AGENDA

REGULAR MEETING OF THE
PLANNING COMMISSION
TUESDAY, AUGUST 6, 2019
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, David Mendez, Brett Saunders, 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 July 16, 2019 Planning Commission Meeting
   Recommendation: Approve and file.

7. **PUBLIC HEARINGS**

A.	Project:	Outdoor Storage of Agricultural Trailers
	Applicant:	Rod Wadsworth, on behalf of Michel Orradre, Property Owner
	Location:	277 E. San Antonio Drive (APN:026-521-033-000), King City, CA. 93930
	Consideration:	Conditional Use Permit Case No. CUP2019-001

Recommendations:	Staff recommends the Planning Commission approve the attached Resolution which approves CUP2019-001.
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 1 Section 15301 as it relates only to continuing the operations of existing uses with no expansions.

B.

Project:	Creekbridge/Arboleda Specific Plan Amendment No. 4
Applicant:	City of King
Location:	Arboleda Specific Plan on the northeast corner of San Antonio Drive and Spreckels Rd.
Consideration:	Recommend the City Council amend Creekbridge/Arbleda Specific Plan Amendment No. 56 removing the word "permanently" related to naming of the parks.
Recommendations:	Staff recommends the Planning Commission adopt Resolution No. 2019-261, recommending the City Council amend Condition of Approval No. 56
Environmental Determination:	Initial Studies were prepared on the Specific Plan Amendment and compared to the certified Environmental Impact repots ("EIRs") to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRS) can be made in the affirmative. Base3d on the analysis, the Specific Plan Amendment will not have potential adverse impacts, and the certified EIR for the Arboleda Specific Plan/VTM (SCH No. 2003091118) are applicable.

8. NON-PUBLIC HEARINGS

None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

A. None

11. WRITTEN CORRESPONDENCE

12. ADJOURN

UPCOMING REGULAR MEETINGS

AUGUST

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

SEPTEMBER

September 3rd	6:00 p.m.	Planning Commission
September 9th	6:00 p.m.	Airport Advisory Committee
September 10th	6:00 p.m.	City Council
September 16th	6:00 p.m.	Recreation Commission
September 17th	6:00 p.m.	Planning Commission
September 24th	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

AR: Architectural Review

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

EIS: Environmental Impact Statement

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

July 02, 2019

1. Call to Order

Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:04 p.m.

2. Pledge of Allegiance

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

3. Roll Call

Chairperson David Nuck _X_ Oscar Avalos _A_

David Mendez _A_ Brett Saunders __X__ Domingo Uribe _X_

Commissioner Saunders made a motion to excuse Commissioner Mendez and Commissioner Avalos. Seconded by Commissioner Uribe. Motion carried 3-0.

Staff present: Community Development Director, Doreen Liberto; Asst. Planner, Eric Berg-Johansen; Admin. Asst./Deputy City Clerk/ Planning Secretary, Erica Sonne.

4. Public Comments

None

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: June 4, 2019

Planning Commission Secretary/Deputy City Clerk Sonne stated unfortunately, the agenda had the wrong date for the minutes listed but June 4th minutes were included in the packet and are for approval tonight.

Action: Motion made by Commissioner Uribe to approve minutes of June 4, 2019. Seconded by Commissioner Saunders. Motion carried 3-0.

7. PUBLIC HEARINGS

A.	Project:	Mustang Court Homes, Proposed by Peoples' Self-Help Housing
	Applicant:	Peoples' Self- Help Housing (Sheryl Flores)
	Location:	APN: 026-071-073-000, Mustang Court, King City, CA. 93930
	Consideration:	Vesting Tentative Tract Map Case No. TTM2019-001 Conditional Use Permit Case No. CUP2019-002 Architectural Review Permit Case No. AR2019-001 Landscape Planning Review Permit Case No. LPR2019-001

Recommendations: Staff recommends the Planning Commission approve Conditional Use Permit ***("CUP")*** Case No. CUP2019-001 for outdoor storage of agricultural semi-trailers on the 9.8 acres vacant lot located at 277 E. San Antonio Drive, King City, CA 93930, subject to the conditions of approval.

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, has determined with certainty that there is no possibility that this project may have a significant effect on the environment. Therefore, the project is categorically exempt from the California Environmental Quality Act ***("CEQA"),*** pursuant to Section 15332 of the CEQA Guidelines for Infill Development Projects.

Community Development Liberto introduced this item.

Chair Nuck opened the public hearing,

Sheryl Flores, Self-help housing further introduced this item.
Community Development Director stated that they are changing COA number 10 to "prior to the permit issuance the applicant will provide the cost of the house"

Guadalupe and Aristeo Santa Cruz came to voice their protest as it is in a cul-de-sac and there is not enough parking. The neighborhood is problematic and no on moves their cars. One person has more than 6 cars. They are against the low-income housing.

Ms. Flores stated that the houses that are going in will have 4 parking spaces per house. The people that are building the houses take a lot of pride in building their own house so they will add to the betterment of the community.

Chair Nuck closed the public hearing.

Commissioner Uribe made a motion to adopt the attached Resolution 2019-256 recommending the City Council approve TTM2019-001, Commissioner Saunders seconded. Motion carried 3-0.

