

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, NOVEMBER 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: Oscar Avalos, Ralph Lee, David Mendez,
Domingo Uribe 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. PRESENTATIONS

None

6. CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and may be approved by one action of the Planning Commission unless any member of the Planning Commission wishes to remove an item for separate consideration.

- A. Meeting Minutes of November 6, 2018 Planning Commission Meeting
Recommendation: Approve and file.

7. PUBLIC HEARINGS

- A. Project: All-Temp Refrigeration Warehouse CUP Amendment No. 1
Applicant: Tom Willoughby
Case No.: CUP2017-011(A1)
Location: 740 S. First Street, King City CA. 93930
Consideration: Amend Condition of Approval No. 11 and No.13 of Conditional Use Permit Case No. CUP 2017-011 which changes the timing of providing improvements for public accessibility and sidewalks.

Recommendation: The Planning Commission adopt Resolution No. 2018-243, which approves amending condition of approval No. 11 and No. 13 of CUP 2017-011A1.

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 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, are 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 t 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

8. NON-PUBLIC HEARINGS

A. None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT –

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

NOVEMBER

November 13 th	6:00p.m.	City Council
November 19 th	6:00 p.m.	Recreation Commission
November 20 th	6:00p.m.	Planning Commission
November 27 th	6:00 p.m.	City Council

DECEMBER

December 4 th	6:00 p.m.	Planning Commission
December 10 th	6:00 p.m.	Airport Advisory Committee (canceled)
December 11 th	6:00 p.m.	City Council

December 17 th	6:00 p.m.	Recreation Commission
December 18 th	6:00 p.m.	Planning Commission
December 25 th	6:00 p.m.	City Council (Canceled)

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

ALUC: Airport Land Use Commission

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

APCD: Air Pollution Control District

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

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

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

CEQA: California Environmental Quality Act

CFD: Community Facilities District

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

CUP: Conditional Use Permit

EIR: Environmental Impact Report

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

LLA: Landscaping and Lighting District

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

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

MOU: Memorandum of Understanding

MIND: 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
November 06, 2018

1. Call to Order

Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:00 p.m.

2. Pledge of Allegiance

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

3. Roll Call

Chairperson David Nuck X Oscar Avalos A
Ralph Lee X David Mendez X Domingo Uribe X

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

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

4. Public Comments

5. Presentations

6. Consent Calendar

All matters listed on the Consent Calendar are considered routine and may be approved by one action of the Planning Commission, unless any member of the Planning Commission wishes to remove an item for separate consideration.

A. Approval of Minutes: October 16, 2018

Action: Motion made by Commissioner Uribe to approve minutes of October 16, 2018. Seconded by Commissioner Lee. Motion carried 4-0.

7. PUBLIC HEARINGS

- A. Project: All-Temp Refrigeration Warehouse CUP Amendment No. 1
- Applicant: Tom Willoughby
- Case No.: CUP2017-011(A1)
- Location: 740 S. First Street, King City CA. 93930
- Consideration: Amend Condition of Approval No. 11 and No.13 of Conditional Use Permit Case No. CUP 2017-011 which changes the timing of providing improvements for public accessibility and sidewalks.
- Recommendation: The Planning Commission adopt Resolution No. 2018-243, which approves amending condition of approval No. 11 and No. 13 of CUP 2017-011A1.

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 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

Community Development Director Doreen Liberto introduced this item. Commissioner Uribe is not comfortable with the 10 years. He wants to see improvements sooner than later.

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

Commissioner Mendez made a motion to continue this item to the next meeting. Seconded by Commissioner Lee. Approved 4-0.

8. NON- PUBLIC HEARINGS –

- A. Project: Planning Commission Interpretation of Mills Ranch Subdivision Conditions of Approval No. 87
- Applicant: Mike Nino, Nino Homes
- Location: Mills Ranch Subdivision, King City, CA.
- Case No.: PCI2018-001
- Consideration: Adopt the attached Resolution No.2018-244 making an interpretation that Condition of Approval No. 87 of the Mills Ranch Specific Plan is similar to Condition of Approval No. 92 of the Arboleda Specific Plan.
- Recommendation: Staff is asking for an interpretation from Planning Commission on whether Condition of Approval No. 87 of the Mills Ranch Subdivision intended to require mechanical ventilation or air conditioning versus the requirement for both.
- Environmental Determination: Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that the interpretation may have a significant effect on the environment. This is because the Planning Commission is making an interpretation that would not cause any foreseeable environmental impacts. Therefore, this project is not subject to CEQA."

Community Development Director Doreen Liberto introduced this item.

