

RESOLUTION NO. 2020-276

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING RECOMMENDING THE CITY COUNCIL OF THE CITY OF KING CERTIFY A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND ADOPT A MITIGATION MONITORING REPORT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR APPROVAL OF THE KING CITY DOWNTOWN ADDITION SPECIFIC PLAN AMENDMENT NO. 2019-002, ZONING AMENDMENT CASE NO. 2019-002, CONDITIONAL USE PERMIT CASE NO. 190-254, ARCHITECTURAL REVIEW CASE NO. 2019-004 AND TENTATIVE PARCEL MAP CASE NO. 2019-002 SUBMITTED BY JERRY RAVA II, FRESH FOODS, INC.

WHEREAS, in **2006**, Smith-Monterey KC, LLC submitted a General Plan Amendment, Rezone and Downtown Addition Specific Plan ("**DTA-SP**") which established land uses and circulation concepts for a 110.2-acre area within the city limits and generally located east of the Union Pacific railroad tracks, south of Bitterwater Road, and west and north of the San Lorenzo River ("**2011 Project**"); and

WHEREAS, on **May 24, 2011**, the City of King City Council ("**Council**") certified an Environmental Impact Report (SCH# 2006041150) ("**EIR**") for DTA-SP) pursuant to the California Environmental Quality Act ("**CEQA**") on the 2011 Project, adopted findings pursuant to the CEQA Guidelines Section 15091, and adopted Statements of Overriding Considerations pursuant to CEQA Guidelines Section 15093 for the conversion of prime farmland within the proposed specific plan area; cumulative loss of prime agricultural land, cumulative exterior noise levels in exceedance of standards for residential properties from traffic on San Antonio Drive; and contribution to traffic leading to unacceptable level of service at the Broadway Circle/Northbound U.S. Highway 101 ramps unless that intersection is added to the regional implementation plan; and

WHEREAS, in **May 2013**, Smith-Monterey KC, LLC submitted a Vesting Tentative Tract Map ("**VTM**") and in **September 2013**, Smith-Monterey KC, LLC submitted an amendment to the DTA-SP; and

WHEREAS, on **December 10, 2013**, the Council found CEQA Guideline Section 15162 was applicable the DTA-SP Amendment and proposed VTM; and

WHEREAS, on **January 28, 2014**, the Council conducted the second reading of the DTA-SP Amendment Ordinance and on **February 19, 2014**, the Council approved the VTM; and

WHEREAS, in **2019**, Jerry Rava II, Fresh Food Inc. ("**Applicant**") submitted DTA-SP Amendment Case No. 2019-002, Rezone Case No. 2019-002, Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004 and Vesting Parcel Map Case No. 2019-002 ("**Project**"), as described in the **February 4, 2020** and **February 18, 2020** Planning Commission ("**Commission**") staff reports; and

WHEREAS, staff determined that a Supplemental Environmental Impact Report ("**S-EIR**") should be prepared on the Project; and

WHEREAS, a Notice of Preparation ("**NOP**") was circulated from **May 22, 2019 to June 21, 2019** pursuant to CEQA Guidelines Section 15082, and a comment letter was received from the Monterey County Airport Land Use Commission; and

WHEREAS, on **November 20, 2019**, pursuant to CEQA Guidelines Sections 15087(d) and (f), the City posted a Notice of Availability ("**NOA**") with the Monterey County Clerk, posted said notice to the City's website, distributed said notice to the Association of Monterey Bay Area Governments clearinghouse, and mailed said notice to those agencies and organizations on the City's distribution list believed to potentially have an interest in the proposed specific plan amendments and development projects, and submitted a Notice of Completion ("**NOC**") to the State Clearinghouse for distribution to state agencies; and

WHEREAS, and on **November 20, 2019**, the S-EIR (SCH# 2006041150) was posted to the City's website, and made it available for public review at the King City Hall Public Counter and the Monterey County Public Library – King City Branch, and circulated it for public review with direct mailing and through the State Clearinghouse from **November 20, 2019** to **January 3, 2020** pursuant to CEQA Guidelines Sections 15087 and 15105; and

WHEREAS, the City of King contracted Native American Tribes pursuant to Assembly Bill 52 and the City received two responses and engaged in consultation with the Salinan Tribal Leader on **March 26, 2019**, and conducted a Phase I archeological investigation on the Project in response to the request from the Xolon Salinan Tribe; and

WHEREAS, the City of King received comments from the Monterey County Airport Land Use Commission ("**MCALUC**"), the Transportation Agency for Monterey County ("**TAMC**"), the Monterey Bay Air Resources District ("**MBARD**"), and the Monterey County Environmental Health Division ("**MCEHD**"), and the Central Coast Regional Water Quality Control Board ("**CCRWQCB**"), and responded to those comments in a final EIR pursuant to CEQA Guidelines Sections 15089 and 15132, and provided a copy of the responses to commenters pursuant to CEQA Guidelines Section 15088(b); and

WHEREAS, on **December 16, 2019**, the MCALUC considered the Project at a meeting and determined that with the imposition of two (2) conditions, the Project would be consistent with the Mesa del Rey Airport Land Use Plan; and

WHEREAS, on **February 4, 2020, February 18, 2020, and March 3, 2020** the Planning Commission met at the duly noticed public hearing as prescribed by law to review and consider the information provided in the staff report, all relevant information and accept all testimony during the public hearing and considered the S-EIR, inclusive of the draft and final volumes, and prior certified EIR; and,

WHEREAS, some mitigation measures have been modified since the public review period ended, and findings have been made that the changes are insignificant. Reference **March 3, 2020** Staff Report for findings.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the Planning Commission desires to recommend that the Council certify the Final S-EIR, and adopt the Mitigation Monitoring Report, for the Project.