Commissioner Saunders made a motion to adopt the attached adopt a Resolution 2019-257 approving CUP2019-002, AR2019-001 and LPR2019-001, Commissioner Uribe seconded. Motion carried 3-0.

B. Project: San Antonio Mixed Use Center

Applicant: Chris Madson, Chris Madson Construction

Location: 126 San Antonio Drive, King City, CA 93930

Consideration: Conditional Use Permit Case No. CUP2018-005, Architectural Review Permit Case No. AR2018-017, Landscaping Design Review Permit Case No. LDR2018-003, and Variance Permit Case No. VAR2018-002 for Chris Madson Construction to construct a mixed use project (approximately 3,080 sq. ft. of commercial space and 8 residential units) at 126 San Antonio Drive, King City, CA. 93930.

Recommendation: Staff recommends the Planning Commission adopt a Resolution No. 2019-258 which approves Cases No. CUP 2018-005, AR 2018-017, VAR 2018-002 and LDR 2018-003.

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 CEQA Guidelines, section 15332 which exempts the mixed use project because it is infill and is consistent with the General Plan policies and applicable zoning designation Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Asst. Planner Berg-Johansen introduced this item.

Chair Nuck opened the public hearing,

Chris Madson was available for questions.

Commissioner Saunders ask staff how the parking requirements are developed. Asst. Planner Berg-Johansen stated that Traffic Engineers due studies and determine what business would require how many parking spaces. The City doesn't have anything in the code for mixed use parking.

Commissioner Uribe wanted to know about the proposed bathrooms. Staff stated that it depends on who leases the building and the building official will check that out at the time of build.

Commissioner Saunders had a question about the signs. Community Development Director stated that one of the conditions is to come back for sign permits.

Commissioner Uribe would not recommend a liquor store be one of the uses for the kids sake.

Commission agreed to take off list of uses, off-sale liquor sales and add grocery store/convenience store.

Chair Nuck closed the public hearing.

Commissioner Uribe made a motion to adopt a Resolution No. 2019-258 which approves Cases No. CUP 2018-005, AR 2018-017, VAR 2018-002 and LDR 2018-003 with amended uses. Commissioner Saunders seconded. Motion passed 3-0.

8. NON- PUBLIC HEARINGS –

A	Project:	Mills Ranch Specific Plan
	Applicant:	Mike Nino, Nino Homes
	Location:	Mills Ranch development located at the north edge of King City, southwest corner of the intersection of San Antonio Drive and Spreckels Road.
	Consideration:	Planning Commission Interpretation Case No. PCI 2019-002 to consider a Substantial Conformance Determination regarding the design standards for fences in the Mills Ranch Specific Plan.
	Recommendation:	Staff recommends the Planning Commission adopt Resolution No. 2019-259 which recommends to the City Council to make a determination of substantial conformance regarding modified fence designs in the Mills Ranch Specific Plan.

Community Development Director introduced this item stating that and amended Exhibit 1 was passed out along with an amended Resolution that included the CEQA determination.

Asst. Planner Berg-Johansen further introduced this item.

Mike Nino, Nino Homes stated that the fences should be lattice in the front or facing the street and on back yards and side yards a solid fence will be better and for safety reason and privacy.

Commissioner Saunders made a motion to adopt a Resolution No. 2019-259 which recommends to the City Council to make a determination of substantial conformance regarding modified fence designs in the Mills Ranch Specific Plan as amended. Commissioner Uribe seconded. Motion passed 3-0.

9. **Regular Business**- None
10. **Planning Commission Report** – None
11. **Director Reports-** None
12. **Written Correspondence–** None
13. **Adjournment**

There being no further business, the Planning Commission meeting was adjourned at 7:07p.m.

David Nuck Planning Commission Chairperson City of King	Erica Sonne Planning Commission Secretary City of King

KING CITY
CALIFORNIA

Item No. 7(A)

REPORT TO THE PLANNING COMMISSION

DATE: **AUGUST 6, 2019**

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

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

BY: **MARICRUZ AGUILAR, ASSISTANT PLANNER**

RE: ***(CONTINUED ITEM DUE).*** **CONSIDERATION OF CONDITIONAL USE PERMIT CASE NO. CUP2019-001 TO ALLOW THE USE OF OUTDOOR STORAGE OF AGRICULTURE SEMI-TRAILER STORAGE AT 277 E. SAN ANTONIO DRIVE (APN026-521-033-000), KING CITY, CA 93930**

RECOMMENDATION:

It is recommended the Planning Commission approve Conditional Use Permit ***("CUP")*** Case No. CUP2019-001 for outdoor storage of agricultural semi-trailers, containers and off-season minor agriculture equipment on the 9.8 acres vacant lot located at 277 E. San Antonio Drive, King City, CA 93930, subject to the conditions of approval.

BACKGROUND:

This item was automatically continued from the July 16, 2019 Planning Commission meeting due to a lack of a quorum to vote on the item.

