

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, AUGUST 20, 2019
6:00 P.M.

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

Commissioner Uribe will be appearing telephonically at the following location
which is open to the public:
1052 Di Maggio Way, Galt CA. 95632

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 August 6, 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.

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

August 06, 2019

1. Call to Order

Vice Chair Mendez called the regular meeting of the Planning Commission of the City of King to order at 6:06 p.m.

2. Pledge of Allegiance

Vice Chair Mendez led the Commission and audience in the Pledge of Allegiance.

3. Roll Call

Chairperson David Nuck A Oscar Avalos A
David Mendez X Brett Saunders X Domingo Uribe X

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

Staff present: Community Development Director, Doreen Liberto; Executive 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: July 2, 2019

Action: Motion made by Commissioner Uribe to approve minutes of July 2, 2019. Seconded by Commissioner Saunders. Motion carried 3-0.

Due to a conflict Commissioner Saunders recused himself from the meeting before 7(A) was heard leaving the room.

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.

Community Development Liberto introduced this item explaining that the item could not be heard tonight because of a lack of a quorum that can act on this item without a conflict.

This item is continued to August 20, 2019 because of a lack of a quorum.

Commissioner Saunders returned to the meeting.

- 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 Reports ("EIRs") to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRS) can be made in the affirmative. Based 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.

Community Development Liberto introduced this item.

Vice Chair Mendez opened the public hearing, seeing no one come forward,

Vice Chair Mendez closed the public hearing.

Commissioner Uribe asked how long the City had been in charge of the park. Community Development Director Liberto stated at least 10 years. Commissioner Uribe expressed disappointment that the City has not kept up the park stating that it is dirt and will continue to be dirt because it is played on every day. He stated that it will have to be fenced off. He also is a traditionalist and would like to see people's name on the park for things that they have done over the years. He doesn't want a company or an individual to be able to pay money and put their name on the park. He feels it looks bad. He doesn't like paying for a park. He feels it should be an honor.

Commissioner Saunders made a motion to approve the attached Resolution 2019-261 which approves recommending the City Council amend Condition of Approval No. 56, Commissioner Uribe seconded. Motion carried 2-1. Uribe opposed.

Vice Chair Mendez asked that the policy come back to the Planning Commission to be looked over and discussed.

8. NON- PUBLIC HEARINGS –

None

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 6:24p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



REPORT TO THE PLANNING COMMISSION

DATE: AUGUST 20, 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). 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 (APN: 026-521-033-000), 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. This item was continued from the August 6, 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

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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.

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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 trailer 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

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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, Assistant Planner

Approved by:



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 or 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 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 **August 20, 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.*

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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 **20th** 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 20, 2019

General Conditions (The applicant should contact Maricruz Aguilar, Assistant Planner if there 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**").

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- 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

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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

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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 or 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.)

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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: _____

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EXHIBIT 4