NOW, THEREFORE, the Planning Commission of the City of King does resolve as follows:

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. Planning Commission Record. The proceedings and all evidence introduced before the Planning Commission at the public hearing on the S-EIR held on February 18, 2020, are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision-makers, including all documents specified under applicable State law, shall comprise the entire record of proceedings for any claims under CEQA.
3. S-EIR Contents. The S-EIR consists of the following:
 - a. The Changes to the Draft S-EIR (sometimes referred to as the "Final S-EIR") including all appendices attached;
 - b. The Draft S-EIR including all appendices attached;
 - c. The Notice of Preparation and any comment(s) received in response to the Notice of Preparation;
 - d. The Mitigation Monitoring Report;
 - e. Any additions or corrections to the remaining portions of the Draft S-EIR that have been made pursuant to public comments and Draft S-EIR review including any appendices attached thereto;
 - f. Comment(s) received on the Draft S-EIR with response(s) to each of the comment(s) made;
 - g. The Notice of Completion and Availability of the Draft S-EIR for public review; and
 - h. Any other information added by the Lead Agency.

(All hereafter collectively referred to as the "S-EIR") The S-EIR supplements the EIR, which is included in the administrative record and incorporated by reference.

4. Accompanying Documents To S-EIR. Documents that shall accompany and be part of the SEIR are:
 - a. Mitigation Monitoring Report; and
 - b. Findings of Fact.
5. Certification Of Compliance With California Environmental Quality Act. The Planning Commission does hereby find that the S-EIR (Exhibit "1" to this Resolution, a copy a copy which is on file with the Development Department), the Findings of Fact (Exhibit "2" to this Resolution), and the Mitigation Monitoring Report (Exhibit "2" to this Resolution) have been prepared in accordance with requirements of the California Environmental Quality Act, and the CEQA Guidelines.
6. Recommendations: CEQA Findings of Fact and Mitigation Monitoring Report.
 - a. Recommendation to Adopt Findings of Fact. The Planning Commission does hereby recommend to the City Council that it approve, accepts as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact, Exhibit "2" of this Resolution, a copy of which is on file in the City Clerk.
 - b. Recommendation to Certify Supplemental Environmental Impact Report. The Planning Commission hereby recommends to the City Council that it certify that (1) the S-EIR has been completed in compliance with CEQA; (2) that it has reviewed and considered the

information contained in the S-EIR prior to approving the project; and (3) that the S-EIR reflects the City Council's independent judgment and analysis.

- c. Recommendation Mitigation Monitoring and Reporting Program. As more fully identified and set forth in S-EIR and in the Findings of Fact for this Project, which is Exhibit "2" to this Resolution, the Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring Report.

7. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of King.

This resolution was passed and adopted this **3rd day of March, 2020**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE,
PLANNING COMMISSION SECRETARY

Exhibit A: Supplemental Environmental Impact Report (provided as a separate document).

Exhibit B: CEQA Findings of Fact.

Exhibit C: Mitigation Monitoring Report.

EXHIBIT "A"

ENVIRONMENTAL IMPACT REPORT

(PROVIDED AS A SEPARATE DOCUMENT)

EXHIBIT "B"

CEQA FINDINGS OF FACT

1. The City Council has read and considered the Final S-EIR, which included response(s) to comment(s) received on the Draft S-EIR. The Final S- EIR considers all potentially significant adverse environmental impacts of the Project, and is complete and adequate and fully complies with CEQA.
2. The Final S-EIR has eliminated or substantially lessened the significant adverse environmental effects of the Project on the environment.
3. While the 2011 certified F-EIR identified adverse impacts, the Project does not increase the number of adverse impacts and all issues have been reduced to insignificant through the implementation of mitigation measures ("MM"); and therefore, no Statements of Overriding Consideration need to be adopted for the Project.
4. The City Council of the City of King finds that in prior actions relating to the King City Downtown Addition Specific Plan, incorporated herein by reference, findings were made pursuant to CEQA Guidelines Section 15091(a)(1) regarding significant impacts that were mitigated to a less-than-significant level, relating to aesthetics (light and glare); construction dust; greenhouse gas emissions; archeological and paleontological resources; biological resources (habitat disturbance effecting special-status species, loss or disturbance of riparian habitat and wetlands, and interference with habitat movement); geology and soils (earthquake shaking and secondary seismic effects, soil erosion, subsidence, and expansive soils), hazardous materials (accidental release), water quality and flooding, noise (future on-site residences beyond standard, vibration, and cumulative noise increases), secondary effects resulting from construction of off-site improvements, including school and library development, transportation (unacceptable level of service at four intersections, lack of adequate sidewalks and bicycle facilities, inadequate emergency response, cumulative congestion at 15 intersections); and cumulative increase in wastewater treatment demand. The Project was not found to have new or more severe environmental effects in these areas, and for each of these impacts the prior findings remain valid.
5. The City Council of the City of King finds that in prior actions relating to the King City Downtown Addition Specific Plan, incorporated herein by reference, findings were made pursuant to CEQA Guidelines Section 15091(a)(3) that specific economic, legal, social, technological, and other benefits of the proposed use outweigh significant environmental effects that may not be mitigated to a less-than-significant level, relating to the conversion of prime farmland within the proposed specific plan area; cumulative loss of prime agricultural land, cumulative exterior noise levels in exceedance of standards for residential properties from traffic on San Antonio Drive; and contribution to traffic leading to unacceptable level of service at the Broadway Circle/Northbound U.S. Highway 101 ramps unless that intersection is added to the regional implementation plan, for which the Project were not found to have new or more severe environmental effects, and the prior findings and statements of overriding considerations remain valid.
6. With respect to the amendments to DTA-SP, including a change in boundary to remove approximately 2.9 acres at the southwest corner of Pearl Street and Jayne Street, an increase in residential capacity from 650 to 710 units, a decrease in commercial capacity from 190,060 square feet to 148,060 square feet, an increased height limit in select

locations from two stories to three stories, other minor changes to architectural standards, abandonment of an unbuilt street right-of-way, and removal of the fiscal neutrality condition, the City finds that no new or substantially increased environmental impacts would result from the amendments, and that findings adopted with the prior approval and amendment of the King City DTA-SP remain valid.

