,450 square feet upstairs for a total of 10,560 square feet. ***(See Exhibit 1, Figures 17 thru 20.)***

Exterior Modifications:

Additional windows (some with awnings) are proposed on the exterior of the street side of the building in the areas of the new barracks housing. ***(See Exhibit 1, Figures1 thru 5.)*** The proposed additional farmworker sleeping areas would be within old tomato processing remodeled bays located next to the manager's unit. The applicant proposes to add windows to provide light and air as well as for emergency exiting along the street side of the building of the Phase II remodel of the existing building. The windows near the street will have awnings matching Phase I portion of the building. ***(See Exhibit 1, Figures 7 thru 15.)***

Bus/Vehicle Parking Area:

A bus and van pick-up and drop-off is provided north of the manager's unit within the old loading dock area. Bus storage is provided on the neighbor's property south of the facility. The applicant has a five-year lease with the owner of the property to the south, Smith-Monterey LLC, for use of the off-site bus/van parking area. ***(See Exhibit 1, Figure 16.)***

ANALYSIS:

The site is located northeast of the intersection of Broadway Street and First Street, between First Street and the Union Pacific Railroad. West of the project is the Historic Downtown area and east of the project is the Downtown Addition Specific Plan area.

The project is located within the First Street Corridor ***("FSC")*** Zoning District and the Historic Corridor Revitalization Plan. The FSC Zone permits farmworker housing projects with a conditional use permit (CUP). The following Objectives are recommendations for the future development of the FSC Zoned properties:

Historic Corridor Revitalization Plan and FSC Zoning District criteria applicable to the proposed project:

1. The First Street Corridor ***("FSC")*** is located along First Street at the northeast end of the Plan Area. The FSC will have uses including offices, services, and shops. Uses will intensify at the intersection of First and Broadway Streets.

   Staff Comment*: The proposed expansion of the farmworker housing project is consistent with the uses allowed under a Use Permit within the FSC Zone.*

2. The FSC should have a gateway feature inviting visitors into the historic downtown and potentially a hotel modeled after the historic El Camino Real Hotel.

   ***Staff Comment**: The gateway feature is proposed to be located near Pearl Street along First Street and will not impact this proposed project.*

3. Colorful landscaping and other pedestrian amenities will make the FSC an inviting entrance to the City's historic corridor.

   ***Staff Comment**: Phase I of the project included the planting of trees along First Street.*

4. An important part of the HCRP is the proposed passenger rail stop and train depot on First Street. The passenger rail stop can serve commuters and draw tourists to the Historic Corridor, increasing foot traffic and bringing more business to local shops and restaurants."

   Staff Comment**: The proposed project will not be inconsistent with the proposal for the future Multi-Modal Station which will be located at or near the employee bus/van parking lot. The bus/van storage is a temporary use and could easily be redeveloped in the future to either parking or train station use should that property be selected for the proposed Multi-Modal Transit Station.* ***(See Exhibit 1, Figure 6.)

5. The Historic Corridor Revitalization Plan, Section 3.6 provides architectural standards for the FSC Zone. "The Downtown Historic Architectural Design Guidelines (Design Guidelines) are intended to guide the architectural form of new development and redevelopment projects to reinforce the City's historic character in the HCRP. The Design Guidelines cover building styles, materials, windows, doors, other architectural details, and signage. The Design Guidelines apply to the VC, FSC, and VB Zones." "Structures, permanent or temporary, shall be designed and sited consistent with the Downtown Historic Architectural Design Guidelines (Section 3.6)."

   ***Staff Comment**: The proposed project is within an existing building (a former tomato processing plant). The applicant proposes new windows to replace old warehouse doors near the recreation area and adds windows on the building facade north of the existing guest parking spaces. Also, the applicant has agreed to paint the remaining portions of the building (future use areas which will require separate Planning Commission and/or Director permits, as required in the FSC Zone).*

6. Private and Public parking facilities are conditionally permitted in the FSC Zone with a CUP within the Historic Corridor Revitalization Specific Plan.

   ***Staff Comment**: The applicant submitted an application for a CUP. The Commission will need to determine if the proposed bus and van parking area is appropriate for the location and compatible with nearby uses.*

General Plan:

The City General Plan encourages the development of affordable housing and the provision of housing for local farmworkers. Along with tourism, agriculture is one of the most important industries in King City. The proposed changes will provide the potential for additional housing for farmworkers at 218 North First Street, increasing the number of residents from the current 214 to 364.

Currently, there are insufficient quarters for farmworkers in and near King City. Many farmworkers live in crowded conditions in existing homes in the City. There's inadequate housing for farmworkers in the southern Salinas Valley. The valley provides vegetables serving the entire nation. Local Farm owners indicate that they bus farmworkers from long distances to work the local farms. The 2007 Housing Element indicated that "according to the USDA, in 2002 there were over 31,000 farmworkers in Monterey County and that "many farmworkers reside in substandard living conditions."

Housing Element Goal 3: To meet the housing needs of special groups of City residents, including a growing senior population, large families, single mothers, farmworkers, homeless, seniors and the disabled.

Housing Element Policy 4.3: Encourage housing opportunities for those residents who have special housing needs, such as farmworkers, large families, elderly, disabled persons, and other identified special needs groups.

Response to the Housing Element Goal 3 and Policy 4.3:

***Staff Comment**: The CUP proposal for the additional housing at 218 N. First Street will provide for temporary housing to meet local farmworker labor needs, providing the applicant with the time needed to develop more permanent farmworker housing at another location in or near the City.*

Housing Element Map: The site is designated "General Commercial (GC). This designation allows a variety of land uses. The underlying zoning, FSC, was modified by the City Council in 2016 when they and the Commission determined that the GC designation could allow farmworker housing with a CUP.

***Staff Comment**: The CUP proposal for the additional housing at 218 N. First is consistent with the provisions of the GC designation.*

Figure 1: Aerial of Proposed Project Site

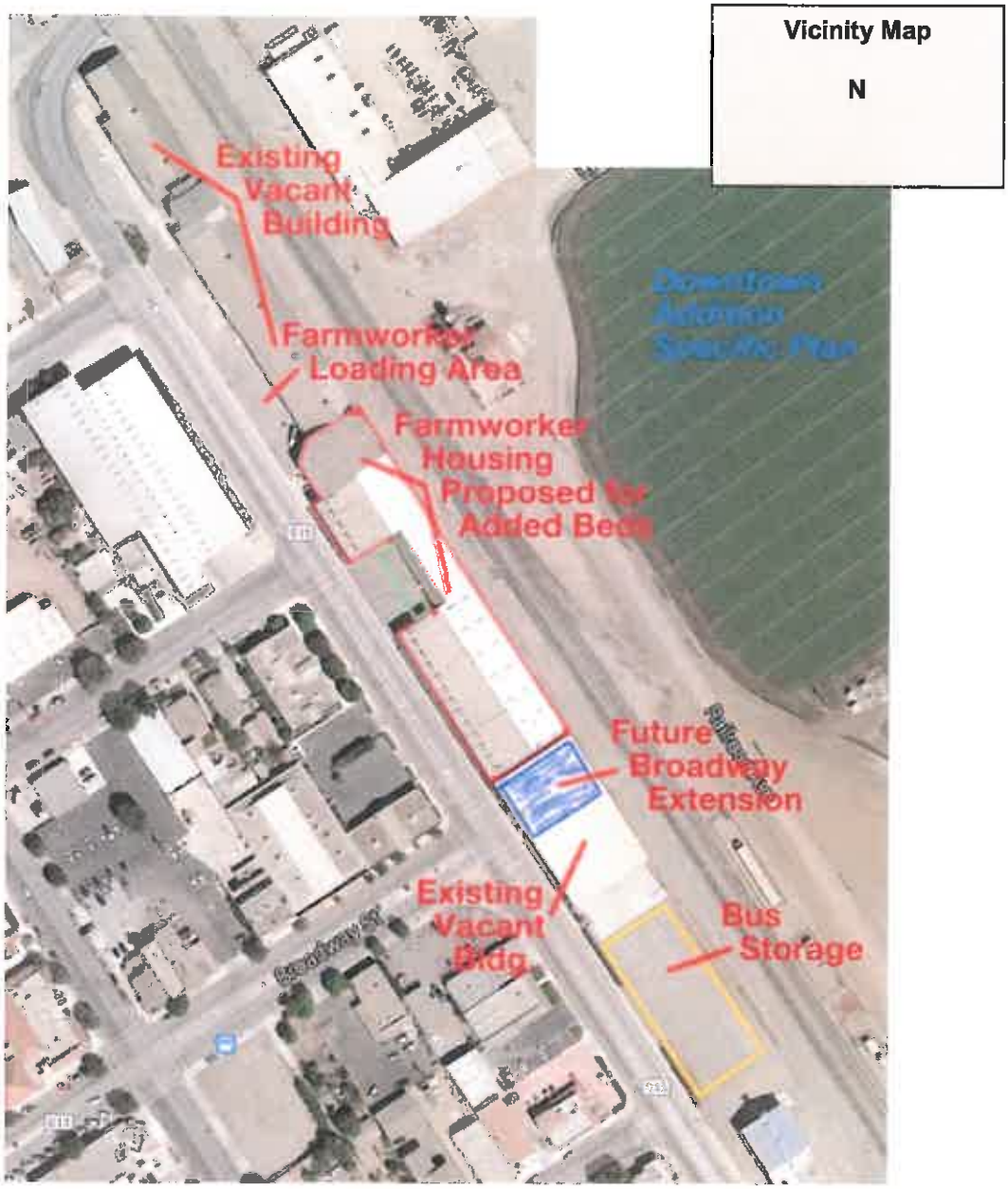


Figure 2: Detailed Aerial of Northern Proposed Project Site

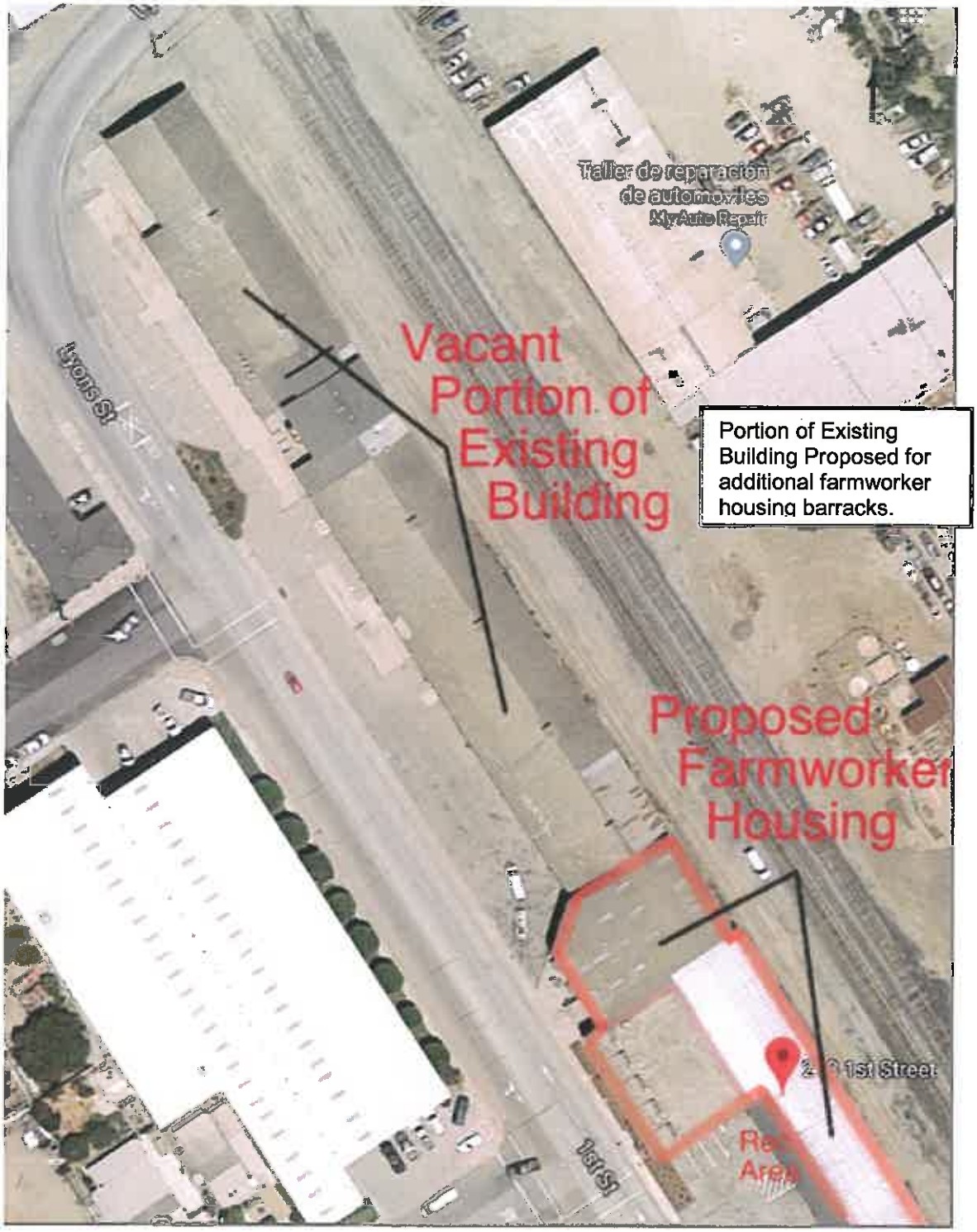


Figure 3: Detailed Aerial of Central Portion of Proposed Project Site

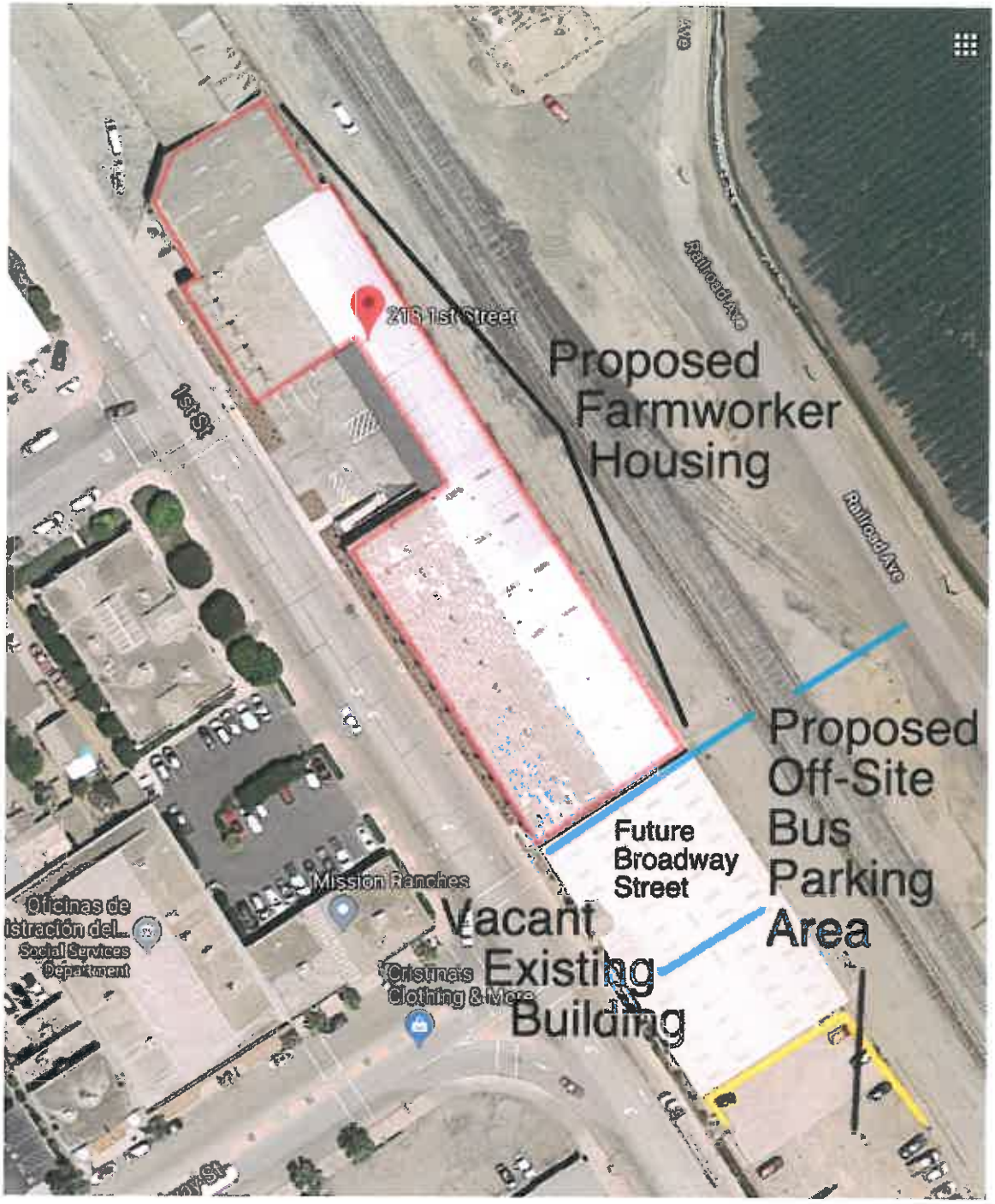
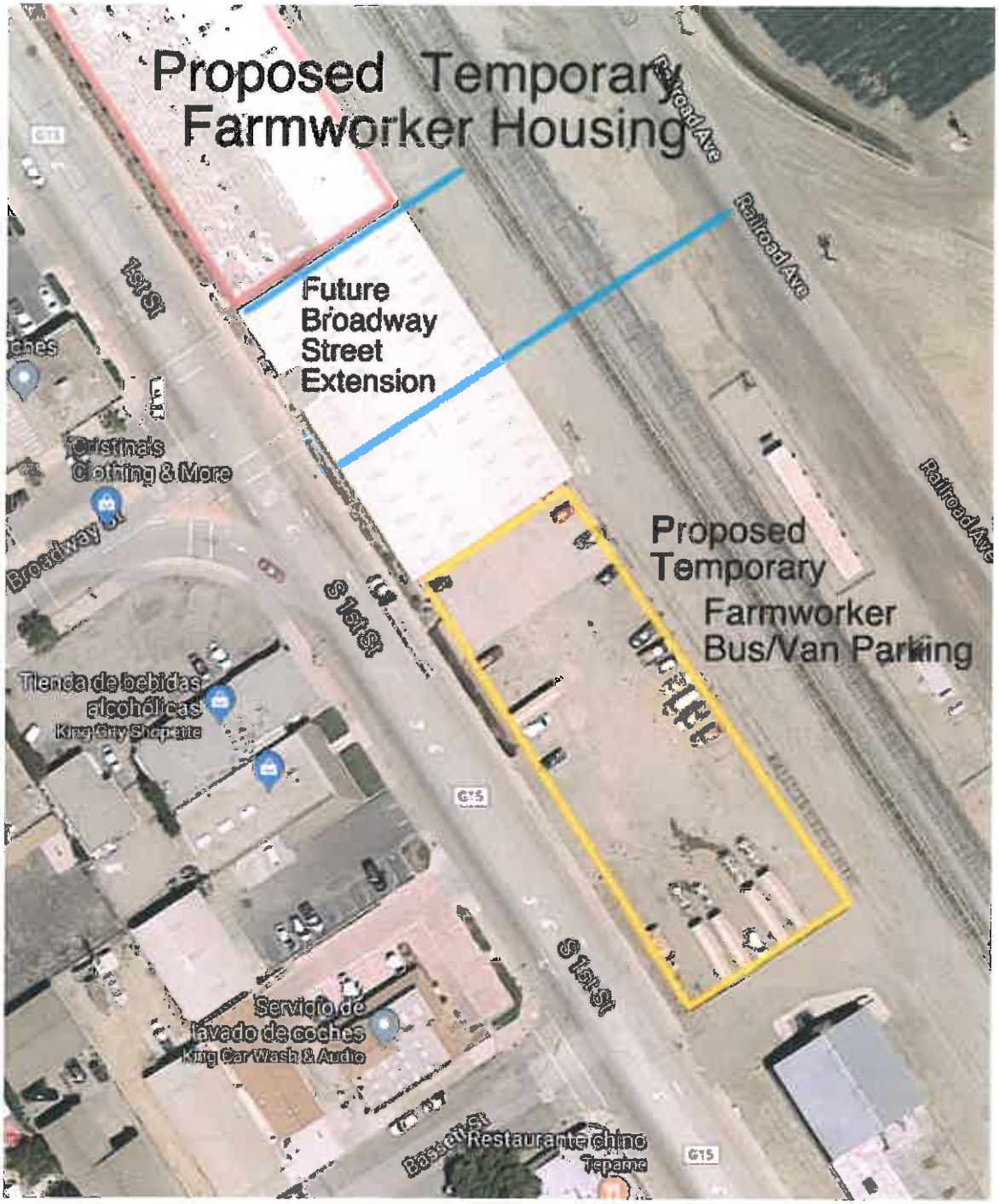


Figure 4: Detailed Aerial of Southern Portion of Proposed Project Site Including off-site bus/van parking area and Proposed Right-of-Way of Broadway Street Extension



ARCHITECTURAL REVIEW ANALYSIS:

The Commission will act as the Architectural Review Committee ***("ARC")***, pursuant to Municipal Code Section 17.30.120. The applicant is requesting to construct a prefabricated five-thousand (5,000) square foot metal building. It will have metal siding, metal roof and rock veneer along the frontage of the office.