On **March 12, 2019**, Rod Wadsworth on behalf of Michel Orradre, Property Owner, applied for a Conditional Use Permit ***("CUP")***. The site has been used historically for keeping of agricultural trailer beds during the agricultural off-season. However, no record was found of a previous use permit that granted the use of outdoor storage. The property is within the East Ranch Business Park Specific Plan ***("ERBP-SP")*** which requires a CUP for manufacture, repair, sale, lease or storage of farm and general agricultural tools, equipment and vehicles where repairs are conducted within a building or within an area enclosed by a solid eight (8') foot (8') fence.

The applicant is requesting to legalize the use, keep the existing perimeter chain link fence approximately 2,860 feet, add a new driveway approach and new a sidewalk, and install a new sign on the property. The site is 428,630 square feet (9.8 acres) and located along San Antonio Road. ***(Reference Figure 1.)***

The project was reviewed by the Project Review Committee ***("PRC")*** on **April 9, 2019** at which preliminary comments were made on the project. A revised site plan was then submitted on **May 13, 2019**.

DISCUSSION

The site serves as an ancillary site for storage for Bassetti Farms and Hearne Company. The primary use is for storage of semi-trailers/gondola trailers and seasonal agricultural (i.e. vegetable and grape) equipment throughout the year during the off-season periods. ***(Reference Figures 2-6.)*** The property is maintained by Bassetti Farms and Hearne Company.

On **July 24, 2019,** staff conducted a walk through and verified that the equipment stored onsite was agriculture related. The property stores gondola trailers, semi-trailer coolers, storage containers with agriculture equipment. In addition, the site also had a trailer for Lions Club and the Chamber of Commerce has also used the site in the past to store their empty fireworks container. No active fireworks will be stored onsite. The inventory of storage items will be limited to agriculture trailer bed storage, minor agriculture off-season equipment, shipping/storage containers with agriculture equipment, and occasionally a storage container for Lions Club and/or Chamber of Commerce. The site is not used for personal vehicle parking. The property owner has no plans on developing the site at this time.

Figures 1 & 2: *View from the rear of the property in proximity to the access road.*

Figures 3 & 4: *Side views of the property.*

Figures 5 & 6: *View of Gondola Trailers and Off-season vegetable and grape agriculture equipment.*

Currently, the site is only accessed from the corner of Bitterwater Road and Airport Drive through an access road to enter the back of the property. In light of the recent developments in the surrounding properties, the applicant would like to improve onsite and offsite circulation for their property. The proposed would keep the back entrance locked and construct a new driveway approach along E. San Antonio Drive that would be forty (40') foot concrete driveway and twenty (20') feet of drain rock for onsite dirt removal once the trailers are being taken off-site. The site has existing landscaping along the frontage which will need to be maintained and two (2") inches mulch to be added to enhance the existing landscaping. There will be a gate along the entrance driveway.

The property is located within Planned Development ***("P-D/SP")*** Zoning District and within the Light Industrial ***("L")*** General Plan Land Use Designation. The property is within the boundary of the East Ranch Business Park Specific Plan ***("ERBP-SP")***.

ZONING DESIGNATION: Planned Development ***("P-D/SP")***

GENERAL PLAN LAND USE DESIGNATION: Light Industrial ***("LI")***

Figure 7: *Current Street view of tailer storage and existing landscape.*

Figure 8: Current view of where the new driveway approach would be and the existing chain link fence.

Figure 9: *Image from Google Maps from April 2012 showing storage of the semi-trailer agriculture beds*

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

Table 1 **Adjacent Zoning/Land Use**

North:	P-D/SP Agriculture Outdoor Storage	**East:**	P-D/SP Western Harvesting & Elephant Garlic
West:	P-D/SP Cannabis Grow & Manufacturing	**South:**	P-D/SP A&G Pumping storage of porta-potties

General Plan/Policies and Requirements:
Table 2 provides the land use designations for the project.

Table 2 General Plan Designations	
General Plan Land Use Designation:	Planned Development with Specific Plan
Specific Plan Area:	East Ranch Business Park Specific Plan

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 1 Section 15301 as it relates only to continuing the operations of existing facilities with no expansion to the existing uses.

Project Review Committee ***("PRC")*** Comments and Review & Review by Other Agencies

The PRC has reviewed and provided comments incorporated through the staff report. The use is similar to other neighboring properties. The new street improvements would provide better circulation onside and the extended driveway approach will help with dirt removal as the trailers are being taken out. ***(Reference COA No.1.)*** Adding slats to the chain link fence will help with screening. ***(Reference COA No. 8.)*** Ongoing property maintenance of the landscaped area will help soften the frontage and also help with screening. ***(Reference COA No. 11.)*** The site will not be used for employee parking nor be used as a shared parking area for any of the neighbor uses. ***(Reference COA No. 8.)***

Public Notification and Input

A public hearing notice was published on **July 3, 2019** in the South County Newspaper *The Rustler*. Notices were mailed to the property owners within three hundred feet of the property. As of writing of this report no public written comments have been received.