Mike Nino was here to speak. There is ventilation in each of the houses and the houses are plumbed for air conditioning so a person could put it in later. There is natural ventilation. He is trying to keep things as affordable as he can.

Commissioner Uribe stated that sometimes you hear the trucks and Mr. Nino stated that the windows are thicker to keep the noise out.

Commissioner Uribe made a motion to approve Resolution 2018-244 interpretation on whether Condition of Approval No. 87 of the Mills Ranch Subdivision intended to require mechanical ventilation or air conditioning versus the requirement for both. Seconded by Commissioner Lee. Motion carried 4-0.

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports-

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:17 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 7 (A)

REPORT TO THE PLANNING COMMISSION

DATE: NOVEMBER 20, 2018

TO: HONORABLE CHAIR NUCK AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

VIA: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: *(CONTINUED ITEM)* CONSIDERATION TO AMEND CONDITION OF APPROVAL NO. 11 AND NO. 13 RELATED TO PROVIDING IMPROVEMENTS FOR PUBLIC ACCESSIBILITY AND SIDEWALKS (CONDITIONAL USE PERMIT CASE NO. CUP 2017-011).

RECOMMENDATION:

It is recommended that the Planning Commission re-open the public hearing and adopt Resolution No. 243 which approves Case No. CUP2017-011A1 (Amendment No. 1) and amends the Conditions of Approval No. 11 and 13. *(Reference Exhibits 1 and 2.)*

BACKGROUND:

On **November 6, 2018**, the Planning Commission opened the public hearing and continued the item to the **November 20, 2018** meeting for more information on the timing of public improvements as described in the Deferred Improvement Agreement (*"Agreement"*). Staff has added a vicinity map for location clarification. *(Reference Exhibit 3.)*

On **February 20, 2018**, the Planning Commission approved a request from 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) to allow construction of a 5,000 square foot office and storage for a heating and air-conditioning contractor's office, and a lot merger of two (2) parcels into one (1) parcel (*"Original CUP"*). *(Reference Figures 1-4.)*

Figure 1: Vicinity Map



Figure 2: Plot Plan

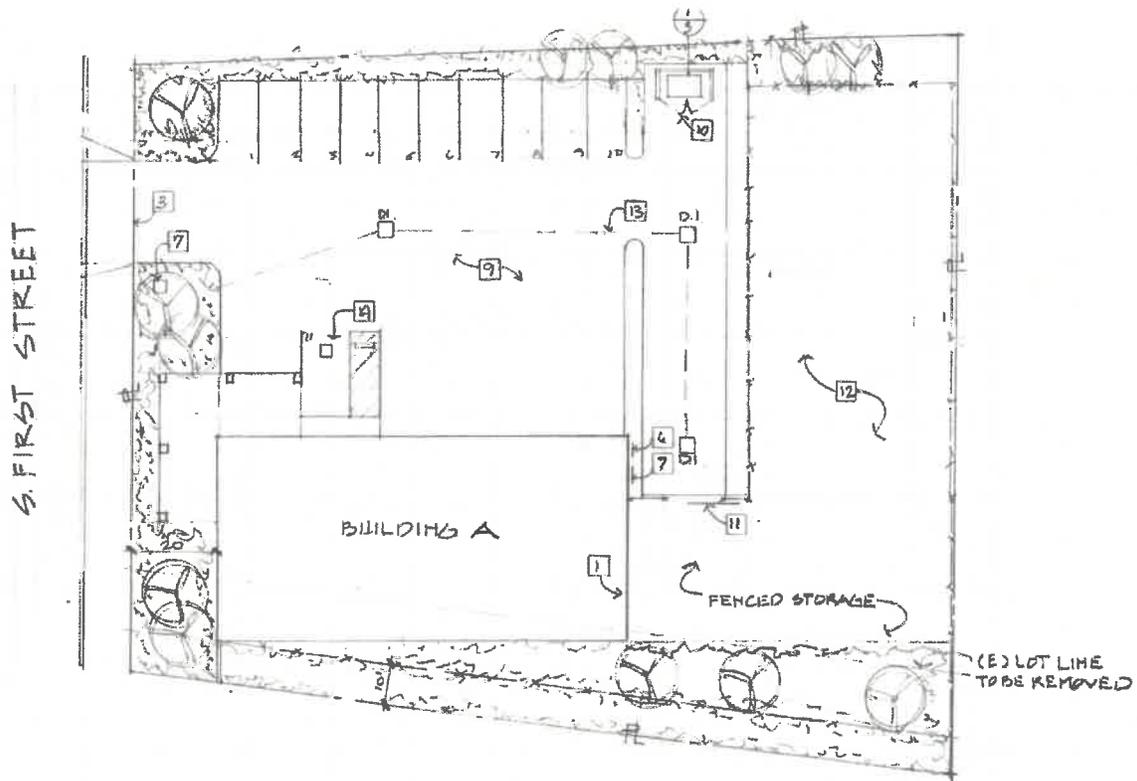
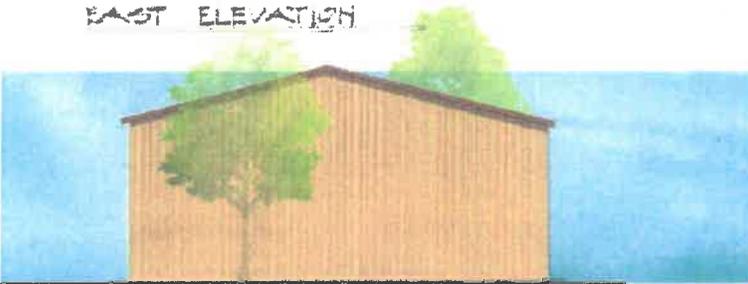