The building and bus parking lot are highly visible from South First Street and Broadway. Both streets are entryways to the City and to Pinnacles National Park. Landscaping and building appearance is very important as part of the Commission's decision. The applicant remodeled the exterior of the barracks in Phase 1, adding windows, paint, landscaping and other aesthetic improvements. The proposed remodel includes the addition of windows near the outdoor recreation area. Staff recommends the painting of the remainder of the existing building, including the vacant portion located north of the barracks. ***(Reference COA No. 1 and 34.)***

Building Height

The maximum allowable building height is thirty (30') feet. The existing building is approximately twenty-four (24') feet in height and is not proposed to be expanded.

Lot Coverage

There is no maximum coverage percentage for the FSC Zone.

There are no proposals to add new buildings or increase building coverage. All improvements are within the existing buildings.

Setbacks

Minimum front building setback required is zero (0') feet. The existing building is located zero (0') feet from the First Street right-of-way. The minimum setback for parking is thirty (30') feet. The bus and van parking lot (which is was historically a gravel parking area for the former warehouse) is located zero (0') feet from the front property line.

Minimum rear building setback (if adjacent to commercial zone & use) required is zero (0") feet. The existing building has a zero (0') foot rear setback. The minimum rear setback for parking is zero (0') feet when adjacent to commercial zone and commercial land use. The existing parking lot is zero (0') feet from the railroad right-of-way.

Minimum interior side yard required is zero (0') feet (when adjacent to a commercial zone and commercial use). The existing building has a zero (0') foot setback.

Fencing

The site has existing fencing along the front of the recreation area and fencing and wall along the front and rear of the off-site bus parking area. A condition has been included to inspect the condition of the fencing prior to occupancy. ***(Reference COA No. 10 and 14.)***

Driveways and Parking

A CUP is required for all parking lots in the Historic Corridor Revitalization Plan area. There are two (2) driveway accesses on First Street, one for the small parking lot near the building entrance and one (1) for the bus and van parking area near the intersection with Bassett Street. Parking requirements were reduced for the farmworkers since they are typically provided with bus and van transportation to and from farms in the region. All sidewalk and public access shall be reviewed and approved by City Engineer. ***(Reference COA No. 17.)***

Landscaping Requirements

The Historic Corridor Revitalization Plan (HCRP) states that projects shall, *"Plant more colorful landscaping and trees on First Street"*. The site's landscaping was improved through Phase I and had previous incorporated six (6) crape myrtles with additional vegetation. A condition was placed to have the existing plants kept in good condition. ***(Reference COA No. 12.)***

Drainage

The project will be required to meet all applicable stormwater regulations of the RWQCB and the City Municipal Code Section 17.56.100. At this time, no new structures or building expansion or grading is proposed. However, all new projects are required to meet the standards for drainage and pollution control. The City Engineer will determine is any provisions are required based on the City requirements.

The project will be required to meet State and Federal drainage and erosion standards, keeping drainage from the building onsite in a manner that will permit percolation into the ground water and reduction of stormwater flows.

The goals of City and RWQCB standards are to reduce water pollution and sediment by measures that improve water infiltration and reduce runoff. The drainage and pollution control measures will require review of the City Engineer and RWQCB. Those measures will be required to include grading, construction and future drainage impacts of the improvements. ***(Reference COA No. 36.)***

Signage

Any exterior signs shall be done under a separate permit process. No signs are proposed as part of this review. Said sign would be required to comply with the Sign Regulations and will require an application, exhibits and a separate sign permit. ***(Reference COA No. 7.)***

Lighting

The project has an existing approved lighting and security plan from Phase I and no changes are proposed. In the event of additional lighting, the applicant shall submit an amended lighting plan and shall be designed to not glare into public areas. ***(Reference COA No. 11.)***

Trash Enclosures

The site has an existing trash enclosure and no changes are proposed. The applicant does not propose any changes. A condition is placed to keep all trash containers stored within the trash enclosure and screened from public view. ***(Reference COA No. 16.)***

Sidewalk/Public Accessibility

The project includes the bus parking area located off-site. The current conditions of the driveway approach to the parking lot do not meet ADA standards. The Applicant shall provide sidewalk with a 2% max cross slope around the existing driveway. ***(See COA No. 17.)***

SURROUNDING USES:

Table 1 provides an overview of the adjacent zoning and existing land uses.

Table 1 **Adjacent Zoning/Existing Land Use**			
North:	C-2 & FSC Zones Vacant building	**East:**	Downtown Addition Specific Plan AG (land use)
West:	C-2 & FSC Zones Commercial Uses	**South:**	FSC Zone Vacant buildings

MUNICIPAL CODE REQUIREMENTS:

Conditional Use Permit Requirements

Table 2 Development Standards for Proposed Project

Table 2 Development Standards Met?		
	Development Standards	**Requirements Met?**
Maximum Building Height Allowable	*30'*	*No Expansion Proposed*
Minimum Setbacks (Buildings)	***Front**: 0'* ***Side:** 0'.* **Rear:** *0'*	*0'* *0'* *0'*
Minimum Setbacks (Parking Areas)	***Front**: 30'* ***Side:** 0'.* **Rear:** *5'*	*0' (existing parking)* *0'* *0' (existing parking)*
Minimum Off-Street Parking For Similar Use	**Off-street parking:** *Parking for farmworker housing is determined by the Director and Planning Commission based on type of housing and other factors.*	*6 parking spaces proposed near entry to building. Other parking proposed for buses and vans.*
Fences/Walls	*Trash and bus parking should be screened.*	*Applicant has screened parking areas*
Signage	*No new signs being proposed*	*Sign permit required for any future new signs.*
Trash Enclosures	*1 Enclosed trash area*	*Requirement met*

GENERAL PLAN/POLICIES AND REQUIREMENTS:

Table 3 provides the land use designations for the project.

Table 3 General Plan Designations	
General Plan Land Use Designation:	General Commercial (GC)
Specific Plan Area:	Historic Corridor Revitalization Plan

Land Use Element

The proposal is consistent with the City General Plan designation. The proposed expansion of the facility will provide for additional housing for agricultural employees. Currently there are insufficient quarters for agricultural employees in and near the City of King. Farm owners indicate that they bus agricultural employees from long distances to work the local farms. A project for 218 North Street will expand the number of workers available to work on farms in the region.

A. The 2007 Housing Element indicated that "according to the USDA, in 2002 there were over 31,000 farmworkers in Monterey County and that "many farmworkers reside in substandard living conditions."

B. Housing Element Goal 3: To meet the housing needs of special groups of City residents, including a growing senior population, large families, single mothers, farmworkers, homeless, seniors and the disabled.

C. Housing Element Policy 4.3 Encourage housing opportunities for those residents who have special housing needs, such as farmworkers, large families, elderly, disabled persons, and other identified special needs groups.

D. Response to the Housing Element Goal 3 and Policy 4.3:

Phase I and Phase II provide additional temporary housing at 218 North First Street to meet local farmworker labor needs, providing the applicant with the time needed to develop more permanent farmworker housing at another location in or near the City.

Advantages

The project will provide additional housing for farmworkers who support the agricultural industry in and around King City. The project will also improve the appearance of the existing building by the exterior modifications and new paint. The project will not impact

the proposals for the Multi-Modal Transit Station or the future extension of Broadway Street ***(See Exhibit 1, Figure 6)***

Disadvantages

There are no known disadvantages. The project will benefit the farmers as well as creating an enhancement to the area. The proposed new windows and painting of the building will improve the appearance of the site. The new recreational facilities will be a benefit to the residents. The applicant will be required to reduce all environmental impacts to a less than significant level.

ENVIRONMENTAL DETERMINATION:

Staff prepared an Initial Study and Mitigated Negative Declaration (MND) on the CUP and AR and was made available for public review on **January 24, 2018.** Environmental review was prepared for the proposed remodel of the existing farmworker housing building 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. To date no correspondence has been received regarding the MND.

The mitigation measures are contained in the MND, attached **Exhibit 3.**

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 applicant 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.

As of the date of the preparation of this staff report, no written testimony has been received by the City.

PUBLIC NOTICE AND INPUT:

A Notice of Intent (NOI) to Adopt a MND was published in the King City Rustler newspaper on January 24, 2018.

A public hearing notice was published in the King City Rustler newspaper on **February 7, 2018** 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. The end of the twenty (20) day review period required by CEQA is February 12, 2018. A public hearing will be conducted on February 20, 2018.

COST ANALYSIS:

Development review application fees are based on actual time and materials per the City Fee Scheduled. The applicant is covering the cost required for review and processing.

Note: The filing fee to file a Notice of Determination ***("NOD")*** when a **Negative Declaration** was prepared is **$2,330.75** and made payable to the **Monterey County Clerk**. If the applicant choses to file the NOD, it needs to be filed with the County Clerk within five (5) days of approval to limit the statute of limitation to litigate to thirty (30) days. If the NOD is not filed, the statute of limitation to litigate is six (6) months.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Adopt Resolution No. 2018-214 which approves CUP2016-001 (A1) and AR2016-001 (A-2);
2. Request modifications in the design and/or proposed use; or
3. Deny Resolution No. 2018-214 which denies the project from construction. (If the Planning Commission wishes to deny the project, the reasons should be specified and the item continued to a future hearing so the appropriate findings of fact and resolution can be prepared by staff.); or
4. Provide other direction to staff.

Exhibits:

Exhibit 1 – Figures and Photographs of Project Site
Exhibit 2 – Findings of Fact
Exhibit 3 – Resolution No. 2018-214
Exhibit 4 – Conditions of Approval
Exhibit 5 – Project Description from Applicant's Representative
Exhibit 6 – Initial Study and Mitigated Negative Declaration

Submitted by: MG For Donald Funk
Donald J. Funk, Principal Planner

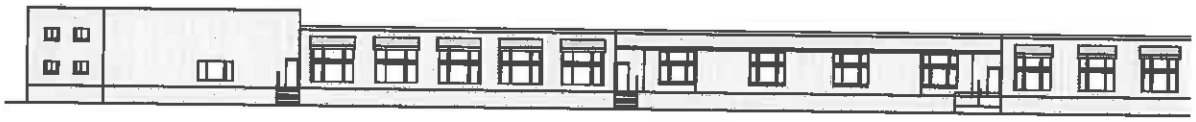
Approved by: MG For Doreen Liberto
Doreen Liberto, AICP, Community Development Director

EXHIBIT 1
Figures

Figure 1. Proposed Front Elevation Drawings Phases i and II (shadowed area)