COST ANALYSIS:

Development review application fees are based on actual time and materials per the City Fee Scheduled.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Approve CUP2019-001 to allow the use of yearlong outdoor storage and offsite improvements.
2. Deny CUP2019-001 and return with findings for denial.
3. Modify CUP2019-001.
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 - Findings of Fact
2. Exhibit 2 – Resolution No. 2019-260
3. Exhibit 3 – Conditions of Approval
4. Exhibit 4 – Site Plan

Submitted by: Maricruz Aguilar
Maricruz Aguilar, Assistant Planner

Approved by: MA FOR Doreen Liberto
Doreen Liberto, AICP, MDR, ACR, Community Development Director

EXHIBIT 1

CASE NO. CUP 2019-001
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

The project qualifies for a Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.

Conditional Use Permit Findings

1. **The proposed use is permitted within the subject district pursuant to the provisions of this section and complies with all the applicable provisions of this title, the goals, and objectives of the King City General Plan Municipal Code, and the development policies and standards of the City.**

   Analysis: *The Industrial Land Use Objective is to provide adequate and appropriate land area, as well as improved, leasable space, within the City for a suitable mix of desirable industrial land uses. The project will be utilizing the property for ongoing agricultural storage. The use provides support to agricultural farming operations by leasing area for the trailer beds while they are not in operations. The project involves street improvements, new driveway approach and new sidewalk. The site has an existing landscaped area along the frontage that will be kept maintained and will assist with screening. The project involves gondola trailers, storage of minor agricultural equipment. There will be no parking of employees nor will it be used for shared parking of any of the adjacent businesses.*

2. **The proposed use would not impair the integrity and character of the district in which it is to be established of located.**

   Analysis: *The property is within the East Ranch Business Park Specific Plan* ***("ERBP-SP")*** *and its purpose is to provide a more specific level of detail for implementation of the city's growth. The ERBP-SP accommodates a variety of industrial and industrial support uses and other related and compatible uses. The proposed use would not impair the integrity or character of the district. The property has similar uses to the*

north and south of the property that are used for agricultural related storage of equipment.

3. **The site is suitable for the type and intensity of use or development that is proposed.**

   Analysis: *The site is suitable for this type of use. This use has historically been used on this site since 2012. The request is to continue the use with no expansions. There will be no employees on site and is only for the purpose of storing the trailer beds during the low-peak agriculture periods. The site has also been storing a container for Lions Club and in the past Chamber of Commerce has also used it to store an empty fireworks sale display booth. The site will not have any fireworks stored at this location. The site has an existing perimeter fence which they will add privacy slats to help with screening along the frontage. The property is adjacent to other agricultural storage uses.*

4. **There are adequate provisions for water, sanitation, drainage, and public utilities and services to ensure public health and safety.**
   Analysis: *The project involves only storage of agriculture trailers and minor ancillary agriculture equipment. No proposed development that would trigger water, sanitation or drainage and or public utilities. The site is a 9.8-acre vacant site that has been historically used for ag equipment storage. No proposed expansions are included with this application.*

5. **The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity.**

   Analysis: *The site was previously used for this same operation. The added street improvements will improve onsite circulation and has been reviewed by the City Engineer. The driveway approach will have an extended approach for dirt removal.*

6. **The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act *("CEQA"),* will not have an unacceptable negative affect on adjacent property or properties. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of CEQA, will not have an unacceptable negative affect on adjacent property or properties.**

   Analysis: *The project qualifies for a Categorical Exemption **("CE")** under CEQA Guidelines Section 15301(a) for minor interior/exterior modifications to existing facilities. The project qualifies for a Class 1 CE set forth in CEQA Guidelines, Section 15301 as it involves no change of*

operation of existing structures and involves no expansion to existing facilities.

7. Traffic access, pedestrian access and parking are adequate.

Analysis: *The proposal adds add an access to the subject site from San Antonio Drive. The site currently is accessed from an access road from Bitterwater Road. The proposed will also install a sidewalk. The site will not be used for vehicle parking nor will it be used for shared parking to the neighboring properties.*

EXHIBIT 2

RESOLUTION NO. 2019-260
RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2019-001 FOR OUTDOOR STORAGE OF AGRICULTURAL SEMI-TRAILERS AT 277 E. SAN ANTONIO DRIVE (APN026-521-033-000), KING CITY, CALIFORNIA.

WHEREAS, on **March 12, 2019**, Rod Wadsworth, Wadsworth Construction on behalf of Michel Orradre, Property Owner ***("Applicant")*** submitted a Conditional Use Permit ***("CUP")*** for the outdoor storage of agriculture semi-trailers, gondola trailers, minor ancillary agriculture equipment and a storage container for Lions Club and/or Chamber of Commerce at 277 E. San Antonio Drive (APN: 026-521-033-000), King City, Ca. ***("Project")***; and

WHEREAS, on **April 9, 2019,** the Project Review Committee ***("PRC")*** met and made recommendations on the project; and

WHEREAS, on **May 13, 2019,** staff met with the applicant to discuss PRC comments and a revised site plan was then submitted; and

WHEREAS, the property is within the Planned Development Specific Plan ***("P-D/SP")*** Zoning District, East Ranch Business Park Specific Plan ***("ERBP-SP")***, and within the Light Industrial ***("LI")*** General Plan Land Use Designation;

WHEREAS, the Project qualifies for a Class 1 Categorical Exemption of the California Environmental Quality Act ***("CEQA")*** consisting of "Existing Facilities," where the project both individually and cumulatively will not have a significant negative environmental impact; and