Figure 3: Building Elevations



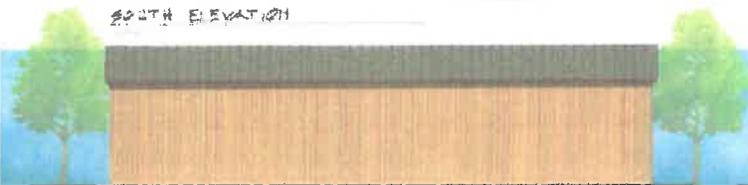
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

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**") boundary.

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The current request is to amend Condition of Approval No. 11 and Condition of Approval No. 13 which change the timing to provide public accessibility and sidewalks improvements.

DISCUSSION:

After the February 2018 approval, the Applicant informed staff that he was unaware of the timing of the public improvement conditions of approval. The project is conditioned to provide public improvements along the property frontage. The Applicant has been meeting with the City Manager and City Engineer to discuss deferring the improvements to a later time. The City Engineer has reviewed the Applicant's request and concurs. At this time there are no public improvements on the adjacent properties. The Applicant is concerned that the completion of the required improvements, sidewalks, curbs and gutters, may result in damage to the adjacent undeveloped/unimproved properties; and as such the Applicant has requested to defer the construction of said improvements until the adjacent properties are developed/improved. Additionally, it can be difficult to determine the specific slop and location of gutters and similar types of improvements when there is no such connecting infrastructure immediately adjacent to the area where improvements are required.

According to the Deferred Improvement Agreement ("**Agreement**"), the improvements will be installed within ten (10) years of the execution of the Agreement, or within ninety (90) days upon the development/improvement of any of the adjacent properties or upon request by the City Manager or his/her designee, the Applicant/Developer will be required to make the necessary public improvements at that time.

The Applicant's request is to amend the implementation of timing of Conditions of Approval No. 11 Sidewalk/Public Accessibility and Condition of Approval No. 13 Street Frontage and allow the project to move forward with construction.

The original CUP conditions read as follows:

- 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.**

- 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.**

Note: The numbering on the original COAs were out of order and have been corrected as part of this CUP Amendment. The original COA #11 is now COA#13 and Original COA#13 is now COA #15. The proposed changes will read as follows:

Sidewalk/Public Accessibility: ~~Before issuance of an occupancy permit~~ Prior to issuance of an occupancy permit or per executed Deferred Improvement Agreement, 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.

Street Frontage: ~~Prior to issuance of occupancy permit,~~ Prior to issuance of an occupancy permit or per executed Deferred

Improvement Agreement, 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 frontage. 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.

Analysis

The Applicant is in the processing of executing an Agreement with the City to defer the timing for installation of public improvements. The City Manager and City Engineer have been communicating with the Applicant regarding the amended condition 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.

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.

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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 public hearing notice was published in the King City Rustler newspaper on **October 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.

COST ANALYSIS:

In light of the lack of communication by the City with the applicant during the review process resulted in limited understanding of the conditions of approval. As directed by City Manager, the fees to process this amendment are being covered by the general fund.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Adopt Resolution No. 2018-243 which approves CUP2017-011A1 to amend the conditions of approval; or
2. Request modifications to the conditions of approval amendments; or
3. Deny Resolution No. 2018-243 which denies the amendment. (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 – Resolution No.2018-243
2. Exhibit 2 – Conditions of Approval
3. Exhibit 3 – Vicinity Map

Submitted by: Maricruz Aguilar
Maricruz Aguilar, Assistant Planner

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

EXHIBIT 1

RESOLUTION NO. 2018- 243

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING A CONDITIONAL USE PERMIT AMENDMENT CASE NO.
CUP2017-011A1, FOR TOM WILLOUGHBY TO MODIFY IMPLEMENTATION
TIME OF PUBLIC IMPROVEMENT CONDITIONS OF APPROVAL AT 740
SOUTH FIRST STREET, KING CITY, CALIFORNIA.**

WHEREAS, on **February 20, 2018**, the Planning Commission ("**Commission**") approved Conditional Use Permit Case No. 2017-0011 which allows construction of a 5,000 square foot office and storage for a heating and air-conditioning contractor's office, and a lot merger of two (2) parcels into one (1) parcel ("**Project**") submitted by Tom Willoughby ("**Applicant**"); and

WHEREAS, Condition of Approvals No. 11 and Nov. 13 requires the Applicant to provide public accessibility and sidewalks improvements before issuance of an occupancy permit; and

WHEREAS, staff and the Applicant have been meeting since late February, 2018 discussing the timing to install public improvements; and

WHEREAS, the Deferred Improvement Agreement defers the improvements to be installed within ten (10) years of the execution of the Agreement, or within ninety (90) days upon the development/improvement of any of the adjacent properties or upon request by the City Manager or his/her designee, the Applicant/Developer will be required to make the necessary public improvements at that time; and

WHEREAS, on **October 1, 2018**, to be consistent with the Deferred Improvement Agreement, the Applicant filed an application to amend original Conditional Use Permit Case No. CUP2017-011 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, 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, on **October 24, 2018**, a public hearing notice was published in the South County Newspaper *The Rustler*; and

WHEREAS, the Commission of the City of King, California, met at the duly noticed public hearing on **November 6, 2018**, at which time the item was continued to the **November 20, 2018** meeting; and

WHEREAS, the Commission of the City of King, California, re-opened the public hearing on **November 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:

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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves Conditional Use Permit Case No. CUP2017-011A1, to amend the Conditions of Approval as outlined in **Exhibit 2**.

This resolution was passed and adopted this **20th day of November, 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

CUP2017-011A1

AMENDMENT TO 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**. As amended by Planning Commission on **November 20, 2018**.

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):** Prior to 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:** To the furthest extent allowed by law, the Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these conditions of approval or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all approvals. The Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

The nature and extent of the Applicant's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in the preceding paragraph shall be governed by this paragraph. To the furthest extent allowed by law, the Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability,

including but not limited to personal injury, death at any time and property damage) incurred by City, the Applicant or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance authorized or required by the approvals, requirements (including any mitigation measures) related to CEQA, or the performance of any or all work to be done by the Applicant or its contractors, agents, successors and assigns pursuant to the approvals (including, but not limited to any design, construction and/or ongoing operation and maintenance of off-site improvements, if any, unless and until such off-site improvements are dedicated to and officially accepted by the City). The Applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, consultants or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, consultants agents or volunteers. If the Applicant should subcontract all or any portion of the services to be performed pursuant to the approvals, the Applicant shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers in accordance with the terms of this paragraph. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

7. **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.
8. **Sign Permit: This permit does not include any identification signs. Prior to 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.
9. **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.

10. **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.
11. **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.)

12. **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.
13. **Sidewalk/Public Accessibility:** Prior to issuance of an occupancy permit or per executed **Deferred Improvement Agreement**, 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.

14. **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).
15. **Street Frontage: Prior to issuance of an occupancy permit or per executed Deferred Improvement Agreement**, 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.
16. **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.)

17. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. Building plans shall comply with the current Title 24 California

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Building Standards Codes.

18. **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.
19. **Pad Elevation Certification:** The pad elevation certification may be submitted upon foundation inspection.
20. **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.
21. **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.
22. **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.)

23. **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.)

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

Miscellaneous Conditions of Approval
Other Environmental Conditions:

25. **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 through a plant and soil medium that provides for bioremediation of any pollutants in the runoff and upper soil layer.
26. **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.
27. **Cultural Resources:** In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources are found during excavation or construction, work will be halted at a minimum of thirty (30') feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie cultural resources, paleontological resources, historical resources or, in the case of adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within twenty-four (24) hours. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the

resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ("**MLD**") from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code 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 twenty-four (24) hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

28. **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.

29. **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.

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30. **Parking:** The land use 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 3
VICINITY MAP



FIRST STREET OVERVIEW & SITE LOCATION