EXTERIOR ELEVATION - ALONG N. FIRST STREET

Figure 2. Proposed Front Elevation of Building Proposed for Phase II



EXTERIOR ELEVATION - ALONG N. FIRST STREET

Figure 3. Proposed Overall Plot Plan

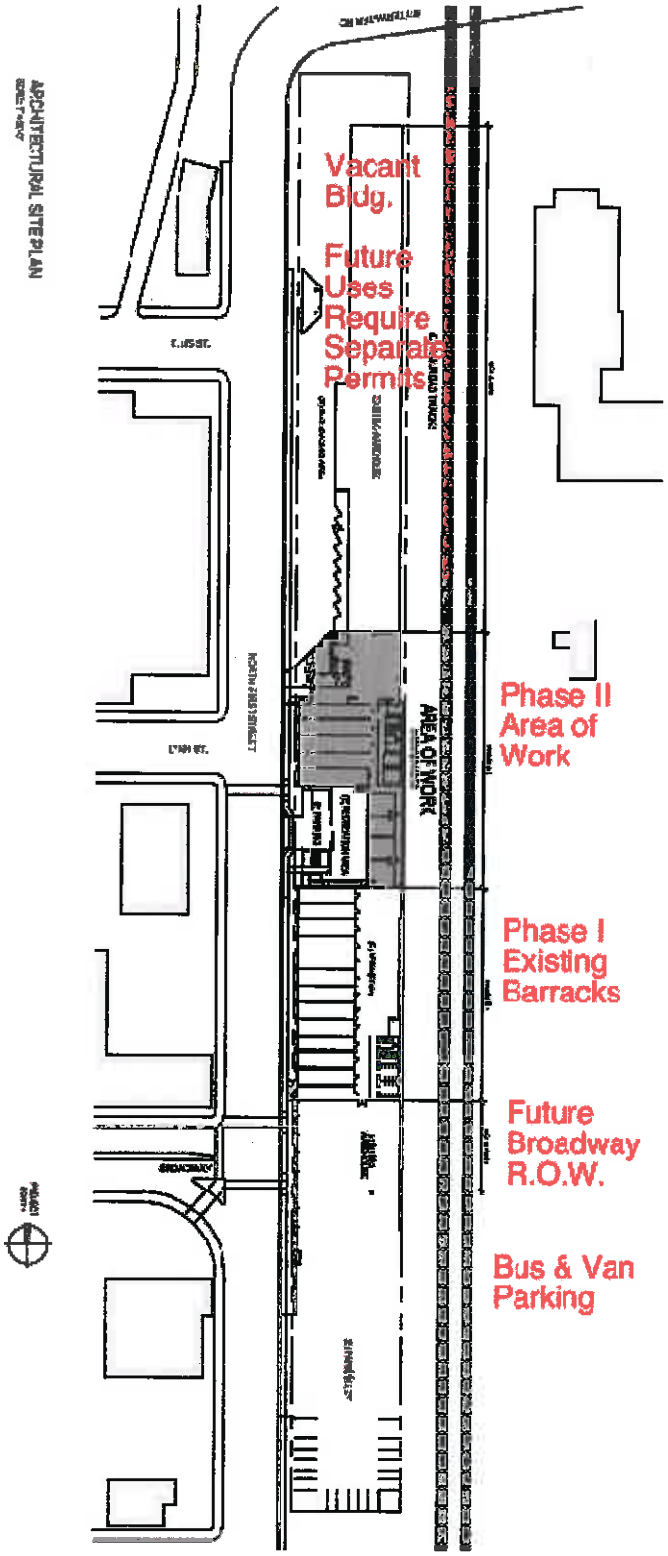


Figure 4. General Floor Plan Phases I and II

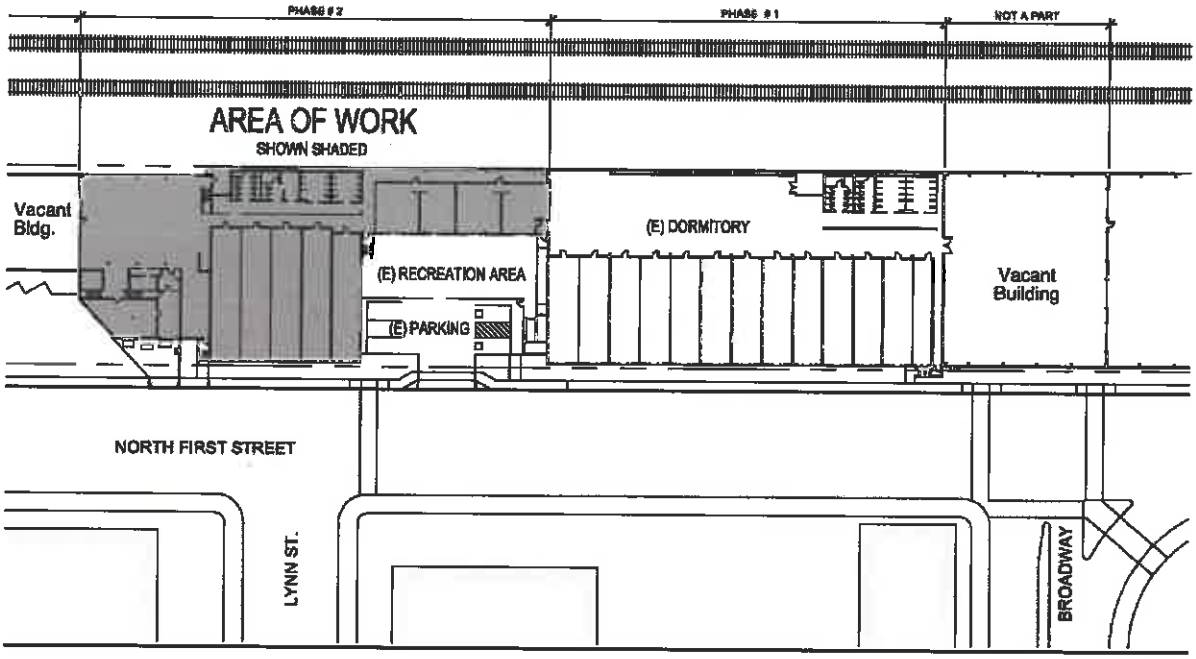


Figure 5. Floor Plan Phase I Area

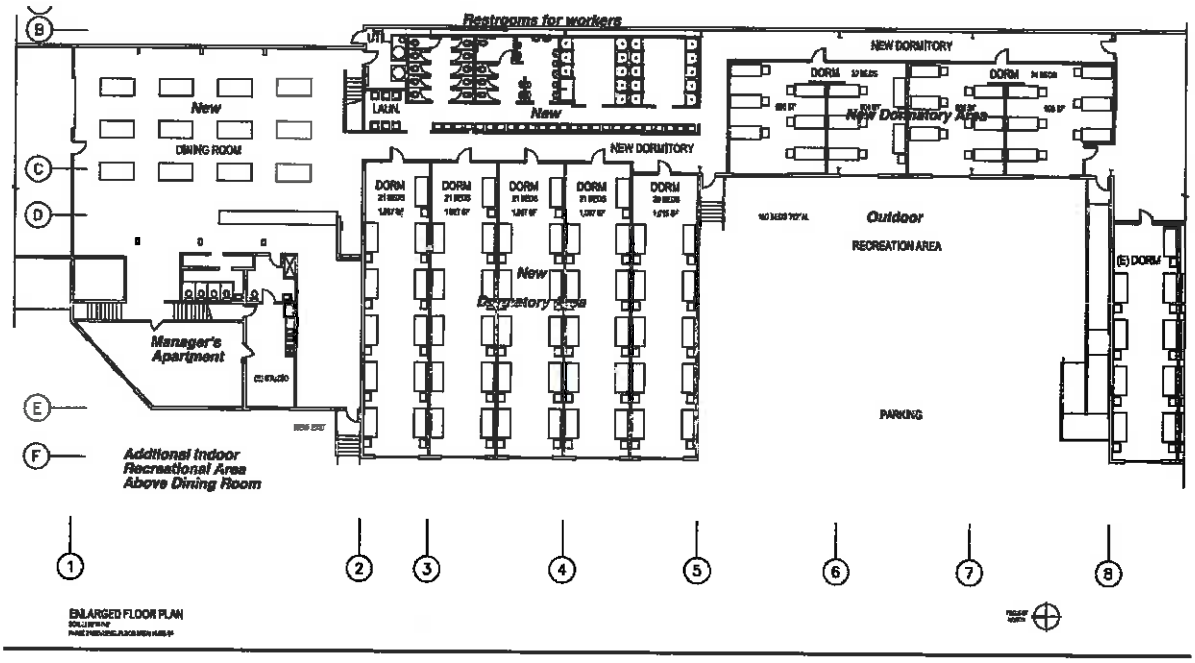
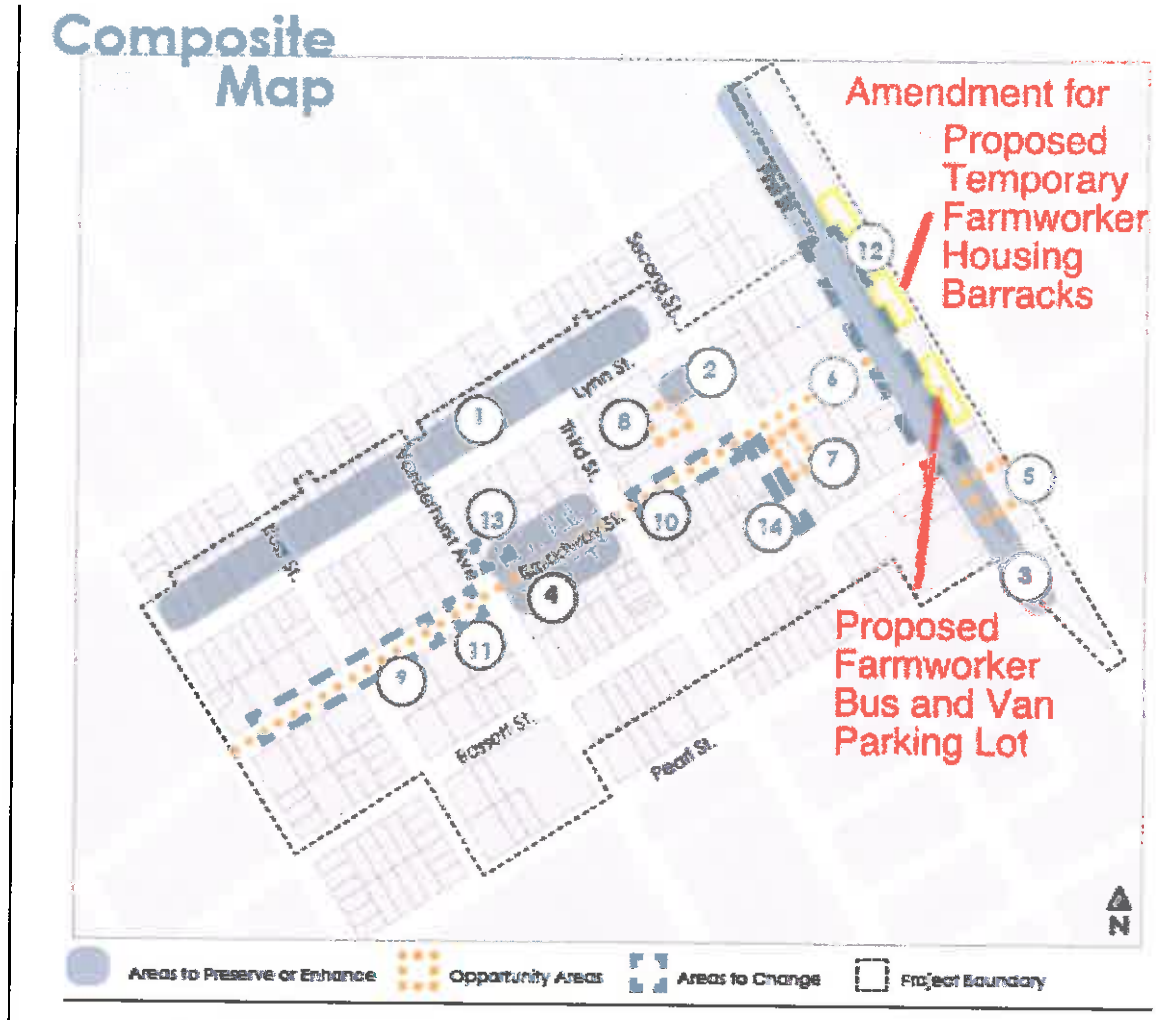


Figure 6. Historic Corridor Revitalization Plan, Composit Map



Areas to Preserve/Enhance

1. Preserve Victorian homes on residential streets.
2. Hartnell College was seen as an asset to the downtown community.
3. Make First Street a gateway.
4. Preserve historic buildings on the 335 block of Broadway Street.

Opportunity Areas

5. The empty lot could be a potential location for a train station.
6. Streetscape improvements needed along Broadway Street.
7. The vacant lot could be converted into a community center.
8. Town Square is under utilized, it could be used for a Farmer's Market or Antique Market.
9. Bring a variety of new specialty shops, restaurants, wine bars and/or sports bars to Broadway Street.

Changes

10. Create a flex space on Broadway between Third and Second Streets, to allow for pedestrian-only events.
11. Create historic landmarks.
12. Plant more colorful landscaping and trees on First Street.
13. Remove or restore the gas station.
14. Close a portion of Second Street between Broadway and Bassett Streets to create a pedestrian-only space.

Figure 2.4 Composite Map of Recommendations from Workshop 1

Figure 7. Photo of Existing Farmworker Housing Barracks

Figure 8. Photo of Recreation Area, Guest Parking and Entrance

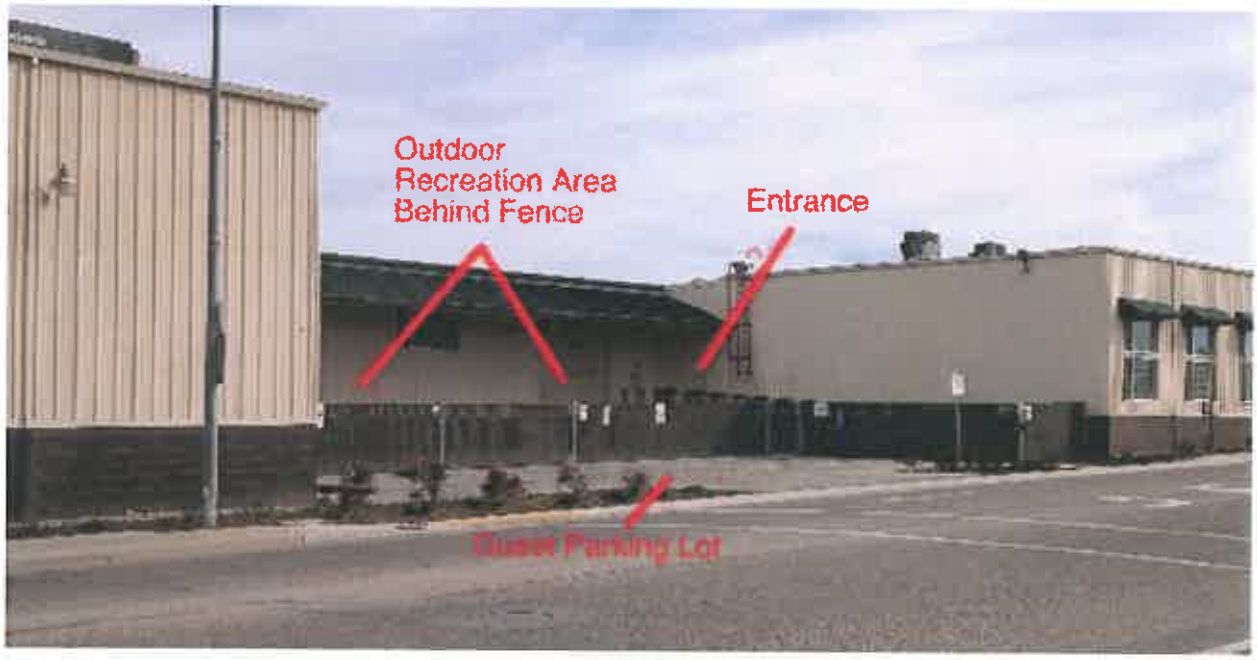


Figure 9. Photo of Caretakers's Apartment (lower floor) and Proposed Second Floor Recreation area (above apartment) as well as adjacent vacant building.

Figure 10. Photo of Caretakers's Apartment (lower floor) and Proposed Second Floor Recreation area (above apartment) as well as adjacent vacant building.

Figure 11. Photo of Interior of Building Prior to Initial Remodel

Figure 12. Current Photo of Interior of Building After Remodel, showing recreation area, including existing sofas, television and existing Laundry Area

Figure 13. Photo of Interior of Existing Building Proposed Barracks Area for Expanded Dorm Sleeping Areas

Figure 14. Photo of Current Dining Room (proposed to be relocated near manager's unit).

Figure 15. Photo of Existing Restrooms

Figure 16. Photo of Bus/Van Parking Lot located south of site

Figure 17. Photo of Existing Unfinished Second Floor area, proposed to be remodeled as additional recreation and relaxation area for residents

Figure 18. Photo of Existing Unfinished Second Floor area, proposed to be remodeled as additional recreation and relaxation area for residents

Figure 19. Examples of possible recreation facilities (applicant to determine appropriate recreation facilities for residents)

Figure 20. Examples of possible lounging and recreation facilities (applicant to determine appropriate recreation facilities for residents)

EXHIBIT 2

CUP 2016-001 (A2), AR2016-001 (A2)

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.

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

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 CEQA it was determined that a Mitigated Negative Declaration (MND) would be prepared. The MND is attached to this report.

This Project's environmental review was prepared for the Project pursuant to the CEQA. The MND 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. ***(See Exhibit 3 & 6.)*** The Mitigation Measures identified in the initial study would reduce the impacts to a less than significant level.

a. The proposed project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species. It is possible during grading and construction activities that unknown cultural resources may be unearthed, which may result in a potentially significant impact. Implementation of the mitigation measures for Cultural Resources would ensure the proposed project would not eliminate important examples of the major periods of California history or prehistory.

b. During construction related activities, the proposed project would 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.

Conditional Use Permit (CUP) and Architectural Review Findings of Fact

a. The proposed project is consistent with the requirements and policies of the City of King General Plan General Commercial designation and Zoning Ordinance First Street Corridor (FSC) Zone and Historic Corridor Revitalization Plan (HCRP).

b. The general appearance of the proposed building is in keeping with the character of the FSC district and its surrounding properties in the HCR-SP planning area.

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 FSC Zone District and HCRP because the building, existing landscaping and other improvements are attractively designed and provided amenities that add to the value of the area.

e. The COA as shown on **Exhibit 3** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

f. The proposed design and use of the building will enhance the appearance from the street and will provide housing for H2-A Farmworkers that will benefit the farmers and provide food products for the nation.

g. The temporary time period of the CUP will allow the applicant time to develop more permanent solutions for farmworker housing within the City and region.

i. The Project will not affect traffic conditions. The previous uses of the site have been warehousing and office. The H2-A Program requires that the employer provide transportation. The employer will use shuttles to take the employees to and from the agricultural fields.

j. The Project will not affect the orderly development of the area because it will stimulate the Historic downtown area. After the remodel, three-hundred and sixty-four (364) H2-A farmworkers plus caretaker will reside in the structure and patronize the Historic downtown area.

k. The proposed use is in conformance with the goals, policies and objectives of the General Plan and the purpose and intent of the FSC Zoning District.

EXHIBIT 3

RESOLUTION NO. 2018-214

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING APPROVING INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND AN AMENDMENT TO CONDITIONAL USE PERMIT CASE NO. 2016-00 (A2) AND AMENMENT TO ARCHITECTURAL REVIEW CASE NO. 2016-001 (A2) LOCATED AT 218 NORTH FIRST STREET (APN 026-293-004)

WHEREAS, on November 6, 2017, David Gill and Steve Scaroni (Applicants) submitted, conditional use permit (CUP) and architectural review (AR) applications to house an additional one-hundred and fifty (150) agricultural employees at an existing barracks style agricultural housing facility for a total of three hundred sixty-four (364) agricultural employees, located at 218 North First Street in a 43,499 square foot portion of the existing building as part of the H2-A Visa Farmworker Housing Program (Project), expanding the number of farmworker residents from one-hundred and fifty (150) to three-hundred and sixty-four (364) residents. The project includes associated recreation facilities, relocated dining hall, additional restrooms, a second-floor recreation/relaxation room, remodeling of the existing exterior to add windows and awnings, and use of an off-site parcel located south of the site for temporary bus and van parking; and

WHEREAS, an Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared and made available for a public review period from January 24, 2018 to February 12, 2018; and

WHEREAS, on February 20, 2018, the Planning Commission (Commission) conducted a public hearing and after listening to public testimony, the staff report, and other material, approved the CUP and AR applications, as shown on **Exhibits 5 and 6**; and

WHEREAS, the Commission makes the following findings of fact:

1. Initial Study and Mitigated Negative Declaration:

   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.

2. Conditional Use Permit and Architectural Review Permit:

a. The proposed project is consistent with the requirements and policies of the City of King General Plan General Commercial designation and Zoning Ordinance First Street Corridor (FSC) Zone and Historic Corridor Revitalization Plan (HCRP).

b. The general appearance of the proposed building is in keeping with the character of the FSC district and its surrounding properties in the HCRP planning area.

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 FSC Zone District and HCRP because the building, existing landscaping and other improvements are attractively designed and provided amenities that add to the value of the area.

e. The COA as shown on **Exhibit 3** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

f. The proposed design and use of the building will enhance the appearance from the street and will provide housing for H2-A Farmworkers that will benefit the farmers and provide food products for the nation.

g. The temporary time period of the CUP will allow the applicant time to develop more permanent solutions for farmworker housing within the City and region.

h. The Project will not affect traffic conditions. The previous uses of the site have been warehousing and office. The H2-A Program requires that the employer provide transportation. The employer will use shuttles to take the employees to and from the agricultural fields.

i. The Project will not affect the orderly development of the area because it will stimulate the Historic downtown area. After the remodel, three-hundred and sixty-four (364) H2-A farmworkers plus one (1) caretaker will reside in the structure and patronize the Historic downtown area.

j. The proposed use is in conformance with the goals, policies and objectives of the General Plan and the purpose and intent of the FSC Zoning District.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves approve Conditional Use Permit Case CUP 2016-001 (A2), Architectural Review Permit Case AR 2016-001 (A2), for the remodel of the existing building, adding facilities, including one-hundred fifty (150) new bunk beds, restrooms, recreational facilities and dining facilities for a total of three-hundred and sixty-four (364) H2-A Farmworker Residents as well as bus and van parking located off-site on the adjacent property located adjacent to and south of the barracks and as described in the Conditions of Approval **(Exhibit 3)** and the project submittals **(Exhibit 5).**

This resolution was passed and adopted this **20th day of February, 2018,** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
DAVID NUCK, CHAIRPERSON

ATTEST:_____
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3

CONDITIONS OF APPROVAL

AMENDMENT TO CUP CASE NO. 2016-001 (A2) AND AR2016-001 (A2) FOR FARMWORKER HOUSING AT 218 N. FIRST STREET AND FOR BUS PARKING AREA LOCATED OFF-SITE SOUTH OF BARRACKS PLANNING COMMISSION CONDITIONS OF APPROVAL/MITIGATION MEASURES

(Feb 20, 2018 hearing)

PHASE II

Community Development Department (The applicant should discuss the following conditions of approval ***("COA")*** with Maricruz Aguilar, 831.386.5916, if there are any questions.)

1. **Project Description:** This approval is an approval for Phase 2 of the H2-A Visa Farmworker Program housing located at 218 North First Street. The conditional use permit ***("CUP")*** and the architectural review ***("AR")*** approvals include, but are not limited to:

   - Expanding the floor plan area to a total of 43,499 square feet within the specified area of the existing building as identified in Exhibit 5.
   - Increase the number of farmworker employees by one-hundred and fifty (150) from two hundred and fourteen (214) to a total of three hundred and sixty-four (364).
   - Inclusion of manager's apartment (not included in number of total residents).
   - Modifying the exterior elevations by removing two (2) roll-up doors along the frontage and replacing them with new windows and awnings as well as windows and awnings along street frontage of Phase II to match Phase I windows and awnings.
   - Painting the entire building (including the side adjacent to the railroad tracks).
   - Use of a private shuttle bus and vehicle parking area on separate property, located south of site (northeast of intersection of Bassett and First Streets) is for the temporary use of the farmworker employee transportation and could potentially be redeveloped in the future for train station parking or for Multi-Modal public bus/train station structures as part of a future City, Amtrak and MST cooperative project. The current lease agreement between the owner of the bus parking lot, Smith-Monterey LLC, and the applicant, SGH Holdings, is for a period of five (5) years, beginning April 15, 2017 and ending April 15, 2022. Should the lease agreement lapse, the applicant shall inform the City within one week of the lapse and submit a proposal for a different bus parking area. Said request will require an application to the City for a

modification of CUP 2016-001 (A2) and shall require review of the Planning Commission. In the separate MOU between the City, SGH and Smith-Monterey, provision is made for the extension of Broadway Street, providing future access to the Downtown Addition Specific Plan area east of the railroad right-of-way. The permit and uses approved as part of CUP 2016-001 (A2) shall not impact or impair the development of the extension of Broadway nor shall it impact the access to the property east of the railroad via the future right-of-way located south of the farmworker barracks.