WHEREAS, on **July 16, 2019**, the Commission reviewed the staff report, accepted public testimony, and considered all other relevant information on the Project during a duly noticed public hearing; and

WHEREAS, the Commission makes the followings findings of facts:

Conditional Use Permit Findings

1. *The Industrial Land Use Objective is to provide adequate and appropriate land area, as well as improved, leasable space, within the City for a suitable mix of desirable industrial land uses. The project will be utilizing the property for ongoing agricultural storage. The use provides support to agricultural farming operations by leasing area for the trailer beds while they are not in operations. The project involves street improvements, new driveway approach and new sidewalk. The site has an existing landscaped area along the frontage that will be kept maintained and will assist with*

screening. The project involves gondola trailers, storage of minor agricultural equipment. There will be no parking of employees nor will it be used for shared parking of any of the adjacent businesses.

2. *The property is within the East Ranch Business Park Specific Plan **("ERBP-SP")** and its purpose is to provide a more specific level of detail for implementation of the city's growth. The ERBP-SP accommodates a variety of industrial and industrial support uses and other related and compatible uses. The proposed use would not impair the integrity or character of the district. The property has similar uses to the north and south of the property that are used for agricultural related storage of equipment.*

3. *The site is suitable for this type of use. This use has historically been used on this site since 2012. The request is to continue the use with no expansions. There will be no employees on site and is only for the purpose of storing the trailer beds during the low-peak agriculture periods. The site has also been storing a container for Lions Club and in the past Chamber of Commerce has also used it to store an empty fireworks sale display booth. The site will not have any fireworks stored at this location. The site has an existing perimeter fence which they will add privacy slats to help with screening along the frontage. The property is adjacent to other agricultural storage uses.*

4. *The project involves only storage of agriculture trailers and minor ancillary agriculture equipment. No proposed development that would trigger water, sanitation or drainage and or public utilities. The site is a 9.8-acre vacant site that has been historically used for ag equipment storage. No proposed expansions are included with this application.*

5. *The site was previously used for this same operation. The added street improvements will improve onsite circulation and has been reviewed by the City Engineer. The driveway approach will have an extended approach for dirt removal.*

6. *The project qualifies for a Categorical Exemption **("CE")** under CEQA Guidelines Section 15301(a) for minor interior/exterior modifications to existing facilities. The project qualifies for a Class 1 CE set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.*

7. *The proposed will add an access to the subject site from San Antonio Drive. The site currently is accessed from an access road from Bitterwater Road. The proposed will also install a sidewalk. The site will not be used for vehicle parking nor will it be used for shared parking to the neighboring properties.*

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves CUP Case No. CUP 2019-001, consistent with **Exhibits 4** and all conditions of approval as presented in **Exhibit 3.**

This resolution was passed and adopted this **6th** day of **August 2019**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
DAVID NUCK, CHAIRPERSON

ATTEST:

_____
ERICA SONNE
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3

CASE NUMBER: CUP 2019-001
CONDITIONS OF APPROVAL
AUGUST 6, 2019

General Conditions (The applicant should contact Maricruz Aguilar, Assistant Planner if there is are questions on the following conditions of approval ***"COA".***)

1 **Project Description:** Conditional Use Permit ***("CUP")*** Case No. 2019-001 ***only*** allows the outdoor storage of agriculture semi-trailers and minor ancillary agriculture equipment throughout the year during the off-season periods. There will be no employees onsite. No work shall be performed on the vehicles. Storage containers for the Lions Club and Chamber of Commerce shall be permitted onsite without storage of fireworks. Inventory of storage item is limited to agriculture trailer beds, minor ancillary vegetable and grape equipment. No personal vehicle parking lot nor a shared parking lot for any of the adjacent property uses, or other uses other than cited in the Project Description. A forty (40') foot concrete driveway approach with a twenty (20') foot drain rock shall be installed onsite for dirt removal. The site has existing landscaping along the frontage which will need to be maintained and two (2") inches of mulch to be added to enhance the existing landscaping. There will be a forty (40') foot gate along the entrance driveway.

2 **Approval Period:** The approval period for the CUP 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 17.64.030 prohibits any time extensions of the CUP beyond one (1) year from the date of approval. No extension shall be permitted for the CUP as required by Municipal Code 17.64.030.

3 **Application Fees:** All development review applications are based on times and materials per City Fee Schedule. The applicant shall contact the Finance Department for clearing the remaining balance owed for processing the original CUP.

4 **Non-permitted Uses:** The site shall not be used to store any fireworks. Fireworks are prohibited uses within the East Ranch Business Park Specific Plan ***("ERBP-SP")***.

5 **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance, pursuant to Municipal Code Chapter 17.56.030.