7. With respect to the aforementioned amendments to the Project, the City of King further finds that Mitigation Measure AES-2C from the 2014 certified EIR has been modified for clarity and conformance with Condition ALUC-6 set forth by the Monterey County Airport Land Use Commission in Resolution 19-016 on **December 16, 2019**.
8. With respect to the Bitterwater Road/Chestnut Avenue Employee Housing Project, the City makes the following additional findings, pursuant to CEQA Guidelines Section 15091(a)(1), regarding significant impacts that are mitigated to a less-than-significant level; i.e. for which changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final Supplemental Environmental Impact Report:
 - a) Hydrology and Water Quality: Bitterwater Road/Chestnut Avenue Employee Housing Project would introduce new impervious surfaces, with a net increase over existing condition of about 146,300 square feet, potentially increasing off-site storm water flows and increasing the potential for off-site flooding. Mitigation Measures HYDRO-4A, HYDRO-4C, HYDRO-4D, HYDRO-4E, HYDRO-4F, HYDRO-4G, HYDRO-4H, HYDRO-4I, HYDRO-4K, HYDRO-4L, HYDRO-4M, and HYDRO-4N were presented in the Certified Environmental Impact Report, but modified in the Supplemental Environmental Impact Report to apply specifically to the Bitterwater Road/Chestnut Avenue Employee Housing Project and site. These measures are feasible and would minimize potential for storm water run-off to exceed downstream capacity and cause significant flooding or water quality effects, and would reduce impacts to a less-than-significant level.
9. With respect to the Jayne Street Seasonal Housing Project, the City makes the following additional findings, pursuant to CEQA Guidelines Section 15091(a)(1), regarding significant impacts that are mitigated to a less-than-significant level; i.e. for which changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final Supplemental Environmental Impact Report:
 - a) Hazards and Hazardous Materials. Light and glare from the Jayne Street Seasonal Housing Project could impair the vision of pilots flying into or out of Mesa del Rey Airport. Mitigation Measures AES-2A, AES-2B, and AES-2C were presented in the Certified Environmental Impact Report, as aesthetics measures to reduce light and glare, and also cited as reducing hazards impacts related to visual impairment of pilots. Mitigation Measure AES-2C from the certified Environmental Impact Report has been modified for clarity and conformance with Condition ALUC-6 set forth by the Monterey County Airport Land Use Commission in Resolution 19 016 on December 16, 2019, and Mitigation Measure AES-2D has been added, requiring approval of an exterior lighting plan in conformance with Condition ALUC-6.

- b) Hydrology and Water Quality: The Jayne Street Seasonal Housing Project would introduce new impervious surfaces, with a net increase that is not known because detailed development plans have not been presented, potentially increasing off-site storm water flows and increasing the potential for off-site flooding. Mitigation Measures HYDRO-4D, HYDRO-4F, HYDRO-4I, HYDRO-4L, HYDRO-4M, and HYDRO-4N were presented in the 2011 Certified EIR, but modified in the Supplemental Environmental Impact Report to apply specifically to the Jayne Street Seasonal Housing Project and site. These measures are feasible and would minimize potential for storm water run-off to exceed downstream capacity and cause significant flooding or water quality effects, and would reduce impacts to a less-than-significant level.
10. The City of King finds that Monterey County Airport Land Use Commission Resolution 19-016 Condition ALUC-1 has been included as a condition of City approval, and that Condition ALUC-6 has been incorporated into the Final Supplemental Environmental Impact Report as Mitigation Measure AES-2D applicable to the Jayne Street Seasonal Housing Project.
11. Cal. Public Resources Code Section 210881.6. and CEQA Guidelines Section 15097 require the City to adopt a monitoring or reporting program to ensure that the MM and revisions to the Project identified in the S-EIR are implemented. The Mitigation Monitoring Report ("**MMR**") is attached as **Exhibit C** and incorporated by reference is included in the conditions of approval ("COA") and recommended for adoption by the Commission. The MMR satisfies the requirement of CEQA.

The MM set forth in the MMR are specific and enforceable and are capable of being fully implemented by the efforts of the City of King, the Applicant, and/or other identified public agencies of responsibility. As appropriate, some MM define performance standards to ensure no significant environmental impacts will result. The MMR adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule non-compliance sanctions and verification of compliance in order to ensure that the Project complies with the adopted MM. The MM incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the S-EIR. In the event a MM recommended in the S-EIR has been inadvertently omitted from the COA or the MMR, that MM is adopted and incorporated from the S-EIR into the MMR by reference and adopted as a COA.

EXHIBIT "C"

MITIGATION MONITORING REPORT

EXHIBIT C

MITIGATION MONITORING REPORT

CEQA Requirement

Cal. Public Resources Code §21081.6 requires a Lead Agency that approves or carries out a project, where a CEQA document has identified significant environmental effects, to adopt a *"reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment."*

This Environmental Mitigation Monitoring Report ("**MMR**") has been prepared to provide for the monitoring of mitigation measures required of the King City Downtown Addition Specific Plan Amendment No. 2019-002, Zoning Amendment Case No. 2019-002, Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004 and Tentative Parcel Map Case No. 2019-002 ("**Project**") submitted by Jerry Rava II, Fresh Foods, Inc. ("**Applicant**"), as set forth in the Final Supplemental Environmental Impact Report ("**Final S-EIR**") (State Clearinghouse No. 2006041150). The City of King ("**City**") is the Lead Agency that must adopt the MMR for development and operation of the Project. This report will be kept on file with the City of King, City Clerk's Office, King City, CA.

The CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with implementing and monitoring mitigation measures. In accordance with CEQA Guidelines §15097(d), *"each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise."* This discretion will be exercised by implementing agencies at the time they undertake any of portion of the Project, as identified in the EIR.