- Use of an existing adjacent vacant building area (located south of farmworker housing project) for temporary use of employee safety meetings but not for required recreation/relaxation areas or other facilities required for residents.
- Use of area near laundry downstairs for recreation/relaxation area and use of second floor area for recreation/relaxation area, including the provision of equipment and facilities identified in COA No. 38. Use also of outdoor space with a minimum of three-thousand (3,000) square feet near entry for outdoor recreation/relaxation area for residents, with a minimum of 2,110 square feet of downstairs recreational area, 5,450 square feet of second floor recreational area within the building and site located at 218 North First Street. Said recreational areas shall be developed with improvements identified in Condition 38. Sleeping areas, dining areas, laundry areas, bathrooms, offices, parking areas and other similar areas of the site shall not be calculated as part of required recreational areas.
- Other areas of building shall remain vacant and may not be used for employee housing or required recreational areas identified above. Separate permits (such as CUP's and Architectural Review as specified by the FSC Zoning Category) are required for any uses of other areas of building beyond the 52,239 square foot farmworker housing area of building. No other uses located south of the property line of APN 026-293-004 and north of the proposed dining area shall be allowed other than those identified in this Permit, Case No. CUP 2016-001 (A2) AND AR2016-001 (A2).

The project shall be developed in conformance with the site plan, floor plans, elevations, details, and other applicable submittals as approved by the Planning Commission on **February 20, 2018,** and shown on **Attachment 1.** The remaining portions of the buildings not used for H2-A Visa agricultural employee housing will remain vacant. Only those areas identified on **Exhibit 5** shall be used for farmworker housing.

Original Conditions of Approval of Case Numbers CUP 2016-001 and AR2016-001, approved on September 20, 2016 will continue to apply to the project Phase I portion of the development. The recreation/relaxation areas and facilities (outdoors and indoors on floors 1 and 2) as well as other common areas, restrooms, dining areas and other facilities shall be available for all residents of the facility.

2. **Temporary Use:** ***The amended CUP/AR applications adding one-hundred and fifty (150) beds are valid for one (1) year from the original Planning Commission approval date of February 20, 2018. If the applications are not used within one (1) year, the applications become invalid and new applications must be re-submitted for Planning Commission consideration and decision. The temporary use time (e.g., five (5) years) begins with the original use of the CUP/AR/VAR, dated September 20, 2016.*** The project (both Phase I and Phase II) is a temporary use for five (5) years from ***September 20, 2016.*** The applicant can request an extension of time of the CUP one-year at a time, for a total of five (5) extensions or up to a total project life of ten (10) years from the original date of approval, September 20, 2016. The applicant shall file a written request for an extension of time a minimum of six (6) months, ***prior to the expiration date of the initial five (5) year period and each one (1) year term extension. The request shall be subject to review and approval by the Planning Commission who will act on the request with in ninety (90) days of written request from applicant.*** An extension of time shall be granted provided the following findings of fact can be made in the affirmative:

   - There is no substantial evidence that the project is contrary to, or in violation of the conditions of approval/mitigation measures or in violation of any federal, state or local regulations.
   - There are no alternative projects for the property that exist deemed to be of a higher and better use with a willing and able buyer.

3. **Development Impact Fees:** **Prior to final occupancy,** the applicant shall pay all applicable development impact fees except the traffic impact fee. ***(See – Development Impact Fee List.)*** The project will not generate an increase in additional traffic over the previous use and; therefore, the traffic impact fee is not applicable.

4. **Structural Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in connection with the project. No conditions, colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP and AR applications, as applicable.

5. **Hold Harmless Clause:** Hold Harmless and Indemnification Clause: The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King (City) and its elected officials, officers, contractors, consultants (including Earth Design International, Hanna & Brunetti, Aleshire & Wynder, attorneys), employees and agents (including Earth Design International, 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 International, Aleshire & Wynder, attorneys, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

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

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

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

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:

- The counsel to so defend City.
- All significant decisions concerning the manner in which the defense is conducted; and
- Any and all settlements.

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

event of litigation, the applicant shall pay any and all City Staff and consultants' fees and costs.

The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

6. **Other County, State and Federal Permits: Prior initiation of the proposed use,** the applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement. In addition to meeting the standards of the City of King and the requirements established in these Conditions of Approval, the housing for the farmworkers shall also comply with all laws applicable to H2-A farmworkers.

7. **Sign Permit: Before installing any signs on the property,** the applicant shall obtain an approved sign permit from the Community Development Department. No signs were approved as part of this CUP. 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 Chapter 17.55.

8. **Itinerant Vendors/Food Service Catering:** All catering services are subject to approval of a City Business License Review. A business license shall be obtained for every person conducting or carrying on the business of food service and/or catering. Any nuisance on garbage onto the public street will be subject to enforcement per city ordinances. **Prior to issuance of occupancy permit,** the applicant shall strip the area to delineate travel path for serving meals. All food service shall be kept behind the fence.

9. **Bicycle Parking:** The applicant shall maintain the existing minimum four (4) secure bicycle rack parking provided in Phase I. The racks should be maintained coated of a durable material that prevents rust and corrosion.

10. **Fencing along Railroad Tracks:** A fence has been installed on top of the concrete wall along the parking lot property line adjacent to the railroad track for a total height of six (6') feet on top of the existing docking wall. The fence shall be maintained and any broken slats or similar problems shall be repaired within 30 days.

11. **Lighting Plan: Prior to installing additional lighting,** an amended lighting plan shall be submitted for Police Department, Building and Safety Department and Community Development Department approvals. The Lighting Plan shall show the locations and height of all exterior lighting fixtures. Lighting: All outdoor lighting shall be hooded and directed so as not to shine on residential neighborhoods, public roads or surrounding properties. Where appropriate, light-emitting diode (LED) lighting should be used for external lighting to reduce the site's electricity consumption.

12. **Landscaping:** Applicant shall maintain all existing plants in good condition and replace any plants that die with new plants of the same type. Ground mulch shall be

maintained at a minimum depth of two (2") inches. Automatic Irrigation system shall be drip or micro-sprinklers and shall not overspray onto the sidewalk.

13. **Parking:** **At the time of building permit submittal,** the applicant shall submit for City review the parking space conditions. If there are issues with parking (e.g., not enough parking spaces), the applicant shall provide staff with a revised parking plan which addresses the issues for review and approval by the Project Review Committee (PRC). If there are any reported problems regarding the parking, the applicant shall submit to staff a revised parking plan that addresses the issue(s) for review and approval by the PRC.

14. **First Street Fence:** **Prior to final occupancy,** the Community Development Director or his or her representative shall inspect the condition of the security fence located behind the parking area near the building entrance for consistency with previously approved conditions for security fencing. Said fence shall be continually maintained and any broken slats or other similar problems shall be repaired within 30 days.

15. **Additional Amenities:** **Prior to final occupancy,** new benches shall be installed in the outdoor recreational area and other facilities and recreational/relaxation facilities shall be provided pursuant to COA No. 38. A survey of site and facility shall be conducted by the Community Development Director of his or her representative prior to issuance of an occupancy permit.

Public Works Department (The applicant should discuss the following COA with contact Octavio Hurtado, 831.385.3281.)

16. **Trash Storage Area:** Trash containers shall be stored within the trash enclosure at all times, except when being unloaded. The trash enclosure shall be sized to accommodate trash, recycling, and green waste containers. A trash storage area shall be identified with bins for trash and recyclables. The storage area shall be screened from public view.

17. **Sidewalk/Public Accessibility:** **Before issuance of an occupancy permit,** an ADA/CA Title 24 Accessibly compliant walkway and sidewalk shall be installed around the existing driveway approach to meet ADA standards with a 2% max cross slope around the existing driveway approach, as found acceptable by the Public Works Department, City Engineer and Building and Safety Department. All details and information applicable to this requirement shall be included on the plans submitted for ADA/CA Title 24 Accessibly review before application for a building permit. All public sidewalks shall be in existing or dedicated City right-of-way.

18. **Encroachment Permit:** **Prior to starting street frontage improvements**, the Applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley).

19. **Sewer Connection:** **Prior to issuance of an occupancy permit**, the sewer connection shall be reviewed and approved by the City Engineer.

~~**20. Street Frontage: Prior to issuance of occupancy permit,** the applicant shall show that right-of-way improvements, including curb, gutter, sidewalk, and existing handicap ramps. The applicant shall make upgrades to comply with ADA standards along project frontage. The frontage includes that area of public right-of-way in front of the farmworker housing development and the bus and automobile parking area(s) located on the property located south of the housing barracks. This includes making upgrades to sidewalk, driveways and handicap ramps that do not meet ADA standards, as necessary. The actual limits shall be reviewed and approved by the City Engineer.~~

21. **Parking and Circulation Plan:** **Prior to issuance of an occupancy permit**, the applicant shall submit a parking and circulation plan for approval by the Community Development Department, Public Works Department and Building and Safety Department. The parking and circulation plan shall address the final location of required parking spaces, including parking spaces for persons with disabilities (i.e., ADA), and ingress and egress of vehicles including but not limited to buses, vans, and garbage trucks. This includes offsite storage of buses, vans, etc. Buses and vans shall not be stored onsite. Parking and circulation shall meet the City's Municipal Code design requirements. Farmworkers residing at this facility will have available voluntary bus or van transportation to and from farm work sites by the owner.

Building and Safety Department (The applicant should discuss the following COA with the Building Official, at 831.386.5932, if there are any questions.)

22. **Fire Exits:** **Prior to final occupancy,** fire exist plans shall be submitted for review and approval of the Building and Safety Department and Fire Department.

23. **Cafeteria/Kitchen Facility:** **Prior to final occupancy, if kitchen facilities are provided onsite,** the applicant shall submit to the Building and Safety Department verification that the County Health Department has reviewed and approved the cafeteria and kitchen facility, if needed.

24. **Demolition Permit:** **Prior to any demolition,** the applicant shall apply for a demolition permit.

25. **Utilities:** **Prior to final occupancy,** the applicant shall provide a recorded easement running with the land that includes a sun-setting at the time that the building is demolished with no cost to the city or developer for the re-location of the utilities.

26. **Occupancy Separation Walls:** **Prior to final occupancy,** per direction of the Building Official, occupancy separation walls are to be provided separating the buildings. Such separation shall be constructed in manner so that when the Clock Tower Building is removed the housing facility can continue to be occupied pursuant to the Building Code without significant disruption or termination of occupancy.

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

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

28. **Automated Fire Suppression System: Concurrent with the building permit application,** the applicant shall submit automated fire suppression system plans to the Building and Safety Department for review and approved by the City Engineer, Building and Safety Department and Fire Department.

Police Department (The applicant should discuss the following COA with the Police Chief, at 831. 385.5944, if there are any questions.)

29. **Security Plan: Prior to final occupancy,** the applicant shall contract with City's security camera consultant to install one security camera along the railroad tracks.

30. **Caretaker:** A full-time caretaker shall be onsite at all times and throughout the year to monitor the facility and residents and to ensure that all residents are provided with safe housing, food, sanitation and recreational facilities.

31. **Warning Sign: Prior to issuance of a final occupancy permit,** verification that the warning sign in English and Spanish continues to be posted on the fence stating, "Warning - Active Rail Service".

Miscellaneous Conditions of Approval

32. **No Guns:** To the extent that occupants of the agricultural employee housing subject to this permit are participants of the H2-A VISA Farmworker Program and are non-citizens of the United States, they shall not possess, retain on premises, use or store any firearm, weapon or destructive devices that can be used in a manner or similar to a firearm that includes but is not limited to rifles, shotguns, pistols or destructive devices of any kind. Destructive devices shall be defined for purposes of this condition as contained within the United States Codes, 26 USC §5845.

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

MITIGATION MEASURES

The following mitigation measures, in addition to those Conditions of Approval contained in the original approval of CUP Case No. 2016-001 and AR Case No. 2016-001 approved on **September 20, 2016**, shall be complied with and will serve to reduce the impacts of the project to less than significant.

34. **Mitigation Measure No. 1.c: Visual Resources:**

The remaining unoccupied portions of the existing building located at 218 N. First Street shall be painted to match the new remodel. Said painting shall be completed within prior to approval of occupancy of the building for the added employee residents in Phase II and shall include the front, end and rear of the building along the railroad tracks. Existing plantings, including existing trees, shrubs and groundcover, will be maintained and plants replaced if they die or are damaged.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Installed prior to issuance of an occupancy permit and maintained for life of the project.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

35. **Mitigation Measure No. 5.a, 5.b, 5.c, 5.d (Cultural Resources): This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project:** In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources are found during excavation or construction, work will be halted at a minimum of 30 feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie cultural resources, paleontological resources, historical resources or, in the case of adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ***("MLD")*** from the deceased Native American. The MLD may then 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.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Primarily during the grading portion of the project, including the excavation of foundations, pipelines, underground utilities and other similar excavation.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

36. **Mitigation Measure No. 8.c and d: This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project:** Grading, excavation and construction require measures to protect erosion and protect that runoff leaving each site. In addition, projects are required to meet, as applicable, the all standards contained in Municipal Code Section 17.56.100.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Erosion and sediment control plans and other pollution control plans are required prior to any grubbing, grading, excavation or construction. Measures to prevent erosion and sediment shall occur during the entire period of grubbing, grading, excavation and construction. Measures for on-going pollution control and water quality protection shall be on-going for the life of the project.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

37. **Mitigation Measure No. 10.a and b:** The noise reduction measures conducted in Phase I of the farmworker housing conversion and in a similar environmental evaluation for residential uses along the Union Railroad corridor at Mills Ranch development, measures to reduce noise for occupants of residential housing were identified. Projects, either standard residential units or facilities for the purpose of occupancy of farmworkers, shall incorporate measures similar to those for Mills Ranch if noise levels at the boundaries of the property exceed those identified in the Noise Element and Municipal Code Section 17. 56.030. Examples of noise mitigation used to protect occupants from excessive noise include building insulation, sound transmission reduction windows, sound walls and other typical measures.

    In the case of 218 N. First Street, a sound wall would be impractical. The potential feasible measure to reduce noise along the Union Pacific Railroad would be building insulation and the prevention of windows along the building exterior facing the Railroad tracks.

    Implementation Party: Applicant/Owner/Developers of development

    Enforcement Agency: City of King

    Timing: Improvements would be installed prior to any residential occupancy or other occupancies as required by Municipal Code.

    Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

38. **Mitigation Measure No. 12.d:** The following recreational and security facilities shall be included in the project prior to occupancy of the new additional beds:

    Outdoor facilities (minimum of three-thousand (3,000) sq. ft.).

    1. Outdoor recreational equipment such as soccer net, soccer balls for outside play and/or other sports as occupancy requests.
    2. A minimum of four (4) benches in good condition for outside, including some lawn furniture like chairs, lounge chairs, and outdoor picnic tables, (existing broken benches shall be replaced with new benches). The outdoor recreational design plan to be submitted at the time of building permit and reviewed by Community Development Department.
    3. Place for outdoors paved soccer court including balls, including permanently painted lines defining court boundaries. The outdoor recreational design plan to be submitted at the time of building permit and reviewed by Community Development Department.
    4. Covered seating area with proper popup shade cover or other suitable shade cover.

5. The existing four (4) durable bicycle racks for use by residents to remain.

Indoor play and relaxation facilities (minimum of 7,560 recreational indoor sq. ft.) utilizing the second-floor space and the downstairs area near the laundry facilities: (combination of upstairs & downstairs of minimum 10,560 sq. ft.)

1. Separate TV lounge areas inside building, one (1) downstairs and one (1) upstairs, with a minimum of ten (10) sofas and twenty (20) comfortable chairs with cushions, including a minimum of two televisions connected to cable or satellite television networks.
2. A minimum of six (6) tables and chairs upstairs with a minimum of two computers connected to the world-wide web network. The work stations will be monitored by the housing manager.
3. Provision of assistance for those desiring to participate in the already offered Employer programs. Programs that have been offered include, safety webinars, Aguila program with leadership books and leadership classes, Clinica de Salud programs as offered and weekly outings to shopping centers and flea markets. In addition, the on-site manager will provide local benefits to the farmworker employees like Library access and Hartnell College classes.
4. Other indoors play, such as additional foosball table, Ping-Pong, billiards, chess and checkers tables and pieces, with a minimum of four such tables.
5. Small private quiet area for prayer, introspection and quiet time with seating for a minimum of six persons and with a minimum of one-hundred (100) square feet.

Security Facilities: Security cameras, to be approved by the Police Chief, shall be installed on the rear of the building prior to issuance of an occupancy permit.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Improvements would be installed prior to any residential occupancy or other occupancies as required by Municipal Code.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner.

Conditional Use Permit Agreement:

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

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

Applicant's Signature _____ Date: _____

Exhibit 5

Project Description

P.O. Box 1743
220 Lynn street
King city, Ca. 93930
(831)-385-0810

WESLEY BEEBE ARCHITECTURE

Maricruz Aguilar
City of King
King City, CA. 93930

RECEIVED
JAN 2018
CITY OF KING

Project Description

Tom Willoughby
740 first Street
King City, ca. 93930
APN: 235-042-005

The purpose for this project is to build a commercial Building A 4,880 Sq. Ft.

The site is Zoned H- S Highway Service

The first Phase building and parking lot would be used for warehouse and office for All-Temp Refrigeration. Tom would like to rent the second phase building to building contractors, Equipment supply companies, Restaurant supply business. The schedule for phase one is ASAP or the summer of 2018 and for phase two is two years in the future.

There would be a total of 11 parking spaces with more room in the back for overflow. The site would have its own bio-swale to deal with rain water runoff.

We are working for a lot merger for the two parcels to form one site. The surveyor currently working on this part of the project.

We will be asking for outside storage area the area will be fenced and used to store pickups and trailers.

The hours of operation would be from 8-5, if we had two units we anticipate 1-2 employees each. All trucks left on site would be stored in side.

Let me know if you have any questions

Wes Beebe

RECEIVED
JAN 22 2018
CITY OF KING

Exhibit 6

Initial Study and Mitigated Negative Declaration

CITY OF KING
CALIFORNIA

INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

Draft: January 16, 2018

Proposed Phase II remodel of existing temporary barracks style farmworker housing facility to add beds, a caretaker's unit and recreational areas for 150 farmworker temporary employees addition to existing 214 farmworker quarters
Location: 218 North First Street, King City, CA.

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

General Information About This Document

What's in this document?

The City of King has prepared this Initial Study and Mitigated Negative Declaration ***("IS-MND")*** which examines the potential environmental impacts of the proposed project. The document describes the project, which represents an amendment to an existing CUP to add 150 beds and related facilities to an existing farmworker housing facility referred to herein as "the project". The project location is east of and part of the Historic Downtown and adjacent to the Downtown Addition Specific Plan area. The applicant, David Gill and Steve Scaroni, request approval, under a Conditional Use Permit (CUP), to further remodel the existing farmworker housing facility, formerly an old vacant warehouse located at 218 North First Street APN: 026-293-004-000 (at the intersection of Broadway Street and First Street) adding 150 beds and a site-manager's residential apartment to existing temporary farmworker housing facility currently providing space for 214 farmworkers and a manager's apartment. Project includes a private shuttle bus parking area on adjacent property located south of the project site APN: 026-293-005-000. Employee residents of the facility are bussed to and from all work sites.

The IS-MND also describes the existing environment that could be affected by the project, potential impacts, if any, of the proposed project, and proposed avoidance, minimization, and/or mitigation measures.

What should you do?

- Please read this document. Additional copies of this document are available for review at the City Community Development Department, 212 South Vanderhurst Avenue, King City, California.
- Attend the Public Hearings. The Planning Commission will conduct a public hearing on the Initial Study and Mitigated Negative Declaration on **February 20, 2018** at City Hall, 212 South Vanderhurst Avenue.
- We welcome your comments. If you have any concerns about the proposed project, please attend the Planning Commission Hearing on **February 20, 2018**. The deadline for written comments ends on February 12, 2018.
- If you have any questions, please contact the Community Development Department:

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

  Or you can send questions via email to: maguilar@kingcity.com

What happens next?

After comments are received from the public and reviewing agencies, the Planning Commission, on **February 20, 2018**, may: 1) approve the Negative Declaration and Initial Study for the proposed additional farmworker sleeping quarters at 218 N. First Street and amend the conditional use permit, or

2) require additional environmental studies, or

3) require changes to the project or deny the project, if there are issues that cannot be mitigated.

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ATTACHMENTS

Proposed Project Design

Letter of Project Description from Wes Beebe

I. PROJECT INFORMATION

Project Title:

The Mitigated Negative Declaration includes the environmental evaluation of the proposed additional 150 farmworker sleeping quarters in the temporary farmworker housing facility at 218 North First Street, King City, CA.

Case Number:

CUP-2016-001 (A2) AND AR-2016-001 (A2)

Project Applicant:

David Gill and Steve Scaroni SGH Holdings, LLC King City, CA 93930	Phone: Fax:	(760) 352-3080
Rep: Wes Beebe	Phone:	(831) 385-0810

Project Landowner:

Property Owner: SGH, LLC	Phone:	(760) 352-3080

Project Lead:

Doreen Liberto-Blanck, Community Development Director & Don Funk, Principal Planner	Fax: Phone:	(831) 386-5968 (831) 386.5916
Maricruz Aguilar-Navarro, Assistant Planner 212 So. Vanderhurst Ave., King City, CA 93930		

Project Description:

Proposal:

The proposal involves an addition to an existing Farmworker Housing barracks with related facilities located at 218 N. First Street. The project also involves a private shuttle bus and employee parking area.

The Mitigated Negative Declaration includes an evaluation of the proposal to increase the farmworker housing facility from the current 216 H2A farmworkers to 364 workers. The CUP request for the existing building located at 218 North First Street includes additional modular restrooms, a new dining area, a small outdoor recreation area, parking, bus loading/unloading area, a new second floor relaxation and recreation space and a one-bedroom caretaker/manager unit. Project also includes employee shuttle bus parking on the adjacent property located south of the site. Applicant has an agreement with the landowner of that property for temporary use as bus parking.

The facility, based on the originally approved Case No. CUP- 2016-001 and Case No. AR 2016-001 has a temporary permit for a period of five (5) years, starting with the original CUP/AR approval date of September 20, 2016, with the ability to have the applicant submit a request of extension one-year at a time for a total of five (5) extensions or up to a total project life of ten (10) years. . The site is located northeast of the intersection of Broadway Street and First Street, between First Street and the Union Pacific Railroad. West of the project is the Historic Downtown Area and east of the project is the Downtown Addition Area.

Following is a breakdown of existing and proposed uses:

SUMMARY OF USES & BUILDING FLOOR AREAS

SUMMARY OF USES & BUILDING FLOOR AREAS FOR PHASES 2 & 1:

PHASE 2 AREAS (*THIS SUBMITTAL*):

THE BUILDING HAS THE FOLLOWING OCCUPANCY GROUPS & USES:

- **GROUP A-3: DINING AREA (1ST FLOOR: 4,560 SF)**
- **GROUP B: OFFICE FOR FACILITY MANAGER (1ST FLOOR: 618 SF)**
- **GROUP R-2: DORMITORY (1ST FLOOR: 8,020 + *3,200 = 11,220 SF)**
- **GROUP R-2: ACCESSORY LIVING AREA (2ND FLOOR: *5,450* SF)**
- **GROUP R-3: RESIDENCE FOR FACILITY MANAGER (1ST FLOOR: 408 SF)**
- ***NOTE: THE PREVIOUS DINING AREA WILL BE CONVERTED TO DORMITORY USE***
- **TOTAL AREA THIS SUBMITTAL: 22,256 SF**

PHASE 1 AREAS (*PREVIOUSLY APPROVED SUBMITTAL*):

THE BUILDING HAS THE FOLLOWING OCCUPANCY GROUPS & USES:

- **GROUP A-3: DINING AREA (1ST FLOOR: *3,200 SF)**
- **GROUP R-2: DORMITORY (1ST FLOOR: 11,515 SF)**
- **GROUP U: ACCESSORY UTILITY SPACE (1ST FLOOR: 9,728 SF)**
- **PREVIOUS SUBMITTAL: 24,443 SF**

PHASE 2 AREA & PHASE 1 AREAS COMBINED:

THE OVERALL BUILDING WILL HAVE THE FOLLOWING OCCUPANCY GROUPS & USES:

- **GROUP A-3: DINING AREA (1ST FLOOR: 4,560 SF)**
- **GROUP B: OFFICE FOR FACILITY MANAGER (1ST FLOOR: 618 SF)**
- **GROUP R-2: DORMITORY (1ST FLOOR: 8,020 + *3,200 + 11,515 = 22,735 SF)**
- **GROUP R-2: ACCESSORY LIVING AREA (2ND FLOOR: *5,450* SF)**
- **GROUP R-3: RESIDENCE FOR FACILITY MANAGER (1ST FLOOR: 408 SF)**
- **GROUP U: ACCESSORY UTILITY SPACE (1ST FLOOR: 9,728 SF)**
- **COMBINED TOTAL AREA FOR PHASES 2 & 1 : 43,499 SF**

SUMMARY OF ACTUAL BUILDING FLOOR AREA:

- **1ST FLOOR: 38,049 SF**
- **2ND FLOOR: 5,450 SF**
- **TOTAL BUILDING AREA: 43,499 SF**
- **NOTE 1: AREA SUMMARY INCLUDES THE 3,200 SF CONVERSION ONE TIME**
- **NOTE 2: AREA SUMMARY INCLUDES 5,450 SF 2ND FLOOR FUTURE CONVERSION**

Evaluation of Recreational and Relaxation Space for Occupants

Based upon an evaluation of the submitted plans, the project provides the following recreational/relaxation areas, not including dining areas:

Current Phase I

Outdoor recreation: Paved area with two benches: approximately 2,600 sq. ft. (estimated 85 ft. x 30 ft.)

Indoor recreation and relaxation first floor: approximately 3,200 sq. ft. (estimated 40 ft. x 80 ft.)

Total existing recreation and relaxation area (indoor and outdoor): approximately 5,800 sq. ft.

Existing indoor and outdoor recreation and relaxation area per occupant: approximately 27 sq. ft. per occupant

Phase I (as modified) combined with Phase II

Outdoor recreation: Paved area with two benches: approximately 2,600 sq. ft. (estimated 85 ft. x 30 ft.)

Indoor recreation and relaxation first floor: approximately 2,000 sq. ft. (estimated 25 ft. x 80 ft. due to enlargement of laundry area)

Proposed indoor recreation and relaxation second floor: approximately 5,450 sq. ft.

Total proposed recreation and relaxation area (indoor and outdoor): approximately 10,050 sq. ft.

Proposed indoor and outdoor recreation and relaxation area per occupant: approximately 28 sq. ft. per occupant.

Background:

1. The Project is proposed for the expansion of existing Farmworker housing located in an existing building at 218 North First Street: The Mitigated Negative Declaration addresses the impacts of the proposed addition of 150 beds to the existing temporary barracks style farmworker housing facility at the northeast corner of the intersection of Broadway and First Streets. The gross area of the both existing Phase I and proposed Phase II is approximately 43,499 square feet, including the sleeping area, dining area, laundry area, restrooms, recreation area and manager's apartment. The applicant proposes that the facility would be occupied by H2A farmworkers, a program that provides for laborers from outside of the United States are brought to the area for a period of approximately nine or ten months to work on local farms and ranches, generally during the spring through late fall of each year.

The applicant also has an agreement for the temporary parking of employee shuttle busses on the adjacent property located south of the site.

Will the Changes Modify coverage, setback or height zoning and Historic Downtown Revitalization Plan standards?:

No.

Uses Being Proposed:

1. Proposed Project at 218 North First Street: The specific project involves additional interior remodel of the current farmworker housing facility. The building was the former Meyer Tomato processing facility. The remodel will add 150 beds in the barracks style housing. There are existing beds for 214 male farmworkers through an H2A migrant program. In addition, a one-bedroom studio apartment is proposed for an on-site manager of the facility. The dining area is proposed to be relocated to the area east of the manager's unit. Additional bathrooms would be added and the vacant second floor area would be converted to a recreation/relaxation area for use of the residents.

The farmworker facility was originally approved on September 20, 2016 to have an initial permit covering a five (5) year period . Time extensions can be requested up to a maximum of five (5) years for a total project life of ten (10) years. Food is currently prepared off-site and brought to the facility for consumption by the farmworkers. Restrooms and showers are proposed to be added to serve the new

occupants.

The additional farmworker sleeping areas would be within large remodeled bays located near the manager's unit. Windows would be added to provide light and air are proposed to be added along the street side of the building. These windows would also provide required emergency exiting should a fire or other emergency occur within the building.

A small recreation area exists behind the existing parking area. At this time, there are no outdoor recreational equipment, courts or other recreational facilities within the paved area enclosed by a fence. There is a foosball table near several sofas in the downstairs recreation area as well as a television for the occupants. A bus and van pick-up and drop-off is provided north of the manager's unit. Bus storage is provided on the neighbor's property south of the facility.

The Union Pacific Railroad right-of-way is adjacent to and east of the proposed farmworker housing. Old vacant areas of the tomato processing facility, north and south of the proposed housing, will remain vacant. First Street is located to the west of the proposed temporary housing.

In general, the project will serve several purposes:

1. Provide local farmers with additional farm employees to assist in the production of food products.
2. Reduce travel of farmworkers who now are being bused from long distances to serve local farm owners.
3. The project will add local employees who will undoubtedly purchase products, including food and clothing, in King City, helping the economy of the City.
4. The project will not block the potential extension of Broadway Street. The building south of the existing housing is now owned by the same company that owns much of the Downtown Addition Specific Plan area east of the railroad tracks.
5. The project will include, as required by code, a heating system and insulation in the walls and ceiling adequate to meet Title 24 requirements as well as to help reduce noise from the adjacent railroad to acceptable levels per the Noise Element.
6. The project will have a limited time span, giving the applicant time to find more permanent solutions for farmworker housing in or near King City.
7. The operator of the facility has committed to ensure that the workers in the facility will continue to be monitored. The Police Chief indicates that there have been no significant issues caused by the current residents of the building.

Parking:

1. Proposed Project at 218 North First Street: Currently, the existing H2A workers few if any personal vehicles. They are provided for transportation to and from Mexico as well as bus or van pool transportation from the farmworker facility to the local farms and ranches around and near King City. Within the City, the existing

occupants either walk or use bicycles around town. For that reason, off-street parking will continue to be limited to that necessary for the on-site manager, other staff and a few guest spaces, estimated to be approximately one space for each 20 workers living at the facility.

The applicant's employee shuttle buses are currently being parked southeast of the intersection of First Street and Broadway in an existing old gravel parking area located on the neighbor's property. The applicant has an agreement with the owner of that property for the temporary parking of the shuttle busses.

Architectural Review:

1. Proposed Project at 218 North First Street: The proposal includes limited exterior changes, including the addition of windows and awnings along the First Street frontage near the area described as for recreation for residents. Said improvements will result in an improved exterior appearance of the building. While the proposed building design is not consistent with the Historic Downtown Revitalization Plan, it does improve the appearance of the former warehouse and packing plant. Staff recommends the addition of trees along the frontage (within the old planter strip) of the shuttle bus parking area to improve the appearance and partially block the view of the busses from First Street.

Recreational and Relaxation Facilities:

The applicant proposes to remodel the old vacant second floor area into additional recreational and relaxation space for the residents. Current facilities are limited to a television, several couches and one foosball table. There are not outdoor facilities for residents other than two benches, one of which is broken. In order to provide adequate facilities, we recommend the following:

Recommended outdoor facilities

1. A basketball backboard, net and Basketballs for outside play.
2. Nicer benches for outside, including some lawn furniture like chairs, lounge chairs, picnic table and chairs for use by the residents.
3. Place for outdoors paved soccer court or volleyball court with net, balls, and lines defining court boundaries.
4. Covered seating area, such as an umbrella covered tables.
5. A minimum of four (4) "loan bicycles" for use by residents.

Recommended indoors play and relaxation facilities utilizing the second-floor space and the downstairs area near the laundry facilities:

1. Separate TV lounge areas inside building, one downstairs and 2 upstairs, with sofas and comfortable chairs.
2. Tables downstairs and upstairs with a couple of computers connected to the web.
3. Assistance for those wanting a library card. If they can't obtain library cards, perhaps owner should provide a small library, including books on learning English and other subjects.
4. Other indoors play, such as additional foosball table, Ping-Pong, billiards, cards, chess and checkers tables and pieces.
5. Small private area for prayer, introspection and quiet time.

6. Vending machines with drinks and snacks

Landscaping, Coverage and Other Similar Code Standards:

1. Proposed Project at 218 North First Street: In the case of 218 North First Street, the existing building has 0 ft. front and 0 ft. rear setbacks and there is an existing narrow grass strip within the First Street right-of-way frontage. During Phase I, the applicant added trees and shrubs along First Street. It is recommended that trees be planted in front of the applicant's bus storage area on the adjacent property located south of the housing area. As part of the Architectural Review it is recommended to paint the remaining portions of the building to match the color scheme of Phase 1.

Drainage:

Regulations for water quality protection are applicable to all farmworker housing projects: Where grading occurs, the State Water Resources Control Board ***("SWRCB")*** and Regional Water Quality Control Board ***("RWQCB")*** standards will continue to apply to development of properties in the City. The State requires Best Management Practices ***("BMPs")*** for grading, construction and development. Low Impact Development ***("LID")*** criteria is the best management tool for reducing water pollution and increasing percolation. Landscape areas can be incorporated into the LID measures. In this way, the future landscaping areas will have multiple benefits of improving water quality and improving the appearance of the district. Projects are required to meet these standards. In addition, projects involving over one acre of area are required to further include Stormwater Pollution Prevention Plans ***("SWPPPs")*** as provided by the RWQCB.

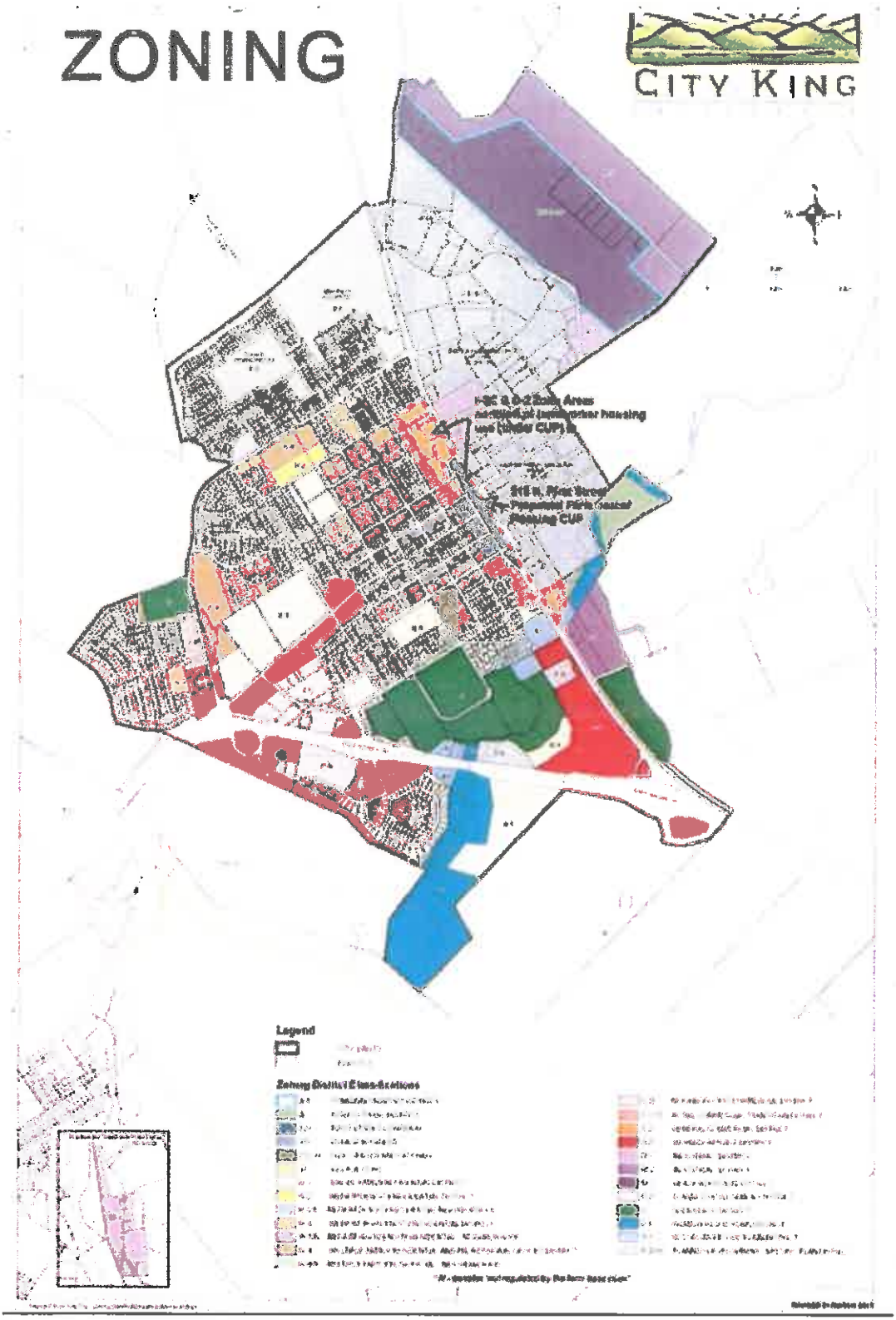


Figure 1. Showing FSC and C-2 Zoning Districts and project site 218 N. First St.

Figure 2. Photo of Existing Building Facade

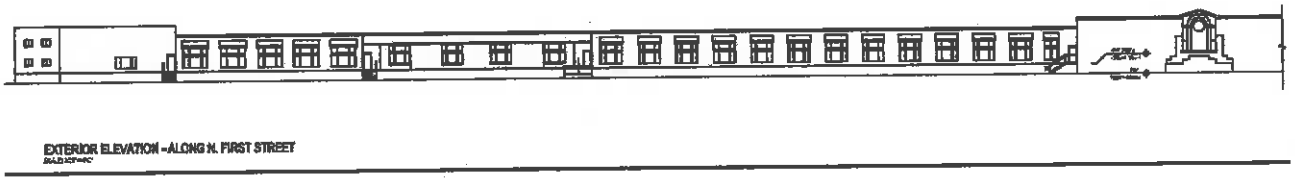


Figure 3. View of Front of Building

Figure 4. View of Front of building, Section Proposed for Remodel

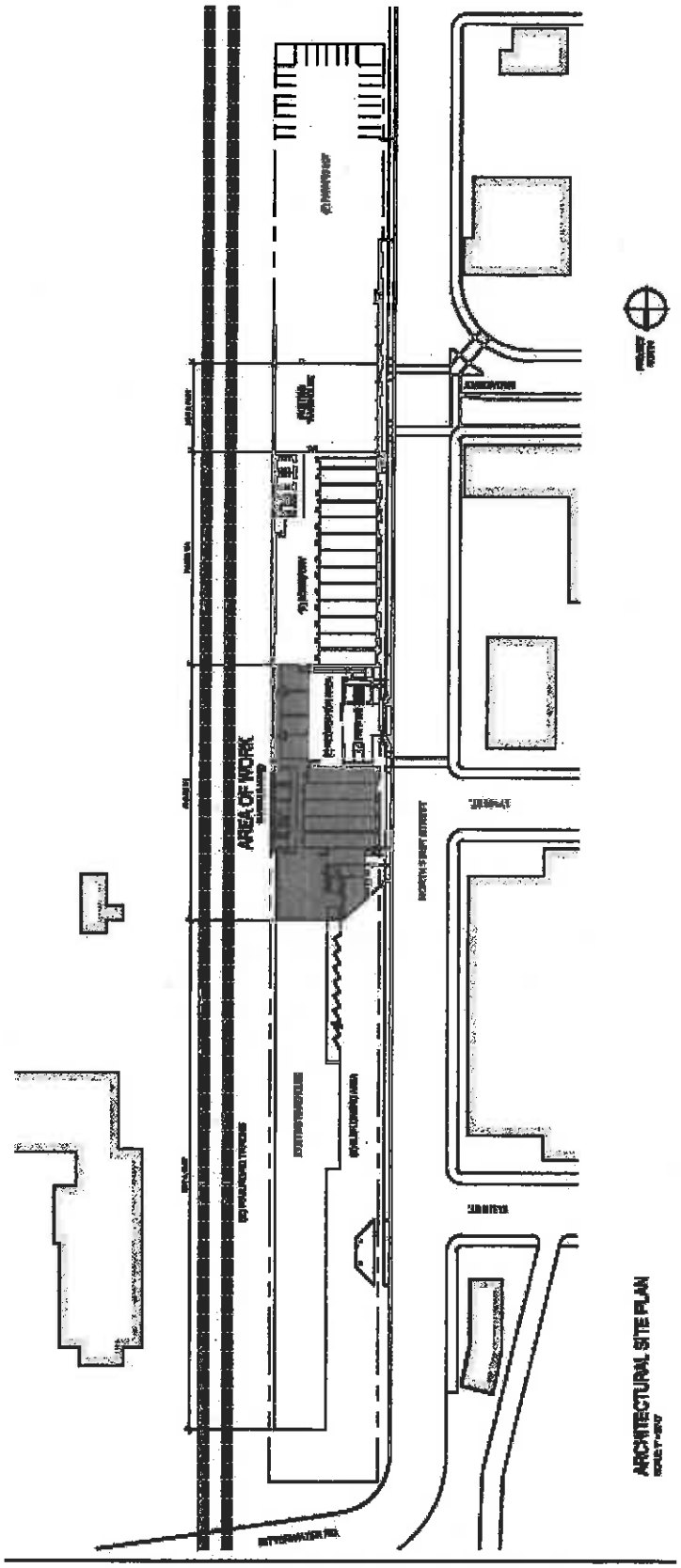


Figure 5. Overall Site Plan, Project Area in Gray
218 N. First Street

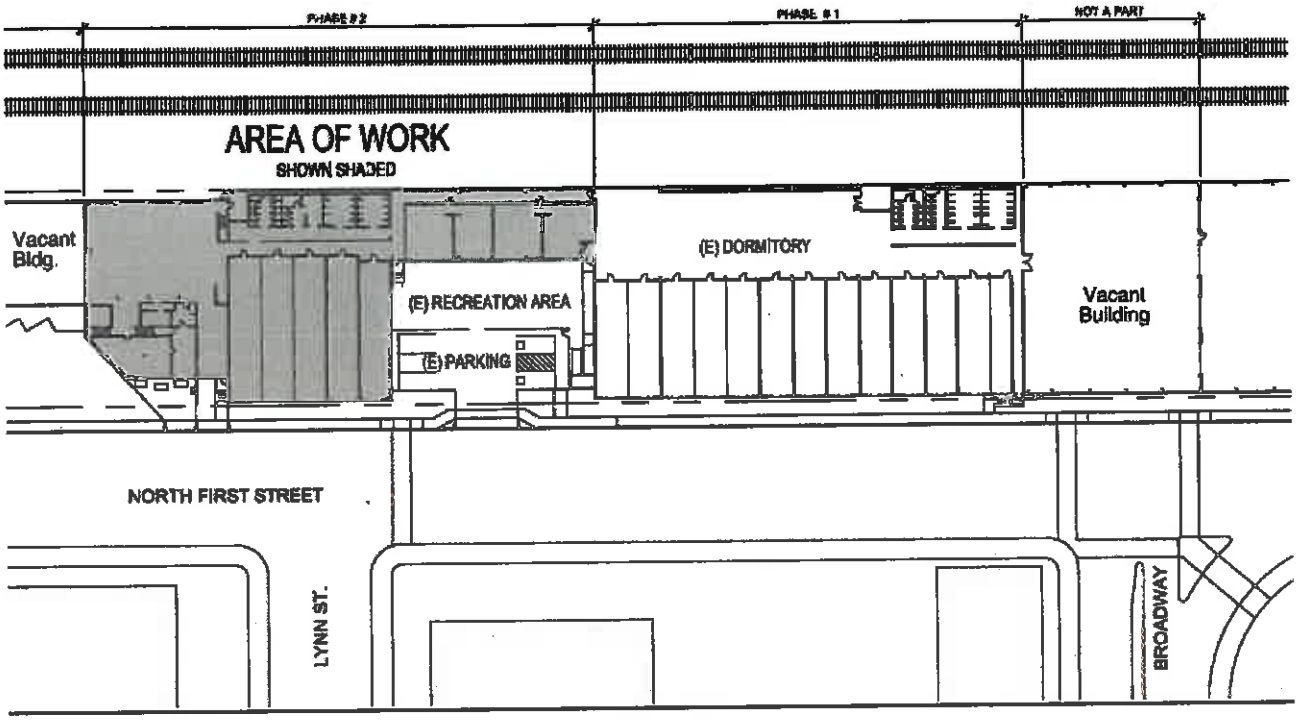


Figure 6. Plot Plan of Building Remodel and existing dormitory, 218 First St.

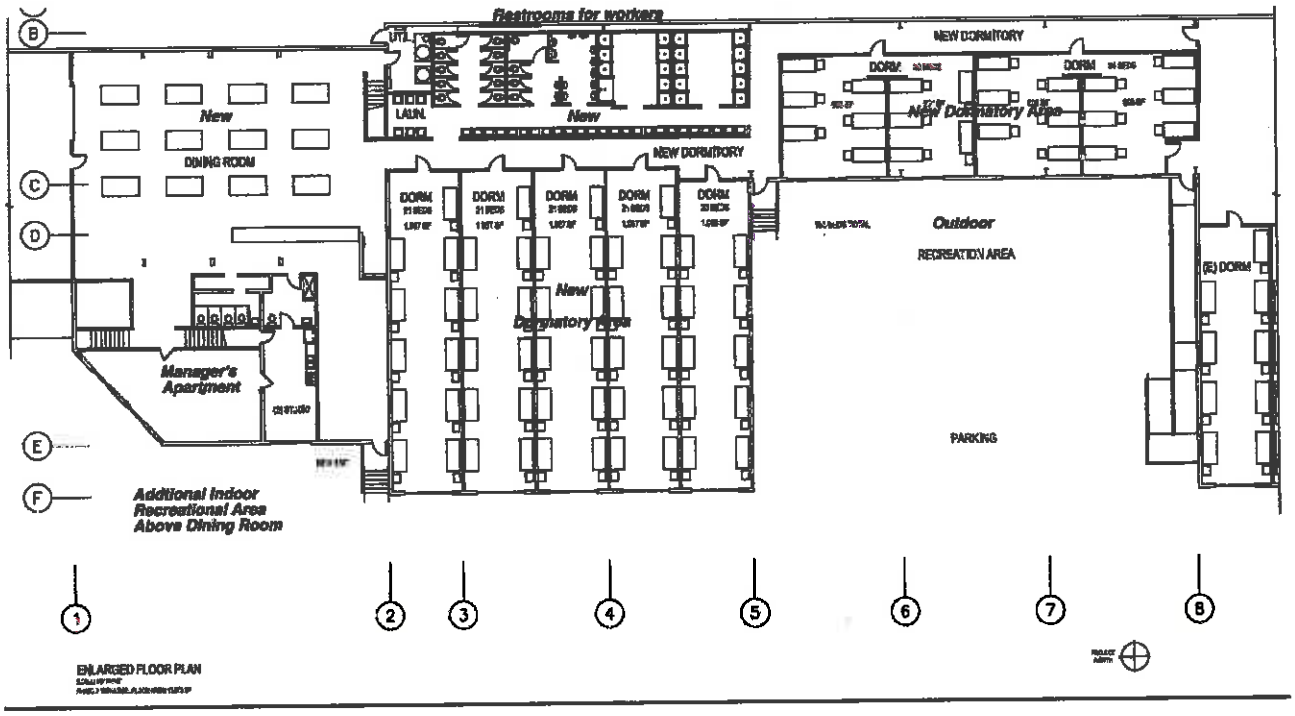


Figure 7. Detail of Building Modifications, 218 N. First Street

Figure 8. Interior of Building Prior to Initial Remodel

Figure 9. Interior of Building After Remodel, showing recreation area, including existing sofas, television and existing Laundry Area

Figure 10. Proposed Expanded Dorm Sleeping Areas

Figure 11. Current Dining Room (proposed to be relocated near Manager's unit).

Figure 12. Existing Restrooms

Figure 13. Second Floor area, proposed as additional recreation and relaxation area.

Figure 14. Second Floor area, proposed as additional recreation and relaxation area.

Figure 15. Example of recommended recreation room uses

Figure 16. Example of recommended recreation and relaxation room

General Plan Designation:

Consistency with General Plan

The proposed changes will provide the potential for additional housing for farmworkers at 218 North First Street. Currently there are insufficient quarters for farmworkers in and near King City. Farm owners indicate that they bus farmworkers from long distances to work the local farms. The 2007 Housing Element indicated that "according to the USDA, in 2002 there were over 31,000 farmworkers in Monterey County and that "many farmworkers reside in substandard living conditions."

> **Housing Element Goal 3:** To meet the housing needs of special groups of City residents, including a growing senior population, large families, single mothers, farmworkers, homeless, seniors and the disabled.
>
> **Housing Element Policy 4.3** Encourage housing opportunities for those residents who have special housing needs, such as farmworkers, large families, elderly, disabled persons, and other identified special needs groups.

Response to the Housing Element Goal 3 and Policy 4.3:

The CUP proposal for the additional housing at 218 N. First Street will provide for temporary housing to meet local farmworker labor needs, providing the applicant with the time needed to develop more permanent farmworker housing at another location in or near the City.

II. DETERMINATION OF MITIGATED NEGATIVE DECLARATION

This proposed Draft MND is included to give notice to interested agencies and the public that it is the City of King's intent to adopt a MND for this project. This MND is subject to change based on comments received by interested agencies and the public. The project is not expected to have a significant effect on the environment. The proposed changes at 218 North First Street will provide for a needed housing for local farmworkers. The proposal for additional beds at 218 N. First Street will not have significant environmental impacts if the mitigation measures identified in this Mitigated Negative Declaration are implemented as conditions of the CUP for said project.

The City of King prepared the IS-MND for this project and pending public review, expects to determine from this study that the project, if developed and operated consistent with any mitigation measures specified in this document, would not have a significant effect on the environment for the following reasons:

- The proposed project would have no significant effect on: growth, farmland/timberland, the community, cultural resources, geology/soils/seismic/topography, hazardous waste or materials, air quality, noise or vibration, Land Use, Parks and Recreational Facilities, Utilities/ Emergency Services, Traffic and Transportation, Visual/ Aesthetics, Hydrology and Floodplain, Water and Storm Water Runoff, Animal Species, Invasive Species, Construction Impacts, or Climate Change, or historical/archaeological/paleontological resources, natural communities, and threatened and endangered species because the following mitigation measures would reduce potential effects to insignificance.

III. ENVIRONMENTAL SETTING

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the Environmental Checklist:

	1. Aesthetics			9. Land Use/Planning
	2. Agricultural Resources		X	10. Noise
X	3. Air Quality			11. Population/Housing
	4. Biological Resources			12. Public Services
X	5. Cultural Resources			13. Recreation
	6. Geology/Soils			14. Transportation/Circulation
X	7. Hazards/Hazardous Materials			15. Utility/Service Systems
X	8. Hydrology/Water Quality			16. Mandatory Findings of Significance

Surrounding Land Use			
North:	Vacant & Industrial	East:	Agriculture (designated for commercial)
South:	Vacant & mixed use	West:	Historic commercial downtown

Environmental Setting:

The proposed project is located in the central part of the City between the Historic Downtown and the Downtown Addition Specific Plan. The City of King is located in the southern end of Salinas Valley along the US Highway 101 freeway approximately in the center of Monterey County. King City is the hub of the southern part of the agricultural industry of the Salinas Valley. The Salinas Valley is one of the most productive agricultural valleys in the world, producing many of the fruits and vegetables consumed throughout the United States. It is also at the northern edge of the Paso Robles Wine Region, recently named the Wine Enthusiast's Magazine "Wine Region of the Year award for 2013. A major regional winery, Monterey Wine Company, is located in King City near the airport. The Highway 101 corridor connects the San Francisco Bay Area and the Central Coast.

The project has access to First Street and is adjacent to the extension of Broadway Street, which will replace the old vacant warehouse building next to the farmworker housing. The project is also adjacent to the Union Pacific Railroad.

The proposal for the CUP for the additional conversion, creating barracks style farmworker housing within a portion of the existing building located at 218 N. First Street. The site at also bounds the future Downtown Addition area. The Downtown Addition will include a commercial area east of the Railroad as well as planned residential uses and a linear park along San Lorenzo Creek.

The City is approximately 50 miles south of the City of Salinas, 145 miles south of San Francisco, 105 miles south of San Jose, 50 miles north of Paso Robles and 250 miles north of Los Angeles. The City of King is important for its proximity to Pinnacles National Park and as the hub of south Salinas Valley agricultural center. It is a relatively small agriculture-based community located south of the small towns of Greenfield, Soledad, and Gonzales, other agricultural communities in the Salinas Valley.

The topography of the site, which is similar to that of the City and surrounding valley, is flat alluvial plane between mountain ranges to the east and west of the City. San Lorenzo Creek and Salinas River floodplains are a potential hazard, bordering the southwestern portion of the City and traversing the City in a northeasterly direction to intersect the Salinas River. The City is located near the border of the Pacific and Continental Plates and is within an area known to have frequent seismic movement.

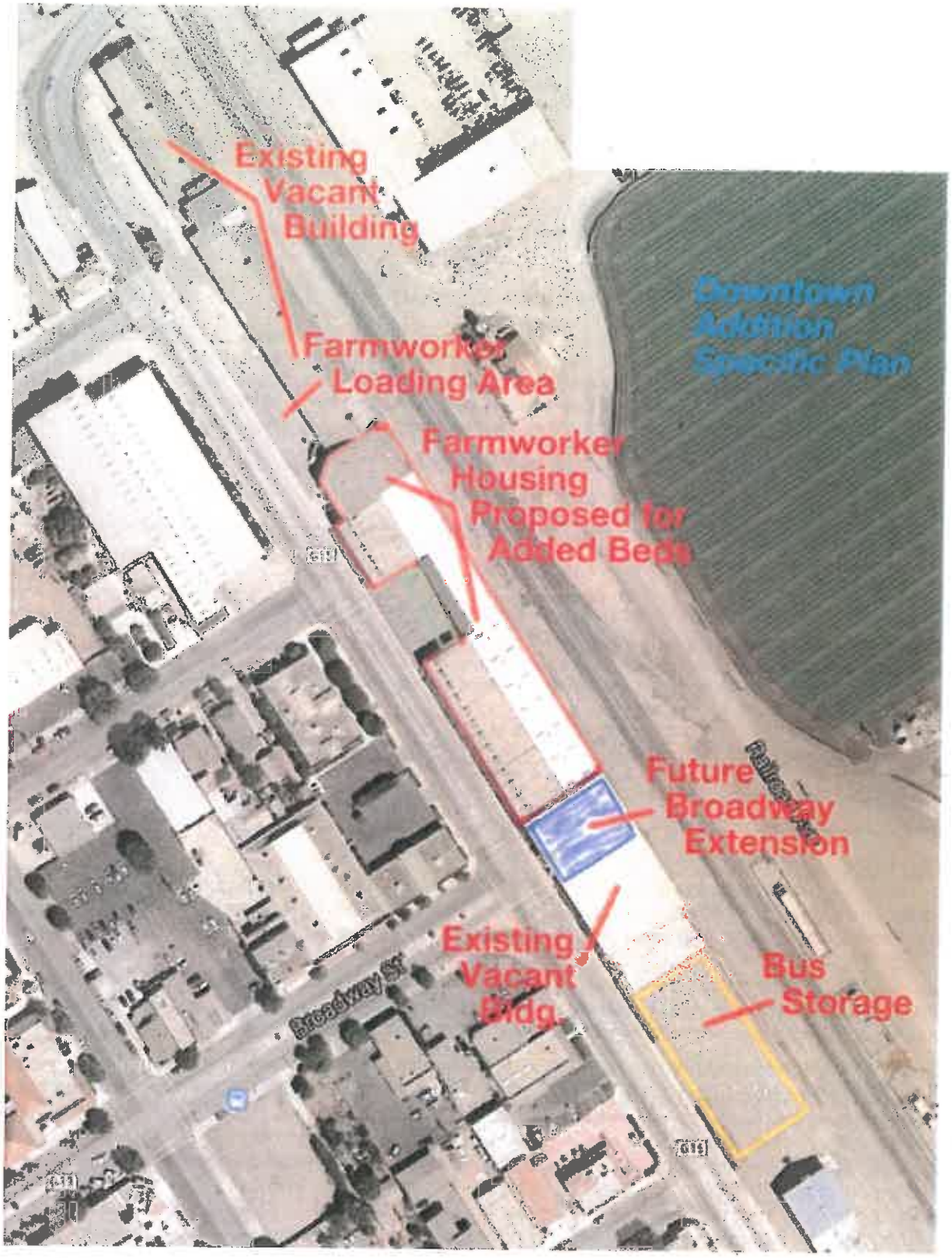


Figure 17. Aerial of Proposed Added Farmworker Housing at 218 N. First Street

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: Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Have a substantial adverse effect on a scenic vista?				X	
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?				X	
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X	

Impact Discussion:

The additional farmworker housing proposed for 218 North First Street includes very limited exterior changes, including the addition of windows and awnings along the First Street frontage near the current outdoor recreational area. The remodel only applies to the middle portion of a long series of connected buildings. The ends of the building will remain vacant until some future use is proposed for those vacant areas. Said improvements will result in an improved exterior appearance of the building. While the proposed building design is not consistent with the Historic Downtown Revitalization Plan, it does improve the appearance of the former warehouse and packing plant.

Additionally, the farmworker housing use is only permitted for limited duration of ten years, starting with the original CUP/AR approval date of September 20, 2016 at 218 N. First Street. It is likely that the building, after the term of the CUP has expired (estimated to be a period of five years), will be converted and/or redeveloped to another use allowed in the FSC zone such as visitor serving commercial, offices or other similar use. Those future uses may involve the additional remodel and subsequent architectural improvement of the appearance of the buildings, more consistent with the Historic Downtown Revitalization Plan design standards. The proposed expansion of farmworker housing at 218 N. First Street will not impact the potential future architectural improvement of the site and surrounding area. The only visual impact requiring mitigation is the bus parking on the adjacent property located south of the site. Landscaping can mitigate that impact.

Mitigation Measure No. 1.c: Visual Resources: Planting, including the addition of twelve (12) suitable street trees and irrigation shall be installed and maintained in the landscape strip in front of the shuttle bus parking area located south of the project site. Plans to be reviewed by the Director and installed prior to issuance of an occupancy permit.

The remaining unoccupied portions of the existing building located at 218 N. First Street, all building sides shall be painted to match the new remodel. Said painting shall be completed prior to occupancy of the building for the added employee residents in Phase II and shall include the front, end and rear of the building along the railroad tracks.

2.	AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	
c.	Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?				X	

Impact Discussion:

The proposed CUP to add 150 beds for Farmworker housing at 218 N. First Street is proposed to be for H2A farmworkers who are proposed to be bused or driven in van pools to nearby farms and ranches. The proposal will have a positive impact on agriculture.

Proposed Mitigation Measures:
None necessary. The proposed project will not have any significant impacts.

3.	AIR QUALITY Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X	
b.	Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?				X	
c.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	
d.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X	

e.	Create objectionable smoke, ash, dust or odors affecting a substantial number of people?				X	

Impact Discussion:

The proposed CUP for additional Farmworker housing at 218 N. First Street is proposed to be for H2A farmworkers who are not anticipated to include any significant grading. Therefore, dust is not anticipated to be a significant issue at the project site for 218 N. First Street.

Mitigation Measures

None necessary. The proposed project will not have any significant impacts.

4.	BIOLOGICAL RESOURCES Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?				X	
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?				X	
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?				X	
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	

Impact Discussion:
The project will not impact biological resources. No impacts are anticipated.

Proposed Mitigation Measures:
None necessary. The proposed project will not have any significant impacts.

5.	CULTURAL RESOURCES Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?			X		

b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?			X		
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		
d.	Disturb any human remains, including those interred outside of formal cemeteries?			X		

Impact Discussion:
The project building already exists. Portions of the vacant part of the existing building may have historical significance, especially the old office portion of the building located north of the remodel. No changes are proposed for that building at this time, so it is unlikely that any historical or archaeological resources would be impacted.

In order to protect any historical portion of the existing building, the following condition is proposed to apply to the CUP:

Mitigation Measure No. 5.a, 5.b, 5.c, 5.d: Cultural Resources: In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources are found during excavation or construction, work will be halted at a minimum of 30 feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie cultural resources, paleontological resources, historical resources or, in the case of adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ***("MLD")*** from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or it's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

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
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, in 2013, there were 754 earthquakes of magnitude 1.5 or larger in the region near the City of King, with 63 earthquakes within the past month (at the time of the preparation of this Initial Study). Most of those earthquakes have occurred east of Gonzalez, Soledad, Greenfield and City of King in clusters along the San Andreas Fault which parallels the Salinas Valley.

Future major earthquakes in or near the City of King appear likely. Local building standards require each structure to be designed to meet building code standards, including related structural standards related to earthquake hazards.

The proposed addition of farmworker housing at 218 N. First Street is primarily within an existing older tomato processing plant. The capability of that building to meet applicable standards will be considered during the building permit review.

Proposed Mitigation Measures:
None necessary. Existing building code review at time of building permits should adequately protect future residents.

7. HAZARDS/HAZARDOUS MATERIALS Would the project:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	
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 complied pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X	
e.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	
f.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	

Impact Discussion:

Project is not anticipated to be impacted by hazardous materials.

Mitigation Measure

None necessary. The proposed project will not have any significant impacts.

8. HYDROLOGY/WATER QUALITY Would the project:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Violate any water quality standards or waste discharge requirements?				X	
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	

c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X		
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X		
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or fail to meet the new CCRWQCB standards for stormwater control?				X	
f.	Otherwise substantially degrade water quality?				X	
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X	
h.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	
i.	Inundation by seiche, tsunami, or mudflow?				X	

Impact Discussion:
8.c and d: Grading and development in the FSC and C-2 Zones may create impacts on surface stormwater quality. Developers are required to meet all measures for stormwater pollution control, waste management, and provide public utility connections that comply with the City and other service providers including the requirements of Municipal Code Section 17.56.100 Stormwater Pollution Prevention. These standards protect against stormwater pollution during the grading, construction and post construction stages of each project. As long as projects meet the City and State requirements for pollution prevention, additional mitigation measures are not necessary.

In regards to the project proposed at 218 N. First Street, work is proposed to occur within existing structures. The City Engineer would determine the applicability of standards protecting against pollution are met.

Mitigation Measure No. 8.c and d: Should any grading occur, grading, excavation and construction require measures to protect erosion and protect that runoff leaving each site. In addition, projects are required to meet, as applicable, the all standards contained in Municipal Code Section 17.56.100.

9.	LAND USE AND PLANNING Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Physically divide an established community?				X	
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	

Impact Discussion:
The farmworker housing landuse is encouraged in the Housing Element and will result in no substantial negative impacts.

Proposed Mitigation Measures:

None necessary. The proposed project will not have any significant impacts.

10.	NOISE Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?			X		
b.	Expose persons to or generate excessive ground borne vibration or ground borne noise levels?			X		
c.	Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
d.	Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	

Impact Discussion:
The Noise Element (Figure 10 Noise Contour Map) identifies several corridors as high noise levels requiring measures to reduce noise for occupants of residential housing. The proposed project may expose farmworker residents who occupy any housing facility within the identified corridors to unacceptable noise levels. Noise corridors include First Street and the Union Pacific Railroad.

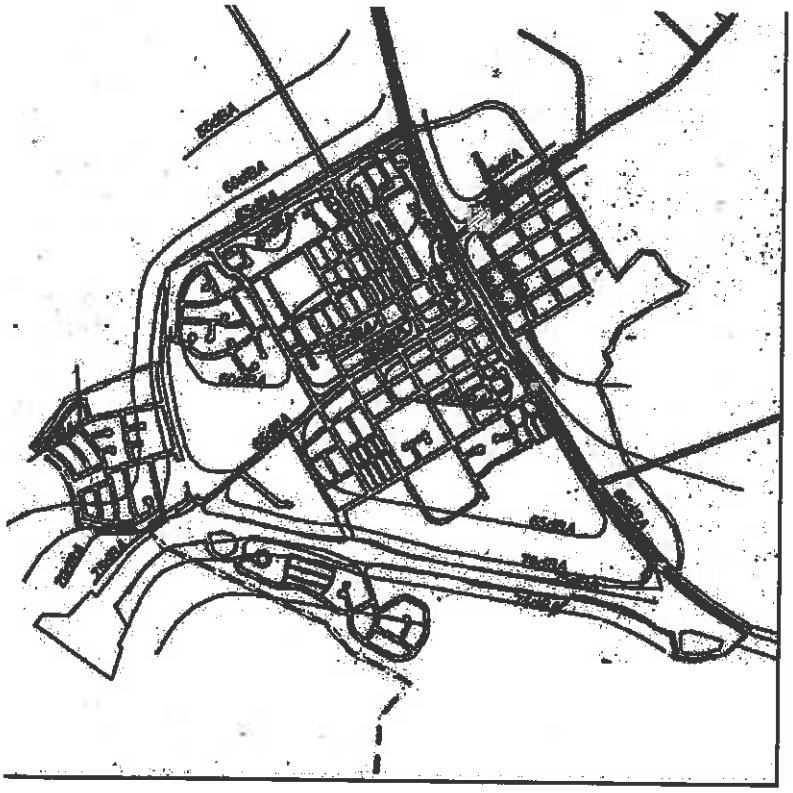


Figure 10. Noise Contours, 2005

Proposed Mitigation Measures:

Mitigation Measure No. 10.a and b: The noise reduction measures conducted in Phase I of the farmworker housing conversion and in a similar environmental evaluation for residential uses along the Union Railroad corridor at Mills Ranch development, measures to reduce noise for occupants of residential housing were identified. Projects, either standard residential units or facilities for the purpose of occupancy of farmworkers, shall incorporate measures similar to those for Mills Ranch if noise levels at the boundaries of the property exceed those identified in the Noise Element and Municipal Code Section 17. 56.030. Examples of noise mitigation used to protect occupants from excessive noise include building insulation, sound transmission reduction windows, sound walls and other typical measures.

In the case of 218 N. First Street, a sound wall would be impractical. The potential feasible measure to reduce noise along the Union Pacific Railroad would be building insulation and the prevention of windows along the building exterior facing the Railroad tracks.

11. POPULATION AND HOUSING Would the project:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
c.	Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?				X	

Impact Discussion:
Farmworker housing is encouraged within the Housing Element. Furthermore, farmworker housing is acutely needed within and near King City to provide housing for those working in agriculture.

Proposed Mitigation Measures:
None necessary. The proposed project will not have any significant impacts.

12. PUBLIC SERVICES Would the project result in a substantial adverse physical impact 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:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Fire protection?				X	
b.	Police protection?				X	
c.	Schools?				X	
d.	Parks or other recreational facilities?			X		
e.	Other governmental services?				X	

Impact Discussion:
There are inadequate existing indoor and outdoor recreational and relaxation facilities. If recreational and relaxation facilities are included in Phase II of the project, City facilities would be minimally impacted.

It should be noted that buildings may be required to additional fire sprinkler systems as specified by fire standards.

Mitigation Measure No. 12.d: The following recreational and security facilities shall be included in the project prior to occupancy of the new additional beds:

Outdoor facilities

1. A basketball backboard, net and Basketballs for outside play.
2. Nicer benches for outside, including some lawn furniture like chairs, lounge chairs, picnic table and chairs,
3. Place for outdoors paved soccer court or volleyball court with net, balls, and lines defining court boundaries.
4. Covered seating area, such as umbrella covered tables.
5. A minimum of four (4) "loan bicycles" for use by residents.

Indoor play and relaxation facilities utilizing the second-floor space and the downstairs area near the laundry facilities:

1. Separate TV lounge areas inside building, one downstairs and 2 upstairs, with sofas and comfortable chairs.
2. Tables downstairs and upstairs with a couple of computers connected to the web.
3. Assistance for those wanting a library card. If they can't obtain library cards, perhaps owner should provide a small library, including books on learning English and other subjects.
4. Other indoors play, such as additional foosball table, Ping-Pong, billiards, cards, chess and checkers tables and pieces.
5. Small private area for prayer, introspection and quiet time.
6. Vending machines with drinks and snacks

Security Facilities: Security cameras, to be approved by the Police Chief, shall be installed on the rear of the building prior to issuance of an occupancy permit.

13. RECREATION Would the project:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		
b.	Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X		

Impact Discussion:
The proposed remodel of 218 N. First Street includes a new recreational/relaxation room upstairs. This new recreation room, plus development of the existing recreation yard and downstairs recreational areas indicated in Mitigation Measure 12.d will reduce the impact of the future residents in the facility on other public City parks and recreation facilities.

Proposed Mitigation Measures:
See Mitigation 12.d

14. TRANSPORTATION/CIRCULATION Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document

a.	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?				X	
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	
d.	Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X	
e.	Result in inadequate emergency access?				X	
f.	Result in inadequate parking capacity?				X	
g.	Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				X	

Impact Discussion:
The proposal for the additional farmworker housing at 218 N. First Street is likely to have a limited impact on traffic and parking than other potential uses within this building. The added residents at 218 N. First are not anticipated to have personal vehicles. They will be bused or taken in van pools to farms near King City. They likely will walk or use bicycles to get around town. It is recommended that the operator of the facility provide several loaner bicycles for use by the occupants. The impact on traffic from this proposed project at 218 N. First Street will be less than significant.

The number of vehicle trips is reduced due to the use of employee shuttle busses, ensuring that impacts on traffic and air quality are minimal. The applicant stores the shuttle busses on the adjacent property located south of the site through an agreement with that landowner, Smith-Monterey LLC. There is a minor visual impact of the storage, which is addressed in Mitigation Measure 1(a).

In addition, the proposed project design for 218 N. First Street does not preclude the future potential extension of Broadway Street as planned for the Downtown Addition Specific Plan circulation system.

Proposed Mitigation Measures:
None necessary. The proposed language changes will not have any significant impacts.

15. UTILITIES & SERVICE SYSTEMS Would the project:		Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	

e.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	

Impact Discussion:

Water for the FSC and C-2 Zoned area is provided by Cal Water. From the 2010 Water Management Plan for Cal Water Service: "The water supply for the King City District is very reliable. Even in drought years there has always been sufficient supply to meet demand. Because of the reasons outlined earlier in this chapter, Cal Water makes the assumption that an adequate supply will be available to its customers in all years. According to well level records, the groundwater level has been consistent over time."

Proposed Mitigation Measures:

None necessary. The proposed project will not have any significant impacts.

V. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

- Envirostor GIS Geotracker subsurface contamination sites
- California Water Services Company
- City Department Heads and staff
- Monterey County Environmental Hazards

B. General Plan

X	Land Use Element	X	Conservation Element
X	Circulation Element	X	Noise Element
X	Seismic Safety/Safety Element	X	First Street Corridor Master Plan
X	Zoning Ordinance	X	Housing Element
X	Economic Development Element	X	Historic Corridor Revitalization Plan and Form Based Code

C. Other Sources of Information

	Field work/Site Visit	NA	Ag. Preserve Maps
	Calculations	X	Flood Control Maps
X	Project Area History	X	Other studies, reports
NA	Traffic Study	X	Archaeological reports previous studies
X	Records	X	Seismic activity website information
X	Zoning Maps	X	Waste disposal sites
X	General Plan Map	X	Other websites and technical studies

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?				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 changes to the FSC and C-2 Zoning District use criteria list do not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species. It is possible during grading and construction activities that unknown cultural resources may be unearthed, which may result in a potentially significant impact. Implementation of the mitigation measures for Cultural Resources would ensure the proposed project would not eliminate important examples of the major periods of California history or prehistory.

b. During construction related activities of land uses permitted under the proposed changes to the FSC and C-2 Zones, the proposed changes would have the potential to generate storm-related runoff pollutants. Future projects will be required to prepare a plan that addresses all potential pollutants, including but not limited to soil erosion and sediment, and that plan shall be followed during grading and construction as well as maintained for the entire term of the use of the properties within the District. Other measures to address the protection against all subsurface and surface pollution shall be implemented during construction and for the full duration of the use of the properties.

c. The proposed changes to the FSC and C-2 Zoning Districts that could potentially result in construction dust and equipment exhaust emissions, and noise will be required to reduce dust and emissions to reduce substantial adverse effect on human beings to less than significant levels.

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 [X]

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**

[X] **Initial Study Determination Without Public Hearing**

Previous Document: _____

Initial Study Project Evaluator: Donald J. Funk

_____
Signature

December ____, 201___
Initial Study Date

Printed Name

City of King
Lead Agency

VIII. MITIGATION MONITORING AND REPORTING PROGRAM OF THE MITIGATED NEGATIVE DECLARATION

Following are the mitigation measures will be applied to the proposed Conditions of Approval of the proposed addition to the existing farmworker housing project located within a part of an existing building at 218 North First Street.

Mitigation Measure No. 1.c: Visual Resources: Planting, including the addition of twelve (12) suitable street trees and irrigation shall be installed and maintained in the landscape strip in front of the shuttle bus parking area located south of the project site. Plans to be reviewed by the Director and installed prior to issuance of an occupancy permit.

The remaining unoccupied portions of the existing building located at 218 N. First Street, all sides of the building shall be painted to match the new remodel. Said painting shall be completed prior to occupancy of the building for the added employee residents in Phase II and shall include the front, end and rear of the building along the railroad tracks.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Installed prior to issuance of an occupancy permit and maintained for life of the project.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 5.a, 5.b, 5.c, 5.d (Cultural Resources): This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project: In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources are found during excavation or construction, work will be halted at a minimum of 30 feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie cultural resources, paleontological resources, historical resources or, in the case of adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ***("MLD")*** from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or it's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

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/Owner/Developers of development

Enforcement Agency: City of King

Timing: Primarily during the grading portion of the project, including the excavation of foundations, pipelines, underground utilities and other similar excavation.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 8.c and d: This condition would apply to the CUP at 218 N. First Street if any grading or trenching is proposed at that project: Grading, excavation and construction require measures to protect erosion and protect that runoff leaving each site. In addition, projects are required to meet, as applicable, the all standards contained in Municipal Code Section 17.56.100.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Erosion and sediment control plans and other pollution control plans are required prior to any grubbing, grading, excavation or construction. Measures to prevent erosion and sediment shall occur during the entire period of grubbing, grading, excavation and construction. Measures for on-going pollution control and water quality protection shall be on-going for the life of the project.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 10.a and b: The noise reduction measures conducted in Phase I of the farmworker housing conversion and in a similar environmental evaluation for residential uses along the Union Railroad corridor at Mills Ranch development, measures to reduce noise for occupants of residential housing were identified. Projects, either standard residential units or facilities for the purpose of occupancy of farmworkers, shall incorporate measures similar to those for Mills Ranch if noise levels at the boundaries of the property exceed those identified in the Noise Element and Municipal Code Section 17. 56.030. Examples of noise mitigation used to protect occupants from excessive noise include building insulation, sound transmission reduction windows, sound walls and other typical measures.

In the case of 218 N. First Street, a sound wall would be impractical. The potential feasible measure to reduce noise along the Union Pacific Railroad would be building insulation and the prevention of windows along the building exterior facing the Railroad tracks.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Improvements would be installed prior to any residential occupancy or other occupancies as required by Municipal Code.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Mitigation Measure No. 12.d: The following recreational and security facilities shall be included in the project prior to occupancy of the new additional beds:

Outdoor facilities

1. A basketball backboard, net and Basketballs for outside play.
2. Nicer benches for outside, including some lawn furniture like chairs, lounge chairs, picnic table and chairs,
3. Place for outdoors paved soccer court or volleyball court with net, balls, and lines defining court boundaries.
4. Covered seating area, such as umbrella covered tables.
5. A minimum of four (4) "loan bicycles" for use by residents.

Indoor play and relaxation facilities utilizing the second-floor space and the downstairs area near the laundry facilities:

1. Separate TV lounge areas inside building, one downstairs and 2 upstairs, with sofas and comfortable chairs.
2. Tables downstairs and upstairs with a couple of computers connected to the web.
3. Assistance for those wanting a library card. If they can't obtain library cards, perhaps owner should provide a small library, including books on learning English and other subjects.
4. Other indoors play, such as additional foosball table, Ping-Pong, billiards, cards, chess and checkers tables and pieces.
5. Small private area for prayer, introspection and quiet time.
6. Vending machines with drinks and snacks

Security Facilities: Security cameras, to be approved by the Police Chief, shall be installed on the rear of the building prior to issuance of an occupancy permit.

Implementation Party: Applicant/Owner/Developers of development

Enforcement Agency: City of King

Timing: Improvements would be installed prior to any residential occupancy or other occupancies as required by Municipal Code.

Implementation Responsibility: Cost and materials are responsibility of Applicant/Owner

Attachment A

Proposed Project Design 218 North First Street

Attachment B
Letter of Project Description from Wes Beebe

Attachment C
CORRESPONDENCE

KING CITY
CALIFORNIA

7(C)

REPORT TO THE PLANNING COMMISSION

DATE: **FEBRUARY 20, 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 A MURAL PERMIT FOR A 390 SQUARE FOOT HISTORICAL MURAL PAINTED ON THE EAST WALL OF 101 BROADWAY STREET, KING CITY, CA 93930.**

RECOMMENDATION:

It is recommended Planning Commission approve Mural Permit Case No. SN 2018-001 for King City in Bloom to paint a 30'x13' (390 square foot) historical mural on the exterior east wall of 101 Broadway Street, subject to the attached conditions of approval.

PROJECT SUMMARY:

Laurie Slaten, King City in Bloom ***("Applicant")*** submitted a sign permit application on January 30, 2018.

The proposed includes painting of a historic mural approximately 30'x13' (390 square feet) on the exterior east wall of the King City Shopette located at 101 Broadway Street. The historic rendering will showcase an 1890's depiction of the historic King City Train Depot, originally known as "King's Station". The mural will consist of the historic train depot building, two (2) sets of train tracks, a historic locomotive train, historic local people such as Charles King Family, Hamilton's, and John Steinbeck, Sr., the historic "El Camino Hotel" and the historic "S&P Milling Company" buildings.

The property is situated within the boundary of the Historic Corridor Revitalization Plan ***("HCRP").*** The property is within the First Street Corridor ***("FSC")*** Zoning District and within the Retail Commercial/Transitional ***("RCT")*** General Plan Land Use Designation.

DISCUSSION:

King City in Bloom is proposing to paint a series of historic murals throughout the City. King City in Bloom is a volunteer group that is dedicated in implementing beatification

projects in King City and is part of a national group called America in Bloom. King City in Bloom has already worked on a number of projects throughout the city such as a town-wide clean up event, new landscaping area for the King City Library and City Hall, historical preservation efforts and streetscape projects. Their upcoming projects involve painting historical murals throughout the city. The first mural as proposed is titled (for reference only) King City in Bloom Mural #1 as it will be the first of various others to be presented in the future. King City in Bloom anticipates this project being completed by summer 2018.

Signs and Murals are regulated by Chapter 17.55 of the King City Municipal Code. The Planning Commission conducts a public hearing and is the review and approval board for murals over twenty (20') square feet in area. The proposed mural is approximately 390 square feet in area. A notice was published on February 7, 2018 in the South County Newspaper *The Rustler* and notices were sent to property owners within three-hundred (300') feet of the project site.

For approval of a public mural sign permit the Planning Commission must make the following findings:

1) The approval of a sign permit or Master Sign Program shall require that the review authority make the following findings, as applicable: (A) the proposed sign(s) comply with the city sign regulations and do not exceed the standards set forth within Municipal Code Sections 17.55.090 (Table 1) and 17.55.100 (Standards for specific sign types); and (B) are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2) That the colors, design and placement of the sign on the site is appropriate for the location and architectural style of the building;
3) That signs do not unreasonably impair the visibility of existing signs on adjacent properties;
4) The placement and size of the sign(s) will not impair pedestrian, bicyclist or vehicular safety;
5) The sign is constructed of durable materials and shall be required to be maintained in good condition by the sign applicant or landowner;
6) For signs located in the Historic Downtown area, the director and/or commission must find that the sign is compatible with the character of the subject and surrounding buildings;
7) For freestanding freeway-oriented pole signs the approval of a freestanding pole sign permit for a freeway-oriented sign shall require that the commission find that the use or site cannot be adequately identified by other signs allowed within the site;
8) Mural's size, colors, and placement are visually compatible with the structure architecture;
9) Mural serves to enhance the aesthetics of the city; and
10) Mural illustrates the local history or natural resources or assets of the city and region.

ANALYSIS:

The applicant has presented a draft rendering of the mural with the application. The final colored rendering will be presented to the Planning Commission during the February 20, 2018 meeting.

Staff has reviewed the draft renderings to meet the required findings of fact as outlined below:

1) The approval of a sign permit or Master Sign Program shall require that the review authority make the following findings, as applicable: (A) the proposed sign(s) comply with the city sign regulations and do not exceed the standards set forth within Municipal Code Sections 17.55.090 (Table 1) and 17.55.100 (Standards for specific sign types); and (B) are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.
   Staff Comment: The proposed mural preserves and protects the historical integrity of the downtown area. The proposed mural will be depicting the original train depot as it was in 1886.
2) That the colors, design and placement of the sign on the site is appropriate for the location and architectural style of the building.
   Staff Comment: The location is near proximate of where the original train depot known as "King's Station" was located. The mural design is appropriate for the location and the mural will enhance the First Street Corridor zone as it connects to the Historic Downtown Area.
3) That signs do not unreasonably impair the visibility of existing signs on adjacent properties.
   Staff Comment: The proposed mural will cover an entire wall 30'x13' and will be replacing some existing light boxes with goose neck lighting to direct line down to the mural. The property currently has no signage along this exterior east side wall and will not impair the visibility of existing signs.
4) The placement and size of the sign(s) will not impair pedestrian, bicyclist or vehicular safety.
   Staff Comment: The proposed mural will enhance the area and create a more pedestrian friendly atmosphere. The proposed will not impair pedestrians, bicyclists or vehicular safety.
5) The sign is constructed of durable materials and shall be required to be maintained in good condition by the sign applicant or landowner.
   Staff Comment: The mural will be using acrylics and latex paints to paint the mural. The applicant and property owner have agreement to maintain the mural in good condition. The mural finish will contain a protective coating to protect from any graffiti or vandalism. The property owner will also be updating their security camera and King City in Bloom plans on replacing the existing lighting fixture with a gooseneck lighting fixture or barn light fixture.

6) For signs located in the Historic Downtown area, the director and/or commission must find that the sign is compatible with the character of the subject and surrounding buildings.
   Staff Comment: The proposed mural is compatible with the character of the Historic Downtown Area. The design brings back a historic scene of King City during the 1890's era. The mural encompasses local historic people and the historic King City Train Station.
7) For freestanding freeway-oriented pole signs the approval of a freestanding pole sign permit for a freeway-oriented sign shall require that the commission find that the use or site cannot be adequately identified by other signs allowed within the site.
   Staff Comment: The proposed mural is not within proximity of the freeway.
8) Mural's size, colors, and placement are visually compatible with the structure architecture.
   Staff Comment: The proposed mural will be visually compatible with the structure and the neighboring properties.
9) Mural serves to enhance the aesthetics of the city.
   Staff Comment: The proposed mural reflects the historic nature of the area. The mural will enhance the gateway to the downtown area. The mural will be painted by artists who will invite local high school students to participate and take part of the communities' efforts for beautification projects.
10) Mural illustrates the local history or natural resources or assets of the city and region.
   Staff Comment: The mural illustrates the local history and the natural resources of the city during the 1980's era.

ENVIRONMENTAL DETERMINATION:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 11 Categorical Exemption set forth in CEQA Guidelines, Class 11 "consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs." This project involves painting of a mural on an existing wall and involves no expansion of use. Therefore, the Categorical Exemption Class 11 set forth in the CEQA Guidelines, Section 15311, is deemed to apply to this project.

COST ANALYSIS:

The fees for this sign permit have been waived as this is a community benefit project.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Approve the Mural Permit for SN 2018-001;

2. Make recommendations for modification as deemed appropriate by the Planning Commission; or
3. Provide other direction to staff.

Exhibits:

1. Findings of Fact
2. Resolution No. 2018-213
3. Sign Plan Submittals & Sign Renderings (Colored Renderings to be presented during the public hearing)

Prepared by: MC Aguilar
Maricruz Aguilar, Assistant Planner

Approved by: RGA For Doreen Liberto-Blanck
Doreen Liberto-Blanck, AICP, Community Development Director

EXHIBIT 1
Findings of Fact

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.

Sign Permit Findings

Municipal Code §17.55.040(A) allows the Commission to review request for all murals that exceed twenty (20') square feet in area.

1) The approval of a sign permit or Master Sign Program shall require that the review authority make the following findings, as applicable: (A) the proposed sign(s) comply with the city sign regulations and do not exceed the standards set forth within Municipal Code Sections 17.55.090 (Table 1) and 17.55.100 (Standards for specific sign types); and (B) are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
   The proposed mural preserves and protects the historical integrity of the downtown area. The proposed mural will be depicting the original train depot as it was in 1886.
2) That the colors, design and placement of the sign on the site is appropriate for the location and architectural style of the building;
   The proposed location of the mural is near proximate of where the original train depot known as "King's Station" was located. The mural design is appropriate for the location and the mural will enhance the First Street Corridor zone as it connects to the Historic Downtown Area.
3) That signs do not unreasonably impair the visibility of existing signs on adjacent properties;
   The proposed mural will cover an entire wall 30'x13' and will be replacing some existing light boxes with goose neck lighting to direct line down to the mural. The property currently has no signage along this exterior east side wall and will not impair the visibility of existing signs.
4) The placement and size of the sign(s) will not impair pedestrian, bicyclist or vehicular safety;
   The proposed mural will enhance the area and create a more pedestrian friendly atmosphere. The proposed will not impair pedestrians, bicyclists or vehicular safety.
5) The sign is constructed of durable materials and shall be required to be maintained in good condition by the sign applicant or landowner;
   The mural will be using acrylics and latex paints to paint the mural. The applicant and property owner have agreement to maintain the mural in good condition. The mural finish will contain a protective coating to protect from any graffiti or vandalism. The property owner will also be updating their security camera and King City in Bloom plans on replacing the existing lighting fixture with a gooseneck lighting fixture or barn light fixture.

6) For signs located in the Historic Downtown area, the director and/or commission must find that the sign is compatible with the character of the subject and surrounding buildings;
   The proposed mural is compatible with the character of the Historic Downtown Area. The design brings back a historic scene of King City during the 1890's era. The mural encompasses local historic people and the historic King City Train Station.
7) For freestanding freeway-oriented pole signs the approval of a freestanding pole sign permit for a freeway-oriented sign shall require that the commission find that the use or site cannot be adequately identified by other signs allowed within the site.
   The proposed mural is not within proximity of the freeway.
8) Mural's size, colors, and placement are visually compatible with the structure architecture;
   The proposed mural will be visually compatible with the structure and the neighboring properties.
9) Mural serves to enhance the aesthetics of the city; and
   The proposed mural reflects the historic nature of the area. The mural will enhance the gateway to the downtown area. The mural will be painted by artists who will invite local high school students to participate and take part of the communities' efforts for beautification projects.
10) Mural illustrates the local history or natural resources or assets of the city and region.
    The mural illustrates the local history and the natural resources of the city during the 1980's era.

EXHIBIT 2

RESOLUTION NO. 2018 – 213
RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, APPROVING MURAL PERMIT CASE NO. SN 2018-001 FOR KING CITY IN BLOOM TO PAINT A 390 SQUARE FOOT MURAL ON THE EXTERIOR EAST WALL OF 101 BROADWAY STREET, KING CITY, CA 93930

WHEREAS, on **January 30, 2018**, King City In Bloom filed an application for a sign permit to paint a mural on the exterior wall of 101 Broadway Street, King City, CA 93930;

WHEREAS, pursuant to the California Environmental Quality Act ***("CEQA")*** Guidelines Section 15311, Class 11, exempts on-premises signs and the project involves painting a mural on an existing wall with no expansion of use;

WHEREAS, a public hearing notice was published on **February 7, 2018** in the South County Newspaper *The Rustler* and notices were sent to all property owners within three-hundred feet (300') of the Project;

WHEREAS, on **February 20, 2018**, the Planning Commission ***("Commission")*** held the first public hearing for the project;

WHEREAS, the proposed mural has been reviewed and all information, whether written or oral, presented during the public review period, has been considered by the Commission;

WHEREAS, the Commission of the City of King, California, met at the duly noticed public hearing on **February 20, 2018**, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the Commission makes the followings Findings of Facts:

1) *The proposed mural preserves and protects the historical integrity of the downtown area. The proposed mural will be depicting the original train depot as it was in 1886.*
2) *The proposed location of the mural is near proximate of where the original train depot known as "King's Station" was located. The mural design is appropriate for the location and the mural will enhance the First Street Corridor zone as it connects to the Historic Downtown Area.*
3) *The proposed mural will cover an entire wall 30'x13' and will be replacing some existing light boxes with goose neck lighting to direct line down to the mural. The property currently has no signage along this exterior east side wall and will not impair the visibility of existing signs.*
4) *The proposed mural will enhance the area and create a more pedestrian friendly atmosphere. The proposed will not impair pedestrians, bicyclists or vehicular safety.*

5) *The mural will be using acrylics and latex paints to paint the mural. The applicant and property owner have agreement to maintain the mural in good condition. The mural finish will contain a protective coating to protect from any graffiti or vandalism. The property owner will also be updating their security camera and King City in Bloom plans on replacing the existing lighting fixture with a gooseneck lighting fixture or barn light fixture.*
6) *The proposed mural is compatible with the character of the Historic Downtown Area. The design brings back a historic scene of King City during the 1890's era. The mural encompasses local historic people and the historic King City Train Station.*
7) *The proposed mural is not within proximity of the freeway.*
8) *The proposed mural will be visually compatible with the structure and the neighboring properties.*
9) *The proposed mural reflects the historic nature of the area. The mural will enhance the gateway to the downtown area. The mural will be painted by artists who will invite local high school students to participate and take part of the communities' efforts for beautification projects.*
10) *The mural illustrates the local history and the natural resources of the city during the 1980's era.*

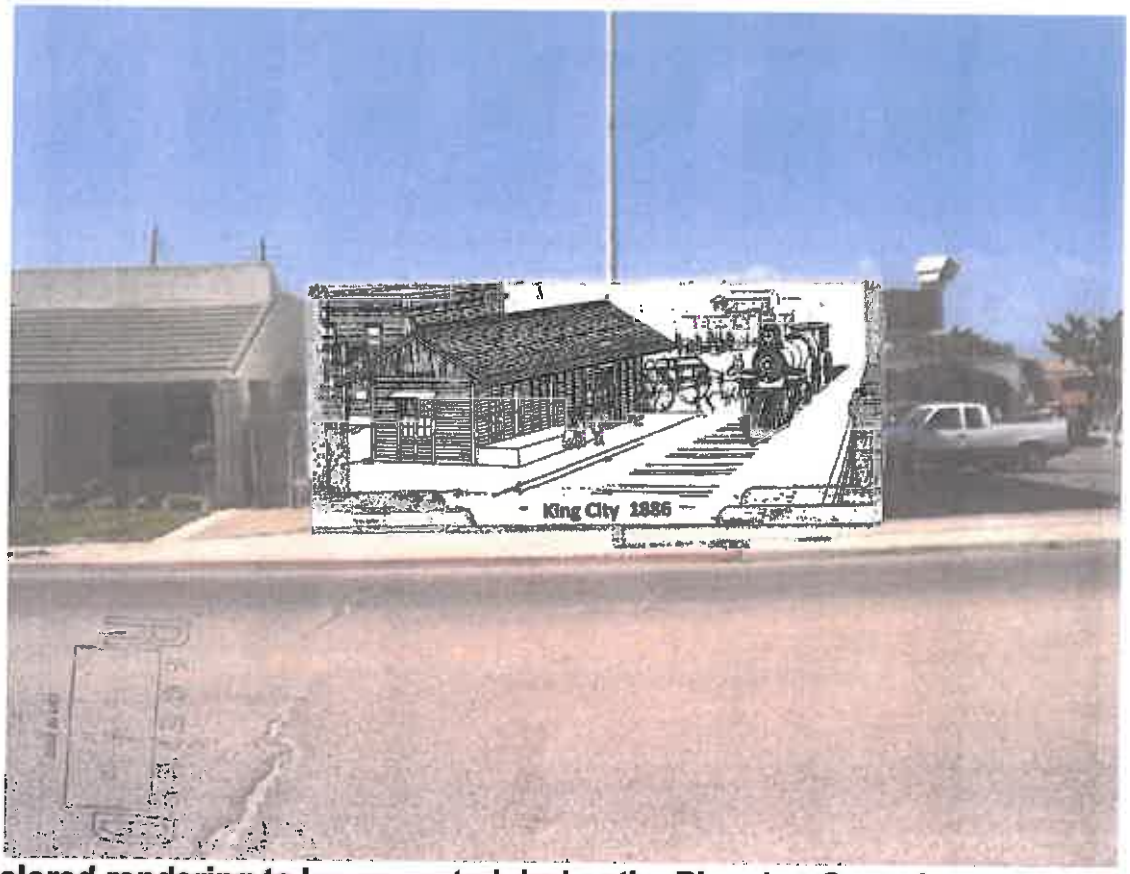
NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves Mural Permit Case No. SN2018-001, for the painting of a 30'x13' historic mural on the exterior wall of 101 Broadway Street, King City, CA 93930 as presented on **February 20, 2018**.

This resolution was passed and adopted this 20th day of February, 2018, by the following vote:
AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
DAVID NUCK, CHAIRPERSON

ATTEST:_____
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3



Colored rendering to be presented during the Planning Commission hearing.

King City City Hall General Application

For: King City Mural Project #1

Conditional Use Permit Application
January 30, 2018

Exhibitions:

A. Drawings of Mural: at its specific location of 101 Broadway, King City.
   a. Exterior East wall of business; King City Shopette

B. Mural Project Description:
   a. Project proposal is to create/paint in color a historic rendering of a circa 1890's depiction of the old King City Train Depot, originally known as "King's Station", which is essentially where the humble beginnings of this town received its start.
   The scene will include the historic King City Train Depot Building, two (2) sets of train tracks, a historic locomotive train, historic people from this area (Charles King Family, Hamiltons, John Steinbeck, Sr., etc.), historic "El Camino Hotel" & historic "S&P Milling Company" buildings, as well as a brief description of this mural scene in one of the lower corners of the mural. Mural scene setting will also be outlined as if it were being displayed on a roadside billboard from yesteryears.
   b. Materials used will be Acrylics/Latex paints at Artist's discretion, along with brushes and other needed supplies the Artist will bring and deliver to the job site.
   c. Planned paintings are to be scheduled during the week of April 2-8 and during daylight hours. There will be two to three adult artists and 3-5 King City High School Art Students will also be stakeholders in this community beautification project.

RECEIVED
2018
CITY OF KING