6 **Hold Harmless Clause:** Defend, Hold Harmless, and Indemnify. 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 (including CUP 2019-001) (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, 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 **Change of Use:** Improvements as submitted include the installation of slats along the perimeter fence for screening, new sidewalk, new driveway approach, informational sign and enhancing the existing landscaped area shall be in substantial conformance with the plans, and COA presented to and approved by the Planning Commission in connection with the Project. Minor changes, which are determined by the Community Development Director to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Planning Commission, may be granted by the Community Development Director.

a) Screening material to be reviewed by Staff prior to installation. Screening material and fencing shall be maintained in good condition throughout the duration of the use.

b) The site shall not be used for private vehicle storage nor shall it be used as a shared parking lot with other neighboring properties without further review and analysis and possibility of amendment of this conditional use permit.

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

9 **Signage:** This CUP does not approve any signage and does not constitute a Sign Permit. **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. The signs shall conform to the requirements of Municipal Code Chapter 17.55. Window coverage should be limited to the standards as described in Municipal Code Chapter 17.55. A Master Sign Program will be required for commercial development with four our more tenants.

Miscellaneous Conditions (The applicant should talk with Maricruz Aguilar, Community Development Department, on the following COA, if there are any questions.)

10 **Existing Landscaping: Prior to final approval of the street improvements Encroachment Permit,** the landscape area shall be enhanced, maintained, weed barrier installed and new two (2") inch mulch added.

11 **Gate/Fencing: Prior to installation of the front gate and any new fencing,** Applicant to contact the Building and Safety Department for permit requirements.

12 **Business License: Before issuance of a building permit,** a business license shall be obtained for every person conducting or carrying on the business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.

Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.

Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.

Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.

Public Works Department (The applicant should contact City Engineer, Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com, regarding the following COA, if there are any questions.)

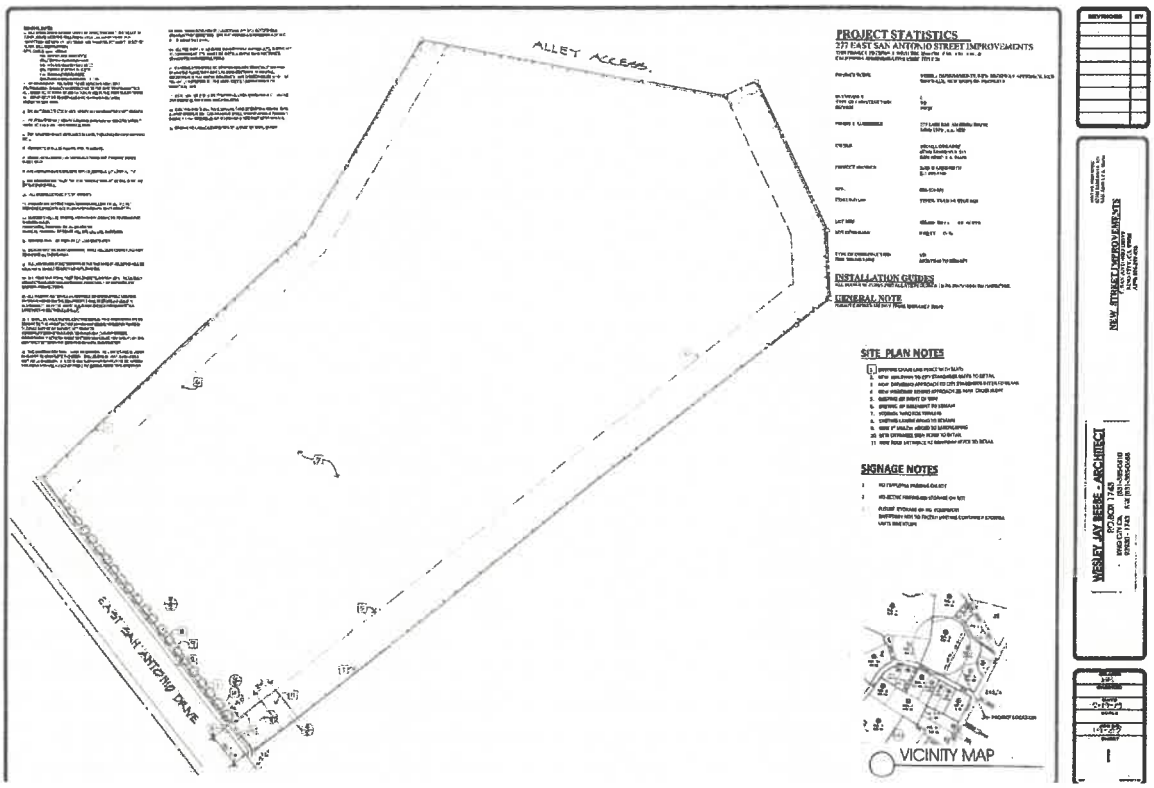
13 **Encroachment Permit and Public Improvements: Before starting street frontage improvements,** the applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley). The applicant is required to provide plans and improvements for all required improvements within the right-of-way, including sidewalks, curbs, gutters and landscaping within the right-of-way consistent with the improvements required for E. San Antonio Drive.