Project Mitigation Monitoring Report

The matrix presented later in this **MMR** includes those mitigation measures for the Project identified in the EIR and the party responsible for verification. The matrix provides:

- A listing of every mitigation measure contained in the EIR.
- Timing of implementation for each mitigation measure.
- Identification of individuals or organizations responsible for monitoring and/or reporting.
- Identification of individuals or organizations responsible for verifying compliance.

Changes to Mitigation Measures

Any substantive change in the MMR shall be reported in writing. Modifications to the mitigation measures may be made by the City subject to one of the following findings, documented by evidence included in the record:

- The mitigation measure included in the Final EIR and the MMR is no longer required because the significant environmental impact identified in the Final EIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the Project, changes in conditions of the environment, or other factors; or
- The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the Final EIR and the MMR; and,

- The modified or substitute mitigation measure or measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the responsible hearing bodies in their decisions on the Final EIR and the proposed Project; and,
- The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMR or other City procedures, can ensure implementation.

Support Documentation

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the Project file with the MMR and shall be made available to the public upon request. **Attachment "1"** is the MMR Worksheet which is to remain in the Community Development Department file and be signed off by responsible parties.

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
AESTHETICS										
Lighting-low intensity lighting	AES-2A/COA48	Applicant	City of King/ City of King	Prior to issuance of a building permit.						
Lighting-prohibit high intensity lighting	AES-2B/COA48	Applicant	City of King/ City of King	Prior to issuance of a building permit.						
Lighting-photometric calculations	AES-2C/COA48	Applicant	City of King/ City of King	At final development plan submittal.						
New sources of light and glare	AES-2D/COA48	Applicant Jayne St Project only	Applicable airport manager/ City of King	Prior to the issuance of any construction permits.						
AIR QUALITY										
Reduce construction-related emission	AIR-1	Applicant/Construction Contractor	City of King/ MBARD/ City of King/ MBARD	Prior to issuance of a grading permit. During construction.						

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
CARB's AB 32 Scoping Plan, and other measures identified in EIR.	AIR-9	Applicant	City of King/ City of King	Prior to issuance of a grading permit. During construction.						
BIOLOGICAL RESOURCES										
Pre-ground disturbance survey.	BIO-1A	Applicant /Contract Biologist	City of King/ CDFG/ City of King/ CDFG	No more than 14-days prior to grading activities within the grassland portion of the site.						
San Lorenzo Creek Restoration Plan.	BIO-1B	Applicant	City of King/ City of King	Prior to tentative map application completeness determined.						
Consult with responsible agencies and receive any and all required permits from regulatory agencies	BIO-1B	Applicant	City of King/ CDFW, USFWS, US Army Corps/ City of King	Prior to approval of tentative map; issuance of the 1 st grading permit; or restoration activity within						

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
Biologist subject to City approval to conduct pre-construction clearance surveys	BIO-1B	Applicant/ Contract Biologist	City of King/ CDFG/ City of King	Prior to commencement of grading or construction.						
Riparian corridor fenced off.	BIO-1B	Applicant/ Contract Biologist	City of King/ City of King	Prior to commencement of construction						
Surveys conducted by biologist	BIO-1C	Applicant/ Contract Biologist	City of King/ CDFW, USFWS, US Army Corps/ City of King	No more than 7-days prior to initiation of clearance/construction of work.						
Biology report (survey) on winter burrowing owl	BIO-1D	Applicant/ Contract Biologist	City of King/ CDFW, USFWS, US Army Corps / City of King	No more than 7-days prior to initiation of clearance/construction of work						
Pre-construction survey for San Joaquin kit fox by biologist	BIO-1E	Applicant/ Contract Biologist	City of King	No more than 30-days and no less than 14-days prior						

Attachment "4"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
				to initiation of site preparation/construction work in the grassland area						
Other actions to protect kit fox:										
*Grading and construction activities after dusk prohibited unless authorized by CDFW	BIO-1F	Applicant/ Contract Biologist	CDFW	Prior to grading and construction activities						
* All Personnel associated with Project shall attend worker educational training program conducted by qualified biologist.	BIO-1F	Applicant/ Contract Biologist	City of King	Prior to comment of any site-disturbing and/or construction activities						
A fox fact sheet shall be developed and distributed to all	BIO-1F	Applicant/ Contract Biologist	City of King/ CDFW & USFWS/ City of King	Prior to initiation of site preparation/						

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
contractors, employers and other personnel involved in construction of Project				construction activities						
Field survey by biologist on special-status bats (April 1 – Aug 31)	BIO-1G	Applicant/ Contract Biologist	City of King/ CDFW/ City of King	No more than 30-days and no less than 14-days prior to initiation of site preparation/ construction work in the grassland area.						
Public awareness program regarding impacts to biological resources.	BIO-4A	Assessment or Improvement District or HOA	City of King/ City of King	Prior to certificate of occupancy for first residential or commercial building.						
Landscape plan for common areas prepared or approved by biologist	BIO-4B/ COA 18	Applicant	City of King/ City of King	As part of the application for a project-wide tentative map.						

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
Lighting plan showing all lights not directed onto open space area	BIO-4C/ COA 48	Applicant	City of King/ City of King	Prior to recordation of the 1 st final map or grading permit, whichever comes first.						
CULTURAL RESOURCES										
Caution prime construction contractor and subcontractors on legal and regulations regarding cultural resources	CR-2A	Applicant	City of King/ City of King	Prior to excavation and construction.						
Identification of qualified archaeologist	CR-2A	Applicant	City of King/ City of King	Prior to any demolition, excavation, or construction.						
Approve the selected archaeologist	CR-2A	City of King	City of King/ City of King	Prior to issuance of the grading permit.						

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
Remarks									
Determination of cultural significance and prepare report	CR-2A	Applicant/ Contract Archaeologist	City of King/ City of King	Prior to the issuance of grading permit and during construction.					
Meet CEQA Guidelines Section 1564.5(A)(B) if discovery of human remains	CR-2B	Applicant/ Construction Contractor	City of King/ Monterey County Coroner/ Native American Heritage Commission/ City of King	During construction.					
Salvage any paleontological resources found	CR-3	Applicant/ Construction Contractor	City of King/ City of King	During construction.					
GEOLOGY, SOILS, & SEISMICITY									
All structures designed to meet geotechnical requirements and California Building Code	GEO-2	Applicant	City of King/ City of King	Prior to issuance of building permit.					

Attachment "1"
**MITIGATION MONITORING REPORT (MMR)
 WORKSHEET**

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
All structures shall have structural mat foundation or ground improvement techniques	GEO-3A	Applicant	City of King/ City of King	Prior to issuance of building permit.					
Site grading requirements	GEO-3B	Applicant/ Contract Geotechnical Engineer	City of King/ City of King	Prior to issuance of building permit.					
Mitigation of erosion hazards	GEO-5A	Applicant	City of King/ RWQCB/ City of King	During construction.					
Positive grading	GEO-5B	Application / Contract Geotechnical Engineer	City of King/ City of King	During construction.					
Finished grade slopes	GEO-5C	Applicant/ Construction Contractor	City of King/ City of King	During construction.					
Collection of water	GEO-5D	Applicant/ Contract Hydrologist	City of King/ City of King	During construction.					
Additional mapping and	GEO-6A	Applicant/ Contract	City of King/ City of King	Prior to construction					

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance		Remarks
						Initial	Date	Initial	Date	
subsurface investigation to delineate areas of fill		Engineering Geologist/and/or Geotechnical Engineer		of individual development projects or phases or sub phases.						
Engineered fill material	GEO-6B	Applicant./ Contract Geotechnical Engineer	City of King/ City of King	Prior to construction of individual development projects or phases or sub phases.						
Cut and fill slope design	GEO-6C	Applicant./ Contract Geotechnical Engineer	City of King/ City of King	Prior to construction of individual development projects or phases or sub phases.						
Removal of site vegetation, structures and foundation, underground improvements	GEO-6D	Applicant./ Contract Geotechnical Engineer	City of King/ City of King	During site grading.						
Treatment of organically	GEO-6E	Applicant./ Contract	City of King/ City of King	During site grading.						

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
contaminated soil		Landscape Architect							
Handling oversized materials	GEO-6F	Applicant/ Construction Contractor/ Contracting Engineer/ Geologist	City of King/ City of King	During site grading.					
Impacts to loose and compressible soil	GEO-6G	Applicant/ Construction Contractor/ Contracting Engineer/ Geologist	City of King/ City of King	During site grading.					
Cut and fill slope design	GEO-6H	Applicant/ Construction Contractor/ Contracting Engineer/ Geologist	City of King/ City of King	During site grading.					
Compaction control requirements	GEO-6I	Applicant/ Construction Contractor/ Contracting Engineer/ Geologist	City of King/ City of King	During site grading and foundation construction.					

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
		Engineering Geologist							
Subsurface information performed for underground parking	GEO-6J	Applicant/ Contract Geologist and/or Geotechnical Engineer	City of King/ City of King	Prior to submittal for building permits for any structures that proposes underground parking.					
Sulfate testing for corrosive soils	GEO-6K	Applicant/ Contract Geologist and/or Geotechnical Engineer	City of King/ City of King	Prior to utility installation and foundation construction.					
Supplement existing feasibility investigation to reduce effects of expansive soils	GEO-7A	Applicant/ Construction Contractor/ Contract Engineer/ Geologist	City of King/ City of King	Prior to submittal for building permits.					
Types of long-term measures to mitigate impacts for expansive soils	GEO-7B	Applicant/ Construction Contractor/ Contract	City of King/ City of King	Prior to and during grading and construction.					

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
HAZARDS AND HAZARDOUS MATERIALS										
Additional studies to determine presence of soil contamination	HAZ-2A	Applicant/ Construction Contractor/ Contract Environmental Engineer	City of King/ Monterey County Environmental Health Division/ Monterey County Environmental Health Division	Prior to demolition or dismantling of existing buildings or fixtures, or grading of sites used for vehicle, equipment, or hazardous materials storage.						
Types of measures if contaminated soils are encountered or suspected	HAZ-2B	Applicant/ Construction Contractor/ Contract Environmental Engineer	City of King/ Monterey County Environmental Health Division/ Monterey County Environmental Health Division	During construction.						
HYDROLOGY AND WATER QUALITY										

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
Remarks									
Obtain coverage under the NPDES permit for construction activities	HYDRO-1A	Applicant/ Construction Contractor	City of King/ RWQCB/ City of King	Prior to commencement of grading activities.					
Implement BMPs	HYDRO-1B	Applicant/ Construction Contractor	City of King/ RWQCB/ City of King	Prior to issuance of a grading permit and during construction.					
Train contractor personnel in proper construction BMPs	HYDRO-1C	Applicant/ Construction Contractor	City of King/ RWQCB/ City of King	Prior to and during construction activity.					
Conform to other measures as required by City Engineer and State as part of Project's SWPPP	HYDRO-1D	Applicant/ Construction Contractor	City of King/ RWQCB/ City of King	Prior to start of construction, and during construction.					
Additional hydrologic modeling	HYDRO-4A	Applicant	City of King/ City of King	Prior to issuance of a grading or building permit.					

Attachment "1"
**MITIGATION MONITORING REPORT (MMR)
 WORKSHEET**

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
Remarks									
Additional calculations demonstrating that peak flow directed into the existing 24' storm drain line on Jayne Street would not exceed capacity	HYDRO-4B	Applicant for project discharging storm water to Jayne Street line	City of King/ City of King	Prior to approval of first final map or approval of public improvement plans.					
New public storm water facilities in Improvement Plans	HYDRO-4C	Applicant	City of King/ City of King	Prior to issuance of a grading permit or approval of public improvement plans.					
Storm water runoff	HYDRO-4D	Applicant	City of King City/ RWQCB/ City of King City	Prior to issuance of a grading permit.					
Development and implement programs for monitoring and regular maintenance of	HYDRO-4E	Applicant	City of King/ City of King	Prior to issuance of a grading permit and					

Attachment "1"
**MITIGATION MONITORING REPORT (MMR)
 WORKSHEET**
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
sedimentation basis and oil and grease traps				final permit sign-off.						
Storm water collection and conveyance systems design	HYDRO-4F	Applicant	City of King/ City of King	Prior to issuance of a grading permit or approval of public improvement plans.						
Storm drain system signs and stenciling at all pavement storm drain inlets	HYDRO-4G	Applicant	City of King/ City of King	Prior to acceptance of public improvements or final permit sign-off.						
Onsite drainage systems to implement LID design methods	HYDRO-4H	Applicant	City of King/ City of King	Prior to issuance of a grading permit or approval of public improvement plans.						
Design impervious	HYDRO-4I	Applicant	City of King/ City of King	Prior to issuance of a						

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
surfaces in residential areas to minimize runoff				grading permit or approval of public improvement plans.						
Commercial uses include onsite sediment and oil filtering devices	HYDRO-4J	Applicant	City of King/ City of King	Prior to issuance of a grading permit and final permit sign-off.						
Use of porous block pave in low-traffic areas	HYDRO-4K	Applicant	City of King/ City of King	Prior to issuance of a grading permit and final permit sign-off.						
Use of native plants and drought tolerant landscaping	HYDRO-4L	Applicant	City of King/ City of King	Prior to issuance of a grading permit and final permit sign-off.						
Provide information and instruction to new owners	HYDRO-4M	Applicant	City of King/ City of King	Prior to issuance of a certificate of occupancy.						

Attachment "1"
**MITIGATION MONITORING REPORT (MMR)
 WORKSHEET**

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
Remarks									
Requirements for material use controls and material exposure controls	HYDRO-4N	City of King	City of King/ City of King	Prior to issuance of a certificate of occupancy.					
Prohibition on dumping of waste products	HYDRO-4O	Applicant	City of King/ City of King	Prior to issuance of a certificate of occupancy.					
Responsibilities of commercial operators.	HYDRO-4P	Applicant and future property owners	City of King/ City of King	Prior to issuance of a certificate of occupancy.					
Noise									
Additional design-level acoustical analysis for neighborhood centers that face Bitterwater Road or the UPRR tracks.	NOI-1A	Applicant/ Contract Acoustical Engineer	City of King/ City of King	Prior to issuance of a building permit.					
Detailed acoustical analysis for residential units	NOI-1B	Applicant/ Contract	City of King/ City of King	Prior to issuance of a					

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
Remarks									
in NC facing railroad tracks		Acoustical Engineer		building permit.					
Detailed vibration analysis for residential units in the NC located along the railroad tracks	NOI-3	Applicant/ Contract Acoustical Engineer for residential along the railroad tracks	City of King/ City of King	Prior to issuance of a building permit.					
Grant avigation easement	NOI-5A/ COA 28	Applicant	City of King/ Airport Land Use Commission/ City of City	Prior to or concurrent with recordation of each final map					
PUBLIC SERVICES AND RECREATION									
Pay school impact fees	PS&R-3/ COA 73	Applicant	City of King/ KCJHSD & KCUSD/ City of King	Payment of fees at time of building permit.					
Pay development impact fee for library expansion facilities	PS&R-4/ COA 73	Applicant	City of King/ City of King	Payment of fee at time of building permit.					

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
						Initial	Date		Initial	Date
TRAFFIC AND CIRCULATION										
Pay traffic impact fees	TRA-1a	Applicant	City of King/ City of King	Payment of fee at time of building permit.						
	TRA-1b									
	TRA-2									
	TRA-7									
	TRA-8a									
	TRA-8b									
	TRA-8c									
	TRA-9a									
	TRA-9c									
	COA 50									
COA 73										
Pay or cause the conversion of traffic control at Canal Street/ Southbound US 101 ramp intersection	TRA-1c	Applicant	City of King/ City of King	Prior to building permit contained within the 1 st Project phase (excluded Model Homes, Sales Building)						
	TRA-4A COA 41	Applicant	City of King/ City of King	Payment of fee at time of building permit.						
Provide bicycle lanes along Project frontage of Bitterwater Road										

Attachment "1"
**MITIGATION MONITORING REPORT (MMR)
 WORKSHEET**

(See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
Provisions for bus stops within and adjacent to Project site; consultation with MST and City	TRA-4B COA 41	Applicant	City of King/ City of King	Prior to approval of improvement plans or recordation of the final map of the first phase, whichever comes first.					
Study and implement improvements/ street reclassifications to divert traffic off Broadway Street road segment between Third Street and Mildred Avenue	TRA-9b	City of King	City of King/ City of King	By 2030, or approval of last final map, or whichever comes first.					
Study and implement those improvements and street reclassifications required to divert traffic off	TRA-9d	City of King	City of King/ City of King	By 2030, or approval of last final map, whichever comes first.					

Attachment "1"
MITIGATION MONITORING REPORT (MMR)
WORKSHEET
 (See Mitigation Measures For Details)

Task and Brief Description	MM No./COA	Implementing Party	Enforcement Agency/ Monitoring Agency	Monitoring Phase (timing)	Action Taken to Comply with Task	Task Completed		Environmental Compliance	
						Initial	Date	Initial	Date
REMARKS									
of Broadway Street, between Third Street and Mildred Ave, and onto parallel streets through the central business district so an acceptable level of service will be reached at Long-Term Plus Project Conditions									
UTILITIES AND SERVICE SYSTEMS									
Pay sewer connection fee and sewer and wastewater treatment facility and development impact fee	UTIL-4a/4b/COA 73	Applicant	City of King/ City of King	Prior to approval of improvement plans or issuance of building permit.					

SOURCE: City of King 2010 (Certified EIR), City of King 2020 (SEIR)

NOTE: For the full mitigation measures and impacts, please refer to the Draft SEIR or the Certified EIR.

Adopted for March 2020 Specific Plan Amendments

RESOLUTION NO. 2020-275

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
CALIFORNIA RECOMMENDING THE CITY COUNCIL APPROVE THE
DOWNTOWN ADDITION SPECIFIC PLAN AMENDMENT NO. 2019-002 AND
ZONING AMENDMENT CASE NO. 2019-002, SUBMITTED BY JERRY RAVA II,
FRESH FOODS, INC.**

WHEREAS, on **May 24, 2011**, the City Council ("**Council**") certified a Full-Environmental Impact Report ("**F-EIR**") (State Clearinghouse No. 2006041150), adopted Statements of Overriding Consideration, approved a Mitigation Monitoring Program (Resolution No. 2011-4355), and conducted the first reading of the ordinance approving the Downtown Addition Specific Plan ("**DTA-SP**"), including expanding the property along Jayne Street ("**Jayne Street Block**") submitted by Smith-Monterey KC, LLC; and

WHEREAS, on **June 14, 2011** the Council conducted the second reading of the ordinance approving the DTA-SP (Ordinance No. 2011-697); and

WHEREAS, on January 28, 2014, the Council amended the DTA-SP and on February 19, 2014 the Council approved a Vesting Tentative Map ("**VTM**") allowing 376 lots; and

WHEREAS, in **2019**, Jerry Rava. II, Fresh Foods ("**Applicant**") submitted DTA-SP Amendment Case No. 2019-002, Zoning Amendment Case No. 2019-002, Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004 and Tentative Parcel Map Case No. 2019-002 ("**Project**"); and

WHEREAS, a Supplemental Environmental Impact Report ("**S-EIR**") was prepared in accordance with the California Environmental Quality Act ("**CEQA**") Guidelines Section 15163, received by the State Clearinghouse on **November 20, 2019**. (State Clearinghouse No. 2006041150) with a public review period from **November 20, 2019** to **January 3, 2020**; and

WHEREAS, the City's Project Review Committee ("**PRC**") met several times to review the Project, S-EIR and prepare conditions of approval ("**COA**") and mitigation measures ("**MM**"); and

WHEREAS, on **February 4, 2020, February 18, 2020 and March 3, 2020** the Planning Commission met at the duly noticed public hearing as prescribed by law to review and consider the information provided in the staff report, S-EIR, and all relevant information and testimony provided during the public hearing; and

WHEREAS, the Planning Commission now desires to adopt this Resolution recommending to the City Council adopt or approve DTA-SP Amendment Case No. 2019-002 and Zoning Amendment Case No. 2019-002; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, be it resolved by the Planning Commission of the City of King as follows:

1. CEQA: The Planning Commission has concurrently recommended that the City Council

certify a supplemental EIR and adopt a Mitigation Monitoring Report for the Project, consistent with the California Environmental Quality Act.

2. Recitals: The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
3. General Plan Consistency: The Planning Commission finds, and recommends that the City Council determine, that the proposed DTA-SP Amendment and Zoning Amendment, ("**Entitlements**") are consistent with the adopted General Plan's objectives, policies and programs, for reasons including:
 - a. The Project implements the goal of the Planned Development General Plan Designation established for the property through the use of a Specific Plan. The Downtown Addition Specific Plan Amendment carefully balances the density and mix of land uses in relationship to the existing Historic Downtown while maintaining an appropriate balance of housing types, commercial development and open space.
 - b. The Project addresses the need for additional housing for a variety of incomes, while promoting strong urban design standards.
 - c. The Project will create an economic anchor consistent with the General Plan.
 - d. There is no evidence the Entitlements are inconsistent with the intent of General Plan.
 - e. The Project will locate high-density employee housing near the future Multimodal Transit Center ("**MMTC**") and anchor the eastern end of the historic downtown core of the City of King with higher density housing, which is consistent with the intent of the General Plan
 - f. The subject property consists of undeveloped/underdeveloped parcels and industrial uses. The Project would transform an area that is underutilized, separated and fragmented from the rest of the City into an addition to the historic downtown which is cohesive, compatible, and that provides an attractive environment for the enjoyment of the public and future residents.
 - g. The Project would facilitate redevelopment according to principles of transit-oriented development and urban design identified in the DTA-SP and King City Historic Corridor Revitalization Plan.
 - h. The State of California, through the Housing and Community Development Department ("**HCD**"), issues the Regional Housing Needs Allocation ("**RHNA**") to regions within the state. The RHNA allocates to AMBAG cities and counties their "fair share" of the region's projected housing needs. In July 2016, HCD certified the City's Housing Element noting that the Project would contribute to the RHNA. Approval of the Entitlements would assist in meeting the General Plan's RHNA requirements for housing.
 - i. The City Council adopted the Housing Element on March 29, 2016. The Housing Element identifies policies to provide housing for Special Housing Needs populations, including housing for agricultural workers. The Bitterwater Road/Chestnut Avenue housing project is designed to accommodate employee housing, and the Jayne Street property will support future H-2A Visa Housing.

4. Public Health, Safety and Welfare: The Planning Commission further finds, and recommends that the City Council determine, that the Project and the associated Entitlements will not adversely affect public health, safety or welfare, for reasons including:
 - a. There is no substantial evidence in the record that the design of the Project will cause serious public health problems. The Project will efficiently extend governmental services to the Project Area. Every new lot will be connected to City water, sewer and storm drainage systems which will minimize public health concerns. Mitigation has been imposed on the project to address potential environmental impacts, including those related to hazardous wastes, etc. As such, design of the subdivision maps or the type of improvements is not likely to cause serious public health problems.
 - b. The Project will create new housing opportunities for employees and residents of the City of King.
 - c. The Project would provide the infusion of new investment needed to stimulate the local economy.
 - d. The Project would establish housing projects in close proximity to a proposed King City MMTC. Locating more residential and commercial near the new transit center would increase transit ridership and reduce automobile dependence. The result is reduced gasoline consumption, greenhouse gas ("**GHG**") emissions and emissions of other pollutants associated with automobile use, which can pollute creeks and the Salinas River. Fewer automobile trips as a result of increased transit ridership also reduces noise pollution and improves congestion on local roadways.
 - e. Land use patterns influence transportation needs, and motor vehicles are the primary source of air pollution. California is a substantial contributor of global greenhouse gases, emitting over 400 million tons of carbon dioxide ("**CO2**") a year. The transit-oriented design of the Project would help achieve reductions in greenhouse gas emissions set by the State of California in AB 32.
 - f. The Project site is one of the remaining in-fill areas to build in the City of King and has been designed as Planned Development for a number of years. The site has eighteen (18) legal non-conforming lots (i.e., antiquated subdivision) that will be merged and re-subdivided into two (2) parcels.
 - g. The Project includes dedicated and improved public roads. SB 375 was adopted to reduce GHG by decreasing the amount of CO2 that spews into the air from vehicles and other emissions. The primary goal of SB 375 is to significantly reduce vehicle miles traveled ("**VMT**") by implementing a series of Sustainable Community Strategies. SB 375 places considerable emphasis on tying new housing development with access to public transit, and has caused an increased focus on transit-oriented development ("**TOD**") as a key method for reducing daily use of private vehicles. Additionally, it emphasizes infill development to take the development stress off of land (e.g., agricultural land) miles from existing services and infrastructure.
5. Additional Specific Plan Findings: In addition to the findings noted above, the Planning Commission finds Project is consistent with Cal. Government Code §65450 *et seq.*, for the adoption of a Specific Plan, for reasons including:

- a. The Project only makes amendments to the DTA-SP and does not remove critical requirements under State law.
 - b. Removing the portion of the Project known as the Jayne Street property from the DTA-SP and rezoning it to R-4 and C-2 with the Seasonal Employee Dual Land Use Category (Municipal Code Chapter 17.79) will help to provide additional agricultural employee housing.
 - c. Increasing the number of units allowed in the DTA-SP is in line with the State's Affordable Housing Legislation passed in 2019, especially encouraging agricultural employee housing.
 - d. Text and diagrams are included which adequately address the following issues in detail:
 - i. The distribution, location, and extent of the land uses are included in Chapter 3 of the Downtown Addition Specific Plan. **Figure 3.5** provides the land uses, including open space, frontage types allowed by zone, and building types allowed by zone.
 - ii. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area is included in the DTA-SP. Chapter 4 Infrastructure and Public Services, provides information on existing and future infrastructure, including Programs to service future residents.
 - iii. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources are located throughout the document, depending on the topic. For example, Chapter 3.7 (6) includes energy conservation standards for signage; Chapter 3.9.7 identifies principles for conservation preservation and to enhance and balance the natural environment with the economy; and Chapter 4 provides infrastructure conservation standards.
 - iv. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out its build out. Chapter 5 provides the implementation schedule for phasing of infrastructure.
 - v. A proposed Financing Plan, and methods and procedures for implementation is included in the DTA-SP, and therefore, a condition of approval ("COA") regarding Fiscal Neutrality is not needed. Additionally, the COAs and mitigation measures ("MM") attached to the Project specify the type of financing mechanisms needed for future buildout of the DTA-SP area.
 - vi. Removal of the Fiscal Neutrality requirement will help to facilitate the construction of employee and agricultural employee housing.
6. Additional Zoning Amendment Findings: In addition to the findings previously made, the Planning Commission hereby finds and recommends the City Council determine, based on the information contained in the staff report and other attached materials, and in accordance with the findings contained in the Municipal Code for approval of a Zoning Amendment, for reasons including as follows:
- a. The Zoning Amendment will not result in a significant adverse effect on the environment

and will not affect public health, safety, or welfare because it will be consistent with the goals, policies and objectives established by the General Plan, as amended, and requires the Project to participate in the extension of the First Street by-pass.

- b. The Zoning Amendment is consistent with the General Plan Land Use Map and applicable General Plan objectives, policies and programs including because the Jayne Street Project area is within the Planned Development land use designation.
 - c. The Zoning Amendment is compatible with adjacent land uses because it allows commercial and residential land uses, which are similar to surrounding areas.
 - d. The Zoning Amendment is a logical extension of the Historic Downtown Corridor area and First Street Corridor.
 - e. The Zoning Amendment includes overlaying the seasonal employee housing designation to properties at the southwest corner of Pearl Street and Jayne Street, which will encourage the construction of H2-A Visa employee housing.
 - f. The Zoning Amendment will help to facilitate the construction of employee and agricultural housing and allow a small commercial development to serve the employee and agricultural housing occupants.
7. Recommendation for Approval. Given the forgoing findings and determinations, the Planning Commission of the City of King recommends the City Council i) adopt an ordinance approving DTA-SP Amendment Case No. 2019-002 as set forth in **Exhibit A** hereto; and ii) adopt an ordinance approving Zoning Amendment Case No. 2019-002 as set forth in **Exhibit B**; The Planning Commission also approves any other necessary steps or findings necessary to ensure such adoptions and approvals, and directs City Staff to implement the same as may be appropriate to effectuate the Planning Commission's intent and direction.
8. Effective Date. This Resolution shall become effective immediately.

This resolution was passed and adopted this **3rd day of March 2020**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE,
PLANNING COMMISSION SECRETARY

Exhibit A: DTA-SP Amendment Case No. 2019-002
Exhibit B: Zoning Amendment Case No. 2019-002

Exhibit A
DTA-SP Amendment Case No. 2019-002

Exhibit B
Zoning Amendment Case No. 2019-002