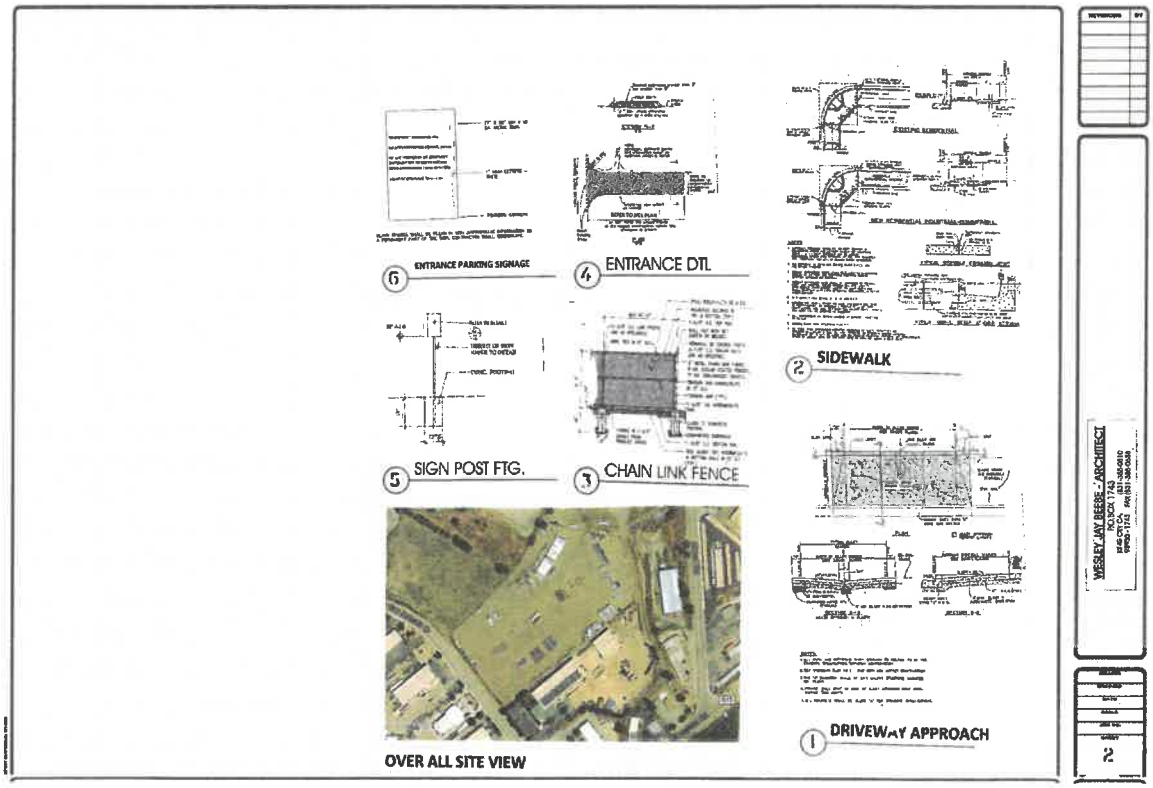
Conditional Use Condition Agreement:
The conditional use permit is **not** valid until all Conditions of Approval ***("COA")*** and mitigated measures imposed by the Planning Commission are signed for and agreed to by the applicant.

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

Applicant Signature: _____ Date: _____

EXHIBIT 4


ALLEY ACCESS
EAST SAN ANTONIO DRIVE
PROJECT STATISTICS
277 EAST SAN ANTONIO STREET IMPROVEMENTS
INSTALLATION GUIDES
GENERAL NOTE
SITE PLAN NOTES
SIGNAGE NOTES
VICINITY MAP
REVISIONS
NEW STREET IMPROVEMENTS
WESLEY JAY BEEBE - ARCHITECT


6 ENTRANCE PARKING SIGNAGE
4 ENTRANCE DTL
2 SIDEWALK
5 SIGN POST FTG.
3 CHAIN LINK FENCE
OVER ALL SITE VIEW
1 DRIVEWAY APPROACH
REVISIONS
BY
WESLEY JAY BEEBE - ARCHITECT
2

KING CITY
CALIFORNIA

7(B)

REPORT TO THE PLANNING COMMISSION

DATE: **AUGUST 6, 2019**

TO: **PLANNING COMMISSION**

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

RE: **CONSIDERATION OF AMENDMENT TO CONDITION OF APPROVAL NO. 56 OF THE ARBOLEDA SPECIFIC PLAN, DELETING THE WORD "PERMANENTLY" RELATED TO NAMING PARKS**

RECOMMENDATION:

Adopt the attached Resolution No. 2019-261 recommending the City Council amend the Arboleda Specific Plan and delete condition of approval No. 56.

BACKGROUND:

It is costly to maintain and improve parks. The City has an extensive list of improvements needed at its parks to maintain the appearance, usage, and safety. A particular emphasis has been placed on the need to upgrade the City's sports fields. As a result, the City Council recently approved a Sports Field Improvement Plan. One of the recommendations is to seek sponsors for improvement projects. The Council also adopted a park naming policy in order to provide for a park naming sponsorship program.

On July 20, 2004, the City Council ("Council") approved the Arboleda Specific Plan, with conditions of approval ("COA"). On July 26, 2005, the COA were amended. COA No. 56 does not allow changing the names of parks located within the Arboleda Specific Plan. Arboleda Specific Plan COA No. 56 states, in part,

> ***"56. Park Improvements:*** *The applicant has no park obligation beyond the required park land dedications listed herein. However, the applicant has agreed to voluntarily improve either the soccer park or baseball park on or before the issuance of the 199th building permit. In addition, the remainder parks within the project shall be competed on or before issuance of the 300th building permit provided the Specific Plan and Vesting Tentative Map are approved on or before August 12, 2004 in substantial conformance with the "Recommended Land Use Plan" and these conditions of approval and provided the parks are* ***permanently*** *(emphasis added) named CreekBridge Baseball Park, CreekBridge Soccer Park, and CreekBridge Linear Park."*

Staff recommends the word "permanently" be deleted from COA No. 56 to provide flexibility in naming parks as an incentive for company and individual sponsorships.

DISCUSSION:

COA No. 56 mandates that the parks within the Arboleda Specific Plan be permanently named "CreekBridge Baseball Park", "CreekBridge Soccer Park" and "CreekBridge Linear Park".

Staff has been reviewing ways to generate revenues to address the City's park needs, which include grants, use of volunteer groups, and allowing corporate or individual sponsorships. There are advantages for company sponsorships, including media publicity. This does not necessarily mean putting banners and signs around the parks. It will be easier to find sponsorships if parks can be named after the companies and individuals funding needed improvements. To allow park sponsorships, the word "permanently" needs to be deleted from COA No. 56. If the Council amends COA No. 56, all other conditions remain as previously adopted.

The highest priority park improvement needed at this time is the Creekbridge Soccer Park, which is covered largely in dirt at this time. Staff believes it is in need of installation of new turf on the entire field, which is costly and exceeds the City's financial resources at this time. Therefore, enabling the City to pursue a sponsor consistent with the new park naming policy may enable the City to accelerate renovation of the park.

ENVIRONMENTAL REVIEW:

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 renaming the parks may have a significant effect on the environment. Therefore, this project is not subject to CEQA.

COST ANALYSIS:

Sponsorships would pay for any staff cost.

ALTERNATIVES:

The Planning Commission can:

1. Adopt the Resolution deleting the word "permanently" from COA No. 56.
2. Request additional information.
3. Take other action, as needed.

Exhibits: Resolution No. 2019-261

Submitted by: FOR Doreen Liberto
Doreen Liberto, AICP, Community Development Director

RESOLUTION NO. 2019-261

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, ADOPTING AN AMENDMENT TO THE CONDITIONS OF APPROVAL NO. 56 OF THE ARBOLEDA SPECIFIC PLAN, DELETING THE WORD "PERMAENTLY" RELATED TO NAMING PARKS WITHIN THE CITY LIMITS.

WHEREAS, on **July 20, 2004**, the City Council ***("Council")*** approved the Arboleda Specific Plan with conditions of approval ***("COA")***, and on **July 26, 2005**, the COA were amended; and

WHEREAS, COA No. 56 does not allow the renaming of parks located within the Arboleda Specific Plan; and

WHEREAS, staff has been reviewing ways to generate revenues to address the City's park needs, which include grants, use of volunteer groups, and allowing corporate or individual sponsorships; and

WHEREAS, the highest priority park improvement needed at this time is the Creekbridge Soccer Park, which is covered largely in dirt at this time; and

WHEREAS, staff believes the Creekbridge Soccer Park is in need of installation of new turf on the entire field, which is costly and exceeds the City's financial resources at this time; and

WHEREAS, enabling the City to pursue a sponsor consistent with the new park naming policy may enable the City to accelerate renovation the Creekbridge Soccer Park; and

WHEREAS, 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 renaming the parks may have a significant effect on the environment, and therefore, this project is not subject to CEQA; and

WHEREAS, on **July 24, 2019**, a 1/8th page Notice of Public Hearing was published in the South County Newspaper *The Rustler* and Notice of Public Hearing; and

WHEREAS, on **August 6, 2019,** the Planning Commission ***("Commission")*** of the City of King, California, met at the duly noticed public hearing, at which time all relevant information was reviewed and considered including the staff report, and all interested persons were given the opportunity to be heard; and

WHEREAS, on **August 6, 2019,** the Commission recommended the Council adopt an Ordinance amending Condition of Approval No. 56, deleting the word permanently, as follows:

> "***Park Improvements:*** *The applicant has no park obligation beyond the required park land dedications listed herein. However, the applicant has agreed to voluntarily improve either the soccer park or baseball park on or before the issuance of the 199th building permit. In addition, the remainder parks within the project shall be competed on or before issuance of the 300th building permit provided the Specific Plan and Vesting Tentative Map are approved on or before August 12, 2004 in substantial conformance with the "Recommended Land Use Plan" and these conditions of approval and provided the parks are* ***~~permanently~~*** *(emphasis added) named CreekBridge Baseball Park, CreekBridge Soccer Park, and CreekBridge Linear Park."*

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopted Resolution No. 2019-261 recommending the City Council of the City of King adopt an Ordinance amending The Arboleda Specific Plan Condition of Approval No. 56, as shown in **Exhibit** 1 – **City Council Ordinance** of this Resolution.

This resolution was passed and adopted this 6th day of August 2019, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
DAVID NUCK, CHAIRPERSON

ATTEST:_____
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION