

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, FEBRUARY 18, 2020
6:00 P.M.

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

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL:

Planning Commission Members: Oscar Avalos, David Mendez, Brett Saunders,
Domingo Uribe and Chairperson David Nuck

4. PUBLIC COMMENTS

Any person may comment on any item not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Action may not be taken on the topic, unless deemed an urgency matter by a majority vote of the Planning Commission. Topics not considered an urgency matter might be referred to City staff and placed on a future agenda, by a majority vote of the Planning Commission.

5. PRESENTATIONS

None

6. CONSENT AGENDA

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

- A. Meeting Minutes of February 4, 2020 Planning Commission Meeting
Recommendation: Approve and file.

7. NON-PUBLIC HEARINGS

None

8. PUBLIC HEARINGS

- A. Project: Downtown Addition Specific Plan Amendment and Chestnut
Road/Bitterwater Avenue Employee Housing Project.

(Continued Public Hearing from February 4, 2020.)

Applicant: Jerry Rava II, Fresh Foods Inc.

Location: Downtown Addition Specific Plan Area, generally located east of the intersection of Metz Road and Bitterwater Road along Union Pacific Railroad.

Consideration: The proposed project consists of rezoning of four (4) parcels, amendments to King City's Downtown Addition Specific Plan ("specific plan"), and construction of a housing development on the Bitterwater Road/Chestnut Avenue site (Bitterwater Road at Metz Road). A future farmworker housing project is planned on the Jayne Street site (Jayne Street at Pearl Street) which is being removed from the Specific Plan.

The following zoning amendments would be made: Three parcels (026-301-005, 026-301-006 and 026-301-003) comprising the Jayne Street site would be rezoned from Downtown Addition Specific Plan Neighborhood Center ("NC") and Neighborhood General 3 ("NG-3") to Multiple Family Residential and Professional Offices ("R-4") District and Seasonal Employee Housing Standards/Dual Land Use Designation; and

One parcel (026-301-001) adjacent to the Jayne Street site (currently developed with an auto repair shop) would be rezoned from Downtown Addition Specific Plan Neighborhood Center ("NC") to General Commercial District ("C-2").

Recommendations: Staff recommends the Planning Commission 1) allow staff to make a presentation. 2) allow the Applicant to make a presentation. 4) provide comments. 5) Adopt the Resolutions recommending the City Council certify the S-EIR and adopt the Project.

Environmental Determination:

Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15163, it has been determined that a Supplemental EIR ("S-EIR"), State Clearinghouse No. 2006041150, tiered from the 2011 Full Downtown Addition Environmental Impact Report ("F-EIR"), State Clearinghouse No. 2006041150, is the appropriate environmental document for the proposed Project. The Planning Commission will determine whether to recommend the City Council adopt the Final S-EIR.

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT –

A. *General Plan Land Use Survey*

11. WRITTEN CORRESPONDENCE

12. ADJOURN

UPCOMING REGULAR MEETINGS

FEBRUARY 2020

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

MARCH 2020

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

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

MIMTC: Multi-modal Transit Center

MOU: Memorandum of Understanding

MIND: Mitigated Negative Declaration

MPO: A metropolitan planning organization is a federally mandated and federally funded transportation policy-making organization, such as AMBAG, that is made up of representatives from local government to help implement transportation projects and projects.

Neg Dec: Negative Declaration (a CEQA statement that a project will not have a significant effect on the environment)

NEPA: National Environmental Policy Act

SLOCOG: San Luis Obispo Council of Government

SOI: Sphere of Influence.

TAMC: The Transportation Agency for Monterey County develops and maintains a multimodal transportation system for Monterey County. TAMC consists of local officials from each Monterey city (12 cities) and five (5) county supervisorial districts, and ex-officio members from six (6) public agencies.

TOT: Transient Occupancy Tax

Variance: A form of relief from zoning development regulations based on physical constraints of a property that prevents development of the same type of buildings allowed on other properties within the same zone and in the same neighborhood

VMT: Vehicle Miles Traveled

Planning Commission Minutes

February 4, 2020

1. Call to Order

Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:01 p.m.

2. Pledge of Allegiance

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

3. Roll Call

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

Staff present: Community Development Director, Doreen Liberto; City Attorney Roy Santos by phone, Principal Planner Scott Bruce; Planner Erik Berg-Johansen; Executive Admin. Asst./Deputy City Clerk/ Planning Secretary, Erica Sonne.

4. Public Comments

None

5. Presentations

None

6. Consent Calendar

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

A. Approval of Minutes: January 21, 2020

Action: Motion made by Commissioner Uribe to approve minutes of January 21, 2020. Seconded by Commissioner Saunders. Motion carried 5-0.

7. NON- PUBLIC HEARINGS –

None

8. PUBLIC HEARINGS

A. Project:	City's Zoning Ordinance Pertaining to Commercial Cannabis Activities and Associated CEQA Determination
Applicant:	City of King
Location:	The regulatory ordinances would apply to all zones within the City Limits.
Consideration:	An Ordinance of the City Council of City of King amending Chapter 17.03 of Title 17 of the King City Municipal Code Pertaining to Commercial Cannabis Activity.
Recommendations:	Staff recommends the Planning Commission adopt a Resolution recommending the City Council adopt an Ordinance amending

Chapter 17.03 of Title 17 of the King City Municipal Code pertaining to commercial cannabis activity to allow cannabis storefront dispensaries within the City.

Environmental
Determination:

Pursuant to Cal. Public Resources Code §15061 (3), and in accordance with the California Environmental Quality Act ("**CEQA**"), the project is covered by the general CEQA rule which states if it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA. Staff believes that selling of the property which will remain open space for agriculture will not have a significant effect on the environment, and therefore the project is not subject to CEQA.

Commissioner Saunders recused himself from the meeting due to a conflict and left council chambers.

Principal Planner Scott Bruce introduced this item with a PowerPoint presentation. He explained the application process and qualifications along with interior and exterior design for dispensaries.

City Attorney Santos added that the applicant would need to submit a design plan that is approved by the City Manager prior to the item coming to Planning Commission.

Principal Planner Bruce also went over the change in the environmental wording on the resolution. "The Planning Commission should recommend the City Council find and determine the proposed amendments to the Commercial Cannabis Ordinance Chapter 17.03 are not a "project" for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA. Any storefront dispensary authorized by the proposed amendments shall undergo CEQA review on a project specific basis, any CEQA determination at this stage would be speculative since no project is currently before the Planning Commission for review." Principal Planner Bruce stated that each project will be reviewed on a project by project basis.

City Attorney Santos clarified the environmental impact.

Principal Planner Bruce clarified that edibles can only be sold out of a dispensary.

Chair Nuck opened the public hearing.

Bill Lipe stated that there is potential for housing development on the North First Street and he feels the highway sites are better for dispensaries. He believes Broadway Circle has some places for lease currently. Since there are only going to be 2 applicants, he hopes it would not be only one company that would have both and he hopes that it would be a local person that may get one of the sites.

City Attorney explained that legally there cannot be a preference for a local resident, it needs to be an equal basis. With each application the applicant has to disclose ownership so that one business entry from each owner would go to the lottery.

Principal Planner Bruce explained the letters of concern and that they were concerned about children being exposed to cannabis.

Chair Nuck stated that the City tried to keep deliveries out of the City and the State overruled and required it. Will the State require dispensaries in the City? City Attorney state law does not require storefront dispensaries that is left to the City.

Chair Nuck closed the public hearing.

Planning Commissioner Uribe wanted to know if there is a potential for housing later on like the gentlemen mentioned.

Community Development Director stated that there is the potential for farmworker housing across the street.

City Attorney stated that dispensaries across the street would not prevent residential growth. It goes off the basis of lot line.

Planning Commissioner Uribe wanted clarification on items that could be bought at a dispensary could be ordered online and delivered? Planner Bruce stated theoretically.

City Attorney Santos explained that with storefront dispensaries sales tax revenue would 100% would come to King City and online sales tax revenue could go to were it is leaving from.

Planning Commissioner Uribe stated his concern is for the Police Department. He feels that having the dispensaries on the outskirts of the city is asking for trouble because they could be robbed and take off.

City Attorney stated that these zones were selected by City Council.

Planning Commissioner Uribe stated that he would not like to see a dispensary on Broadway. He doesn't feel it is a good fit for King City. He feels people can order and have it delivered or go to Greenfield. He feels that kids will find someone to buy it for them. He doesn't like that people can grow it at home. He thinks it is just as bad as alcohol. He just doesn't think it would be good for King City right now. He is concerned about the image, the children and crime. He is pro-business, but he is concerned about the children having access. Maybe in the future.

Commissioner Uribe made a motion to direct staff to draft a resolution that Planning Commission to recommend the City Council not adopt an Ordinance amending Chapter 17.03 of Title 17 of the King City Municipal Code pertaining to commercial cannabis activity to allow cannabis storefront dispensaries within the City. Commissioner Avalos seconded. Motion carried 4-0.

Commissioner Saunders returned to the meeting.

- B. Project: Downtown Addition Specific Plan Amendment and Chestnut Road/Bitterwater Avenue Employee Housing Project
- Applicant: Jerry Rava II, Fresh Foods Inc.
- Location: Downtown Addition Specific Plan Area, generally located east of the intersection of Metz Road and Bitterwater Road along Union Pacific Railroad.
- Consideration: The proposed project consists of rezoning of four (4) parcels, amendments to King City's Downtown Addition Specific Plan ("specific plan"), and construction of a housing development on the Bitterwater/Chestnut Road site (Bitterwater Road at Metz Road). A future farmworker housing project is planned on the Jayne Street site (Jayne Street at Pearl Street) which is being removed from the Specific Plan.

The following zoning amendments would be made: Three parcels (026-301-005, 026-301-006 and 026-301-003) comprising the Jayne Street site would be rezoned from Downtown Addition Specific Plan Neighborhood Center ("**NC**") and Neighborhood General 3 ("**NG-3**") to Multiple Family Residential and Professional Offices ("**R-4**") District and Seasonal Employee Housing Standards/Dual Land Use Designation; and

One parcel (026-301-001) adjacent to the Jayne Street site (currently developed with an auto repair shop) would be rezoned from Downtown Addition Specific Plan Neighborhood Center ("**NC**") to General Commercial District ("**C-2**").

Recommendations: Staff recommends the Planning Commission 1) allow staff to make a presentation. 2) open the public hearing, 3) allow the Applicant to make a presentation, 4) provide comments regarding the project and propose new conditions of approval as recommended in the staff report, and 5) continue the public hearing to February 18, 2020.

Environmental
Determination:

Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15163, it has been determined that a Supplemental EIR ("**S-EIR**"), State Clearinghouse No. 2006041150, tiered from the 2011 Full Downtown Addition Environmental Impact Report ("**F-EIR**"), State Clearinghouse No. 2006041150, is the appropriate environmental document for the proposed Project. The Planning Commission will determine whether to recommend the City Council adopt the Final S-EIR.

Community Development Director Doreen Liberto introduced this item. There was a letter passed out from Smith Monterey that they are in favor of this project.

Planner Erik Berg-Johansen further introduced this item with a Powerpoint. 118 units proposed all but 1 is two bedrooms. One of the changes to the specific plan is to allow 3 stories.

Chair Nuck opened the public hearing.

Claud Hoover further introduced this item with a Powerpoint as well. He appreciates the staff in King City, and they appreciate the relationship between Planning Commission and City Council. Project Vision is to provide workforce housing with an elegant design with twice the required open space. It supports the Downtown Addition and the need to manage project cost is necessary. Mr. Hoover gave a project history.

He showed project site slides. They want to have all sides of the site attractive as possible. All stairways are on the interior. Entrances on Bitterwater and Chestnut streets. He also showed a 3-minute video.

Planning Commissioner Uribe inquired about the number of units and the size. Mr. Hoover stated that 1120 square feet with accommodations for 8 people. Each bedroom being 200 sq. ft. It is to provide housing for Rava workers to begin with. 450 to 900 can be housed. Commissioner Uribe wanted to know about transportation for the employers. Mr. Hoover stated that it will be mixed but buses.

Planning Commissioner Saunders wondered about people getting to Broadway from this housing project. He feels it would be good to have sidewalk by the Meyer building.

There is bike access and fire truck access.

Planning Commissioner Uribe wants to know if there would be more washing machine spaces to exceed requirements. Mr. Hoover stated that he feels that it exceeds now.

Planning Commissioner Uribe wanted to know about colors. Mr. Hoover stated that it has earth tones but lots of different textures. Chair Nuck likes the color scheme and 2 other commissioners agree.

Planning Commissioner Uribe asked about the ladder truck for 3 story buildings. City will be purchasing the ladder truck with contributions from impact fees. The fee will be upfront so the City can purchase it.

It will have security cameras as well.

Bill Lipe, Fresh Foods, Inc., he has been with Fresh Foods, Inc. for the last 4 years and Jerry Rava II has been wanting employee housing since the beginning. He feels the laundry facilities will be plenty of space for what the workers need to do. He hopes they recommend approval.

Chair Nuck is also concerned about the crossing at first street for foot traffic. City Engineer Hurtado explained the closing of one crossing and opening another at Broadway that would be connected to

Chestnut.

Chair Nuck continued the public hearing by a motion from Commissioner Saunders to February 18, 2020. Commissioner Avalos seconded. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports-

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned by Chair Nuck at 7:43p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 8 (A)

REPORT TO THE PLANNING COMMISSION

DATE: FEBRUARY 18, 2020

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: ERIK BERG-JOHANSEN, PLANNER

RE: CONSIDERATION OF DOWNTOWN ADDITION SPECIFIC PLAN AMENEDMENT AND BITTERWATER ROAD/CHESTNUT AVENUE EMPLOYEE HOUSING PROJECT (JERRY RAVA II, FRESH FOOD INC.)

I. RECOMMENDATION

Staff recommends the Planning Commission: 1) allow staff to make a presentation, 2) reopen the public hearing (the public hearing was continued at the February 4th hearing), 3) allow the applicant to make a presentation, 4) allow the public to provide comments; and 4) adopt the attached Resolutions.

II. BACKGROUND

The Planning Commission ("Commission") met on **February 4, 2020** to discuss the proposal, which includes the following applications:

- Specific Plan Amendment Case No. 2019-002
- Zoning Amendment Case No. 2019-002
- Tentative Parcel Map Case No. 2019-002
- Conditional Use Permit Case No. 190-254
- Architectural Review Case No. 2019-004

A large packet, including a staff report and several exhibits were distributed to the Commission prior to the meeting. Please remember to reference the February 4th packet.

Staff and the applicant presented the project and answered questions. One member of the public spoke and expressed support for the project.

The Commission inquired if the laundry facilities will be sufficient for future residents. The applicant explained that the facilities will be in accordance with the H2A Farmworker housing standards, and that they are expected to adequately serve residents.

The Commission also inquired about pedestrian access between the subject site and First Street. It was discussed that the current route requires crossing the railroad tracks. Staff acknowledged this circumstance and will work to find a future solution to create a safe and efficient rail crossing between the Downtown Addition and the Historic Downtown.

III. DISCUSSION

At the **February 4, 2020** meeting, the Commission made no objections to staff's recommendations regarding a number of design questions. Therefore, staff has added or amended the following conditions of approval ("COA") to address remaining issues:

SPA Conditions of Approval

- **Alley Access:** *The DTA-SP shall be amended to revise Section 3.6.2.10(E)1 as follows: "Where an alley is available, vehicular access shall be provided through an alley." The project would be consistent with the amended standard. (COA No. 14)*
- **Setbacks:** *The DTA-SP shall be amended to add the following "Note" under Section 3.4.7(B)1: "2. Setbacks for residential buildings on sites adjacent to Bitterwater Road may be altered if the Planning Commission makes a finding that the proposed setbacks achieve a superior design that would reduce noise and visual impacts to residents." (COA No. 15)*

CUP Conditions of Approval

- **Equipment/Utilities Placement and Screening:** *Outdoor equipment and Utilities shall be constructed in accordance with DTA-SP Section 3.11.3 and Figure 3-81. If any above-ground utilities must be placed outside of the allowed area per Figure 3-81, they shall be screened from the street by fencing or landscaping, subject to review and approval by the Community Development Department. Trash/recycling facilities shall be provided on both Lot 1 and Lot 2, consistent with the Architectural Site Plan (Exhibit C). (COA No. 21)*

- **Pavers/Stamped Concrete:** *Concrete pavers or a strip of stamped and stained concrete shall be installed on the property in front of the entrances. Before issuance of a building permit, a design for the driveway entrances shall be submitted for review and approval by the Community Development Department and Public Works Department (COA No. 30)*

Advantages

The proposed Specific Plan Amendment would be beneficial to the City for a number of reasons. First, the revisions facilitate the proposed employee housing on the Bitterwater Road/Chestnut Avenue Site. Following construction, the nearby downtown businesses would benefit having new residential units within walking distance and the building and open space areas will enhance the area aesthetically through its design and landscaping. The proposal to remove the Jayne Street Site from the DTA-SP and rezoning it will also be beneficial for similar reasons because it will facilitate development of additional housing units near the downtown core.

In summary, the project will result in improved business development in the City and needed housing units to support farmworker employees.

The attached Resolutions includes recommendations regarding the CEQA determination and the projects.

Disadvantages

There are no known disadvantages. The project is well designed and will benefit the community as well as creating an enhancement to the area.

Project Review Committee (“PRC”) Comments and Review by Agencies

Since the project was proposed, the PRC has been meeting on a regular basis to provide comments.

Public Notice and Input

Public notice was published in the local newspaper on **January 22, 2020**. Public notice was mailed to property owners within three-hundred (300') feet on **January 17, 2020**. One comment letter in support of the project from Smith Monterey KC, LLC was received.

Conditions of Approval/Mitigation Measures

Staff reviewed the COA and MM from the previous 2011 and 2014 DTA-SP amendments. These COA and MM continue to apply to the current proposal, however some are being revised as appropriate to accommodate the proposed DTA-SP amendments and to facilitate development of the Bitterwater Road/Chestnut Avenue site. All previously approved COA and MM and related applications are applicable unless otherwise modified. Additionally, staff is

recommending additional COA based on the February 4th Commission hearing.
(*Reference COAs No. 14, 15, 21, 30*)

IV. COST ANALYSIS

The applicant pays for the cost to process the project.

V. ENVIRONMENTAL REVIEW:

A Full Environmental Impact Report ("**F-EIR**"), prepared in accordance with the California Environmental Quality Act ("**CEQA**") was certified by the City Council on **May 24, 2011**.

In 2019, the current project to amend the DTA-SP and construct a housing project on the Bitterwater Road/Chestnut Avenue Site was proposed. The City determined that the Project could result in significant adverse environmental impacts. Accordingly, the City directed the applicant to prepare a Supplemental EIR ("**SEIR**"), pursuant to the CEQA Guidelines Section 15163. Please refer to the **February 4, 2020** staff report for more information regarding the environmental review.

VI. ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Provide a recommendation to City Council that the project be approved as proposed.
2. Provide a recommendation to City Council that the project be approved with specified modifications.
3. Provide a recommendation to City Council that the project be denied.
4. Provide other direction to staff.

Exhibits:

- Exhibit 1 – 2020 Amended Conditions of Approval/Mitigation Measures
- Exhibit 2 – Comment Letter from Smith-Monterey KC, LLC
- Exhibit 3 – Resolution: Approval of Applications for Bitterwater Road/Chestnut Avenue Project
- Exhibit 4 – Resolution: Certification of S-EIR and Mitigation/Monitoring Plan

FEBRUARY 18, 2020 (CONTINUED ITEM)
PLANNING COMMISSION
SUPPLEMENTAL EIR, DTA SPA, TPM, BITTERWATER EMPLOYEE HOUSING PROJECT
PAGE 5 OF 5

Submitted by: Maricruz Aguilar, For
Erik Berg-Johansen, Planner

Approved by: Maricruz Aguilar, For
Doreen Liberto, AICP, Community Development Director

EXHIBIT 1

CONDITIONS OF APPROVAL/MITIGATION MEASURES

DOWNTOWN ADDITION SPECIFIC PLAN AMENDMENT CASE NO. SPA 2019-002, REZONING CASE NO. ZC 2019-002, CONDITIONAL USE PERMIT CASE NO. CUP 190-254, ARCHITECTURAL REVIEW CASE NO. AR 2019-004, TENTATIVE PARCEL MAP CASE NO. TPM 2019-002 AND MITIGATION MEASURES

The following conditions of approval ("**COA**") and mitigation measures ("**MM**") apply to the applications identified about and in the following Project Description. All previously approved COA and MM for the Downtown Addition Specific Plan ("**DTA-SP**") and related applications are applicable and incorporated by reference herein (**Exhibit A**), unless modified below.

GENERAL CONDITIONS OF APPROVAL (APPLIES TO ALL APPLICATIONS)

1. **Project Description:** The proposed project consists of rezoning of four (4) parcels, amendments to King City's DTA-SP, and construction of a housing development on the Bitterwater Road/Chestnut Avenue site (Bitterwater Road at Metz Road). A future farmworker housing project is planned on the Jayne Street site (Jayne Street at Pearl Street) which is being removed from the DTA-SP. The project components are as follows, and as shown on **Exhibit B, Exhibit C and Exhibit D:**
 - **Supplemental Environmental Impact Report, (State Clearinghouse No. 2006041150) (Reference Exhibit E.)**
 - **Specific Plan Amendment Case No. SPA 2019-002** to make various changes to the DTA-SP, including but not limited to increasing the number of permitted units and decreasing the commercial square footage; removing an area located near Jayne Street from the DTA-SP; making various text/graphic changes including but not limited to allowing three stories and forty-six (46') foot tall buildings within a proposed employee housing apartment project located near Bitterwater Road and Chestnut Avenue. (**Reference Exhibit L and Exhibit G.**)
 - **Zoning Amendment Case No. ZC 2019-002** to change the zoning of property located adjacent to Jayne Street from Neighborhood Center ("**NC**") and Neighborhood General 3 ("**NG-3**") to a mix of Multiple Family Residential and Professional Offices ("**R-4**") District with Seasonal Employee Housing Standards/Dual Land Use Designation and General Commercial District ("**C-2**"). (**Reference Exhibit H.**)
 - **Tentative Parcel Map ("**TPM**") Case No. TPM 2019-002** to consolidate 18 lots into two (2) lots. (**Reference Exhibit I.**)
 - **Conditional Use Permit ("**CUP**") Case No. CUP 190-254 and Architectural Review ("**AR**") Permit Case No. AR 2019-004** to construct an employee housing project (118 units) on the property east of the intersection of Metz Road and Bitterwater Road, King City, CA 93930. Existing houses and warehouse buildings on the property will be demolished, prior to project commencement. (**Reference Exhibit J and Exhibit K.**)

**SPECIFIC PLAN AMENDMENT CASE NO. 2019-002, ZONING AMENDMENT CASE NO. 2019-002, TENTATIVE PARCEL MAP CASE NO. 2019-002, CONDITIONAL USE PERMIT CASE NO. 190-254, ARCHITECTURAL REVIEW CASE NO. 2019-004
FRESH FOODS, INC.
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The following DTA-SP amendments include, but are not limited to::

- Removal of the Jayne Street area from the specific plan boundaries.
- Increase in specific plan development capacity by sixty (60) residential units (from 650 units to 710 units) with corresponding decrease in commercial development capacity of 42,000 square feet (from 190,060 square feet to 148,060 square feet).
- Removal of the planned Metz Road extension and portion of planned Ellis Street right-of-way reservation from the map.
- Exclusive residential use of the Bitterwater Road site within the Specific Plan Neighborhood Center ("**NC**") district.
- Modification of height limits in the DTA-SP **Appendix E** to allow up to three-story buildings and up to fifty-one (51') feet within the Bitterwater Road site (maximum proposed height in current project is forty (40') feet to roof ridge and forty-six (46') feet to top of chimney).
- Removal of references to fiscal neutrality from specific plan COA for the Bitterwater Road project.
- Amendment of DTA-SP **Appendix D** to remove requirement for submittal of Bitterwater/Chestnut project to Neighborhood Builder/Developer.
- Other miscellaneous changes, including but not limited to, minor text and graphic amendments.

2. Expiration of Projects:

- **CUP/AR:** The approval period for this permit 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. No extension shall be permitted for the CUP as required by Municipal Code Section 17.64.030.
- **TPM:** The TPM shall expire two (2) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act ("**SMA**"), Government Code Section 66452.6.

3. Hold Harmless and Indemnification Clause:

Hold Harmless Clause: To the furthest extent allowed by law, the applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these COA or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval

**SPECIFIC PLAN AMENDMENT CASE NO. 2019-002, ZONING AMENDMENT CASE NO. 2019-002, TENTATIVE PARCEL MAP CASE NO. 2019-002, CONDITIONAL USE PERMIT CASE NO. 190-254, ARCHITECTURAL REVIEW CASE NO. 2019-004
FRESH FOODS, INC.
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by the City of any or all approvals. The Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval. The nature and extent of the Applicant's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in the preceding paragraph shall be governed by this paragraph. To the furthest extent allowed by law, the Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, the Applicant or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance authorized or required by the approvals, requirements (including any mitigation measures) related to CEQA, or the performance of any or all work to be done by the Applicant or its contractors, agents, successors and assigns pursuant to the approvals (including, but not limited to any design, construction and/or ongoing operation and maintenance of off-site improvements, if any, unless and until such off-site improvements are dedicated to and officially accepted by the City). The Applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, consultants or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, consultants agents or volunteers. If the Applicant should subcontract all or any portion of the services to be performed pursuant to the approvals, the Applicant shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers in accordance with the terms of this paragraph. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

4. **Other County, State and Federal Permits:** The Applicant shall provide copies of any required County, State and Federal permits and written verification of waiver of permit requirements.
5. **Compliance with the Law:** The Applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this Project. **Prior to recordation of any final map**, the Applicant shall provide copies of the required County, State and Federal permits applicable to the Project phase or subphase covered by the final map, or written verification of a waiver of applicable permit requirements. The Applicant shall obtain any required governmental permits. The Project-wide TPM shall be consistent with the City Council approved DTA-SP.
6. **Changes:** Development shall be in **substantial compliance** with the DTA-SP, and all

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approved plans, exhibits, COA, MM, etc. presented to and approved by the City Council in connection with the adoption of the DTA-SP, Rezone, CUP, AR and TPM. No condition, or standard shall be eliminated, added or modified without Planning Commission review and City Council action, following a public hearing, and as outlined in the attached Exhibits. No impervious surfaces, accessory buildings, structures, conditions, colors, materials or architectural features shall be eliminated, added or modified without Planning Commission review and action, as applicable.

7. **Fiscal Neutrality**: COA No. 28 of the original approval is deleted in its entirety. (*Reference Exhibit A.*)
8. **Inclusionary Housing**: Prior to the issuance of the first building permit, the Applicant shall comply with Municipal Code Chapter 17.19.
9. **Outstanding Invoices**: Prior to issuance of the first building permit, or recordation of final map, whichever occurs first, the Applicant shall pay all outstanding City invoices related to processing the Project.
10. **COA, MM and Costs**: All COA and MM shall be satisfied by the Applicant. All costs associated with compliance with the COA and MM shall be at the Applicant's expense.
11. **Utility Companies**: Prior to issuance of a building permit, the Applicant is responsible for contacting all appropriate utility companies, including but not limited to PG&E and Calwater, to obtain agreements and permitting for extension and/or relocation of services necessary for the proposed development.

SPECIFIC PLAN AMENDMENT

12. **Final DTA-SP Document With Amendments**: The Applicant shall submit twenty-five (25) copies of the Final Specific Plan document incorporating the Specific Plan Amendment changes including an electronic copy, **within thirty (30) days of City Council second reading of the Specific Plan Ordinance.**
13. **CUP for Jayne Street Site**: A CUP shall be required for any new development proposed on the Jayne Street Site (including the vacant land and the parcel containing the current auto repair shop), which is being removed from the DTA-SP area.
14. **Alley Access**: The DTA-SP shall be amended to revise Section 3.6.2.10(E)1 as follows: "Where an alley is available, vehicular access shall be provided through an alley."
15. **Setbacks**: The DTA-SP shall be amended to add the following "Note" under Section 3.4.7(B)1: "2. Setbacks for residential buildings on sites adjacent to Bitterwater Road may be altered if the Planning Commission makes a finding that the proposed setbacks achieve a superior design that would reduce noise and visual impacts to residents."

ZONING DISTRICT AMENDMENT (JAYNE STREET)

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16. **Zoning Map Amendment:** The City shall update the King City Zoning Map in accordance with the zoning map amendment.
17. **Exterior Lighting Plan (ALUC Condition):** Prior to the issuance of any building permits, an Exterior Lighting Plan shall be reviewed and approved by the applicable airport manager. All exterior lighting shall be unobtrusive, downlit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

CONDITIONAL USE PERMIT/ARCHITECTURAL REVIEW (BITTERWATER ROAD/CHESTNUT AVENUE PROJECT)

Community Development Department (The Applicant should discuss the following COA with Maricruz Aguilar at 831-386-5916, if there are any questions.)

18. **Landscaping Documentation Package:** Prior to issuance of a building permit, if landscaping is proposed as part of a drainage and erosion control plan or required by the Central Coast Regional Water Quality Control Board ("**CCRWQCB**") for drainage control, in accordance with State law, the Applicant shall submit to the Community Development Department for review and approval a Landscape Document Package consistent with Municipal Code Chapter 15.50 - Water Efficient Landscape, and will utilize water-conserving drought resistant plants that will function as screening and enhance the building appearance and include a water conserving automatic irrigation system to be approved by the Community Development Director. Plans shall indicate methods of planting, sizes of initial landscape materials, ground covers, durable mulch cover and other details of landscaping. Irrigation water shall not overthrow onto walks, common areas, or onto any architectural walls.

Street trees shall be installed in accordance with **DTA-SP Section 3.9(D) and Figure 3-46: Street Tree Plan**. Street trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Community Development Department.

Prior to issuance of the certificate of occupancy, landscaping must be in place. A hold on occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Community Development Department.

19. **Runoff to Landscaping Areas:** The site plan shall address all runoff in conformance with current storm water regulations. All runoff shall be directed to approved new landscaping areas and shall be designed to properly address pollution control. Landscape areas shall be designed by both the project engineer and landscape designer to incorporate bioremediation measures that will ensure that one-hundred (100%) percent of the runoff from the building and paved areas will infiltrate through a plant and soil medium that provides for bioremediation of any pollutants in the runoff and upper soil layer.

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20. **Shrubs and Hedges:** Shrubs and hedges between the street and a courtyard(s) shall be maintained to not exceed thirty-six (36") inches in height.
21. **Equipment/Utilities Placement and Screening:** Outdoor equipment and Utilities shall be constructed in accordance with **DTA-SP Section 3.11.3** and **Figure 3-81**. If any above-ground utilities must be placed outside of the allowed area per Figure 3-81, they shall be screened from the street by fencing or landscaping, subject to review and approval by the Community Development Department. Trash/recycling facilities shall be provided on both Lot 1 and Lot 2, consistent with the Architectural Site Plan (**Exhibit C**).
22. **Bicycle Parking:** The Applicant shall provide a minimum of thirty-two (32) bicycle parking spaces with bicycle racks or other secure bicycle parking consistent with the proposed Site Plan. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the Community Development Department. Each bicycle rack should stand a minimum of thirty (30') inches from ground level and support each bike in a stable position by providing at least two (2) vertical contact points for a bicycle frame. The rack should be coated with or constructed of a durable material that prevents rust and corrosion.
23. **Sign Permit:** This approval does not constitute a Sign Permit. **Prior to installing any signs on the property**, the Applicant shall make a separate application and obtain an approved sign permit by the Community Development Department. Contact the Community Development Department regarding application procedures for Sign Permit(s). All signs should be compatible with the structure and site design relative to color, material, and placement. The signs shall conform to the requirements of Municipal Code Chapter 17.55.
24. **Screening of Roof and Ground Equipment:** **At the time of building permit submittal**, the Applicant shall submit plans showing the methods of screening of roof-mounted and ground mounted equipment such as, but not limited to air conditioning, electric boxes, transformers and other equipment. Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. Well maintained satellite dishes may be left unpainted (e.g., dish antennas). These details must appear on elevations submitted for architectural review. Ground mounted equipment should be screened by walls or effectively by landscaping.
25. **Fencing:** **Prior to installation of any fencing**, future fences shall be reviewed and approved by the Community Development Department.
26. **Architectural Features:** The proposed building materials include a combination of painted stucco, cement board siding, and stone veneer accents. The materials are of a compatible earth toned color scheme with white, grey, brown colors. The design features a Craftsman style of architecture with varied siding types, balconies and eaves with decorative support brackets, galvanized steel railings, stone columns, and varied windows along facades. The project shall utilize the proposed color pallet show on the attached Exhibits. Minor variations

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will be subject to review and approval by the Community Development Department. All surfaces visible from the adjacent streets will be finished according to these standards.

27. **Solar Glare Hazard Analysis:** Prior to issuance of a building permit, the Applicant shall submit the proposed solar panels data through Solar Glare Hazard Analysis (<http://share.sandia.gov/phlux>). If the results show no impact or low impact, an OE/AA case should be made with the report as an attachment at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. The submittal will be reviewed by FAA and a determination letter will be sent regarding the proposal.
28. **Avigation and Hazard Easement (ALUC Condition):** Prior to final of each building permit associated with the development within the DTA-SP, the Applicant shall grant an avigation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office. The easement may include:
- Right-of-flight at any altitude above the acquired easement surfaces.
 - Right to cause noise, vibrations, fumes, dust and fuel particle emissions.
 - Right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces.
 - Right-of-entry to remove, mark or light any structures or growth above the acquired easement surfaces, or right to require the owner to remove, mark or light.
 - Right to prohibit creation of electrical interference, unusual light sources and other hazards to aircraft flight.
 - Any other limitation the appropriate airport authority may recommend to protect the public's health, safety and welfare.
29. **Phasing:** Proposed Lot 1 shall be developed first during Phase 1. Proposed Lot 2 shall be developed second during Phase 2. Both phases (Lots 1 and 2) shall remain capable of operating independently with consideration given to site access, onsite parking, easements, garbage/recycling facilities, utilities (water, electric, sewer) landscaping irrigation, laundry facilities, fire sprinkler systems, common open space.
30. **Pavers/Stamped Concrete:** Concrete pavers or a strip of stamped and stained concrete shall be installed on the property in front of the entrances. Before issuance of a building permit, a design for the driveway entrances shall be submitted for review and approval by the Community Development Department and Public Works Department.

Public Works Department (The Applicant should discuss the following COA with Octavio Hurtado, City Engineer, at (831) 386-5927, if there are any questions.)

31. **Improvement Plans:** Project drainage, grading, utilities, and site plans shall be prepared and signed by a Licensed Civil Engineer. Onsite signage (e.g., stop signs, etc. at driveways shall be included in plan submittal). All plan review and construction observation and inspection costs shall be paid by the Applicant. A deposit to cover said costs will be required. The

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Applicant shall provide vehicle sight and stopping distance for any/all obstructions including but not limited to landscaping, signs, or other items placed in/near intersections. All construction shall be to and provide Americans with Disabilities Act ("**ADA**") access. Improvements in public right-of-way or easements shall conform to the City of King design standards (latest edition). All improvements shall be to these standards, unless noted otherwise. All work/improvements in shall be inspected by and be from improvement plans reviewed and approved by the City Engineer.

32. **Grading and Drainage Plans:** Prior to issuance of any building permit, the Applicant shall submit grading and drainage plans for the City Engineer review and approval.

The grading and drainage plans shall include:

- a. Drainage Plan.
- b. Best Management Practices Plans ("**NPDES**"). The NPDES must include:
 - i. Permanent: Urban Storm Water Management Plan.
 - ii. Construction: Storm Water Pollution Prevention Plan.
 - iii. Construction during November - April: Wet Weather Erosion Control Plan.

The grading and drainage plan shall be signed and stamped by a State of California-Registered Civil Engineer. All grading shall be done in conformance with City standards and to the satisfaction of the City Engineer.

33. **Submittal of Erosion and Sediment Control Measures and SWPPP:** Prior to any construction, erosion and sediment control measures for grading and construction as well as for the permanent project shall be prepared and approved by the City Engineer. In addition, if required by State and Federal Law, a Stormwater Pollution Prevention Plan ("**SWPPP**") may be required to be submitted to the City Engineer for review and approval, depending on size of project. To prevent silt and debris from entering the existing storm drain system during construction, the Applicant shall utilize storm drain inlet interceptors or filters to protect the existing storm drain. Soils and/or percolation test(s) may be required by the City Engineer and/or CCRWQCB to identify measures necessary to maintain and reduce stormwater on-site and other measures to provide erosion, sediment and pollution control at the site.

34. **Submittal of Soils Report:** Prior to design of stormwater and clean waste basins, a percolation test will need to be submitted to determine the design parameters for the onsite stormwater basins.

35. **Infrastructure and Underground Utilities:** Prior to issuance of a building permit, an Infrastructure and Utility Plan for the entire site shall be submitted to and approved by the City Engineer. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards. The Applicant shall obtain and pay all associated permits/fees/costs for any/all Utility Companies (including but not limited to PG&E, Telephone, TV, California Water System) and any/all governmental agencies.

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36. **Sewer Connection:** Before issuance of an occupancy permit, the sewer connection shall be reviewed and approved by the City Engineer.
37. **Encroachment Permit:** Prior to starting street frontage improvements, the Applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley).
38. **Street Frontage:** Prior to issuance of occupancy permit, the Applicant shall construct any required right-of-way improvements, including curb, gutter, sidewalk, and handicap ramp. The Applicant shall make upgrades to existing facilities to comply with ADA standards, as necessary. The Project shall remove and replace any asphalt pavement, curb, gutter, sidewalk, and/or driveways along project frontage that is broken or in need of replacement. Limits of work may extend beyond project frontage to correct an ADA deficiency on project frontage. The actual limits shall be reviewed and approved by the City Engineer.
39. **Clearance:** Prior to issuance of the first occupancy permit, the Applicant shall show a four (4') feet minimum sidewalk clearance/path of travel from all street utilities (e.g., poles, signs). On sidewalks in the public right-of-way and on sidewalks onsite, cross slope shall not exceed two (2%) percent.
40. **Sidewalk/Public Accessibility:** Prior to issuance of an occupancy permit, an ADA/CA Title 24 Accessibly compliant walkway shall be installed to connect the proposed project to the sidewalk adjacent to the public right of way, as found acceptable by the Public Works Department, City Engineer and Building and Safety Departments. All details and information applicable to this requirement shall be included on the plans submitted for ADA/CA Title 24 Accessibly Review, **before application for a building permit.** All public sidewalks shall be in existing or dedicated City right-of-way.
41. **Bus Turn Out/Stop:** Prior to starting street frontage improvements, the Applicant shall contact the Monterey-Salinas Transit ("**MST**") for review of a proposed Bus Turn Out/Stop, if the project falls within the vicinity of a bus turnout.
42. **Post-Construction Stormwater Management:** The City Engineer shall review the Stormwater management report and if required, O&M Plans and Maintenance Agreement to assure compliance with these requirements, "**POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS IN THE CENTRAL COAST REGION.**" Stormwater Management shall adhere to the CCRWQCB Resolution No. R34-2013-0032, dated July 12, 2013.

The CCRWQCB standards include BMPs for erosion and sediment control during project construction and after completion of the project. Low Impact Development ("**LID**") measures include, but are not limited to: i) limiting disturbance of creeks and natural drainage features, minimizing compaction of highly permeable soils, limiting removal of native vegetation at the site to the minimum area needed to build the project, limiting impermeable surfaces, including buildings and paving, and the use of innovative design layout that further increases permeable surfaces and landscaping. Measures shall include those necessary to protect water quality

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during the grading and construction period as well as permanent measures after completion of the project. If required by the CCRWQCB (projects 1 acre or larger), a Stormwater Pollution Prevention Plan ("**SWPPP**") shall be prepared. If required, said Draft and Final SWPPP documents shall be submitted to the City Engineer, **prior to issuance of a building permit.**

Development shall minimize stormwater runoff by implementing one or more of the following site design measures identified by the CCRWQCB:

- (1) Direct roof runoff into cisterns or rain barrels for reuse.
- (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California Building Code ("**CBC**").
- (3) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with CBC.
- (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with CBC.
- (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces.
- (6) The directing of runoff to bioretention basins.
- (7) Other similar measures as determined by the City Engineer.

43. **COA Listed on Improvement Plans:** Prior to recordation of the final parcel map, the Applicant shall include all the COA and agreements associated with or required by the Project approval in the improvement plans. All applicable COA of the Project shall be printed on civil and/or building plans and shall be graphically illustrated where feasible.

Building Department (The Applicant should discuss the following COA with Mark McClain at (831) 385-3281, if there are any questions.)

44. **Building Plans:** Prior to issuance of a building permit, all COA shall be imprinted on plans submitted for building permits. Building plans shall comply with the current Title 24 California Building Standards Codes.
45. **Soils Report:** As part of the building permit submittal, and if deemed necessary by the Building Official and City Engineer, the Applicant shall submit a Soils Report prepared by a State of California-Registered Engineer or State of California-Registered Geotechnical Engineer. Prior to issuance of a building permit, the Soils Report shall be reviewed and approved by the Chief Building Official and City Engineer.
46. **Addressing of Units:** As part of the building permit submittal, the project shall identify the commercial units with the alphabet (A-D) and the residential units shall use numerical units for review by the Building and Safety Department, Community Development Department and Fire Department.
47. **ADA Parking Requirement:** As part of the building permit submittal, the project shall provide accessible parking compliant with current accessibility requirements, subject to review by the Building and Safety Department, Community Development Department.

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48. **Lighting:** Adequate security lighting shall be provided. The lighting shall meet all standards contained in the Municipal Code Section, 17.20.120. Outdoor lighting fixtures, either wall mounted or light standards, should be in keeping with the architectural theme of the buildings. They should provide enhanced pedestrian safety, in addition to streetlight fixtures, and accentuate, but not dominate architectural features. As part of the building permit submittal, a lighting plan shall be submitted for review by the Building and Safety Department, Community Development Department and Police Department and identify in the design how to prevent glare into the public areas. All outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties. Where appropriate, light-emitting diode ("**LED**") lighting should be used for external lighting to reduce the site's electricity consumption. Pole light fixtures in parking areas shall not exceed thirty feet (30') in height.
49. **Other Electrical and Mechanical Equipment and Fixtures:** At the time of building permit submittal, the building plans shall show and the Building Official shall ensure that all electrical and mechanical apparatus and fixtures located on exterior walls shall be concealed from street visibility in a manner consistent with the architectural design of the building.
50. **Impact Fees:** Prior to building permit issuance, the Applicant shall pay all applicable development impact fees. Fees shall be determined by the Building Official. (Also reference COA No. 73.)
51. **Business License:** Prior to 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.*
52. **Maintenance of Landscaping and Building Exteriors:** Concurrent with the building permit application, the Applicant shall provide measures that address the on-going maintenance of landscaping on each parcel, maintenance and repair of no-parking/fire lane signs and other improvements. Said provisions shall also include measures to prevent property owners and guests from parking on or otherwise destroying landscape areas identified in the final plan. Said provisions should also include measures to inform all future landowners and tenants of homes to protect drainage facilities, including but not limited to

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down-drains and roof gutters and down spouts, drainage pipes, and underground and surface drainage areas.

Fire Department (The Applicant should discuss the following Fire Department COA with Art Black 831-624-8303, if there are any questions. Contact the Fire Marshall if there any questions regarding fire sprinklers or other provisions of the Fire Code.)

53. **Automated Fire Suppression System:** Concurrent with the building permit application, the Applicant shall submit automated fire suppression system plans to the Building and Safety Department. The fire suppression system plans shall meet NFPA 13 and are to be prepared by a California C-16 contractor. **Prior to the final occupancy permit**, the plans shall be reviewed and approved by the City Engineer and Fire Marshal's office.
54. **Fire Alarm System:** A fire alarm system will be required in all structures. **Prior to any work being done on the fire alarm system**, the fire alarm system is to be prepared by a California licensed C-10 contractor to the Fire Marshal's Office for review and approval.
55. **Underground Fire Service Mains:** At the time of building permit submittal, underground fire services mains will be required to be documented separately from the normal civil drawings and be submitted by the general engineering contractor to the Fire Marshal's Office for review and approval. This submittal can be considered as a deferred submittal.
56. **Portable Fire Extinguishers:** Portable fire extinguishers are required to be installed in accordance with NFPA 10 and in consultation with field fire inspector.

Police Department (The Applicant should discuss the following Police Department COA with the Police Chief, Robert Materson, at 831-385-4848, if there are any questions.)

57. **Video Surveillance:** If video surveillance cameras are required or installed, signs shall be provided under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.

TENTATIVE PARCEL MAP (BITTERWATER ROAD/CHESTNUT AVENUE PROJECT)

Public Works Department (The Applicant should discuss the following COA with Octavio Hurtado, City Engineer, at (831) 386-5927, if there are any questions.)

58. **Final Maps:** Final parcel maps shall be in substantial conformance to the approved tentative parcel map and must be submitted, in English units, to the City Engineering Department for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer or land surveyor, registered in the State of California and licensed to prepare final maps.
 - The Applicant shall provide and show on the final map all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.

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- The final VPM and all related documents shall comply with all regulations and requirements of the City of King Subdivision Title 16.
 - Submit final VPM to the City Engineer for checking, approval and recordation (5 sets). The parcel map shall be based upon a field survey. Any existing easements affecting this tentative parcel map shall be shown on the final parcel map and shall be referenced to the property lines and corners. Submit the following items with the final parcel map:
 - a. Preliminary title Report less than six (6) months old.
 - b. Parcel Map Guarantee.
 - c. Boundary calculations,
 - d. Payment of fees.
 - e. Copies of all deeds referenced on the map and in the title report, and a grant deed to the subject property and adjoining properties.
59. **Underground Utilities:** All underground utilities shall be installed in conformance with the DTA-SP and City of King's Municipal Code Chapter 16.
60. **Meters, Hydrants and Poles:** Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the DTA-SP and amendments therefrom. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
61. **Topographical Information:** The Applicant shall indicate on the tentative map topographical information which shall include one-foot (1') contour intervals and benchmark data based on City datum.
62. **Improvements:** All improvements, public and private (including but not limited to street, sewer, water, fiber optics and storm drain), shall be designed and constructed in accordance with the DTA-SP, the City Standard Details and Specifications of the City of King and all applicable state and local ordinances, standards and requirements, subject to City Engineer direction and approval. Should a conflict arise, the governing specification shall be determined by the City Engineer. All public improvements proposed by the Applicant or required through these COA shall be completed and accepted by the City in compliance with the time schedule set forth in the COA. The Applicant may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the Applicant to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City. **All on and off-site development and improvements shall be designed and constructed at the sole expense of the Applicant.**
63. **Encroachment Permit:** An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of King upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted development fee schedule.

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64. **Road Improvements:** Except as shown on the approved TPM or as modified by the COA contained herein, all street, thoroughfare or road improvements shall be constructed as required in the DTA-SP and amendments therefrom, City of King Municipal Code and the City Engineering Department's Standard Plans and Specifications. Any adopted precise section not referenced in the DTA-SP shall be constructed, as directed by the City Engineer.
65. **Drainage:** Each lot or parcel shall drain into a street or public drain to the approval of the City Engineer in such a manner that there will be no undrained depressions. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
66. **Joint Trenching:** The Applicant shall provide joint trenching for telephone, gas, electric, and cable.
67. **Consistency:** All improvements, public and private, shall be designed and constructed in accordance with the DTA-SP and the City Standard Details and Specifications of the City of King and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
68. **Flood Control:** The Applicant shall ensure finished pad elevations are at a minimum one (1') foot above the one-hundred (100) year base flood elevation as shown on the latest Federal Emergency Management Agency ("**FEMA**") floodplain maps for Monterey County, California. The Applicant shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development. [Letter of Map Amendment Revision ("**LOMAR**")] and for obtaining a Floodplain Permit from the City of King Floodplain Administrator for all projects on parcels identified in Zone 'A' on the FEMA Flood Insurance Rate Maps for the City of King. Application for LOMAR shall be prepared and submitted by the Applicant, **prior to grading permit issuance or final map approval, whichever occurs first.**
69. **Right-of-Way Dedications:** All street right-of-way shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be consistent with the approved Downtown Addition Vesting Tentative Map.
70. **Public Infrastructure Improvement Plans:** Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, fiber optics and storm drain, both on- and off-site, shall be in conformance with the adopted DTA-SP and as directed by the City Engineer.
71. **Right-of-Way/Easements:** In conjunction with the recordation of the map (or by separate instrument), the Applicant shall provide all necessary easements for streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation district facilities, fiber optics and other facilities as required by the City or serving utility. Utility easements shall be a minimum of a clear fifteen (15') feet for one utility and a clear twenty (20') feet for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between

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property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

Right of way or easement acquisitions necessary to implement any portion of this map, including public improvements, shall be obtained by the Applicant at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. If required, the Applicant shall notify the City in writing no more than one-hundred and twenty (120) days and no less than sixty (60) days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of one-hundred (100%) percent of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.

72. **Cal. Gov. Code §66436 (a) (3) Compliance:** Prior to approval of the final map, the Applicant shall comply with Government Code Section 66436(a) (3), and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
73. **Development Fees:** The Applicant shall pay all applicable processing fees, permit fees, City development fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit. (Also reference COA No. 50.)
74. **Title Company:** Prior to recordation of the final parcel map, the map shall be submitted to a Title Company for parcel map review and to issue a map Guarantee.
75. **Tax Clearance Letter:** Prior to recordation of the final parcel map, a tax clearance letter will be required from the Monterey County Tax Collector.
76. **Final Map Review:** If the proposed final parcel map is revised from the approved TPM, or if changes to the COA are sought, approval of the revisions shall be in the same manner as for the originally approved TPM.
77. **Infrastructure and Underground Utilities:** Prior to issuance the final parcel map, plans for water lines, sewers and other utilities shall be provided to the City Engineer. Each building is required to connect to the sewer main in the method approved by the City Engineer and plans for water and sewer line connections shall be submitted to and reviewed by the City Engineer. Individual sewer connections for each separate building are required. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards.
78. **Drainage and Erosion Control:** Prior to recordation of the final parcel map, the Applicant shall submit plans to show that there is positive drainage of rainfall runoff to the City right-of-way's and that measures will address the prevention of site erosion and sediment to the satisfaction of the City Engineer. Drainage shall meet standards of the City and the CCRWQCB, including requirement per the Stormwater Management Plan.

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MITIGATION MEASURES

The following mitigation measures ("**MM**") are applicable to the Specific Plan Amendment Case No. 2019-002, Rezoning 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. Unless otherwise revised below, all previously approved Mitigation Measures are still applicable, and attached as **Exhibit "A"**.

The underlined and deleted portions show changes to approved MM.

AESTHETICS:

79. **Mitigation Measure AES-2C:** Exterior lighting shall be unobtrusive, harmonious with the local area, constructed or located so that only the intended area is illuminated and off-site glare is fully controlled, and directed downward to minimize spillover of light. Once a final development plan and lighting plan is established, the applicant shall provide photometric calculations so that the extent of spillover is shown to be minimized to a less than significant level.
80. **Mitigation Measure AES-2D:** Prior to the issuance of any construction permits for the Jayne Street Seasonal Housing Project, an exterior lighting plan shall be reviewed and approved by the applicable airport manager.

CULTURAL RESOURCES

81. **Cultural Resources:** The following cultural resource COA are applicable to all approved applications.

Prior to and during construction of each phase or individual construction activity undertaken as part of the project and to mitigate potential impacts to cultural resources, the following steps shall be taken:

Prior to excavation and construction on the project site, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying historic or prehistoric cultural resources or removing artifacts such as, but not limited to, prehistoric ground stone, projectile points, shell middens, or debitage, human remains, historic materials such as, but not limited to, bottles or cans and other cultural materials from the project site.

Responsibility: Project Applicant, Prime Construction Contractor, Subcontractors

Timing: Prior to Excavation and Construction

Funding: Project Applicant

Prior to any demolition, excavation, or construction, the Applicant shall identify a qualified archaeologist to be on call if any cultural resources are identified, or if required by the City when project excavation of four (4') feet or great is needed. The City shall approve the selected archaeologist **prior to issuance of the any permit that includes soil disturbance.** When excavation of greater than four (4') feet is anticipated, a Tribal Monitor may be required.

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Responsibility: Project Applicant, City
Timing: Prior to Any Demolition, Excavation or Construction.
Funding: Project Applicant

Prior to soil disturbing activities to search for surface evidence of historic or prehistoric cultural resources, a project survey has not been conducted as part of the project application process, the archaeologist shall conduct a pedestrian survey of the project site. The archaeologist shall be authorized to perform spot check monitoring of subsurface construction for potential cultural resources, and analyze and evaluate artifacts or resources that may be uncovered. The qualified archaeologist shall also have the authority to temporarily halt excavation and construction activities in the immediate vicinity (within a 50-meter radius, or approximately 164-feet) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

Responsibility: Project Archaeologist, City
Timing: Prior to Soil Disturbing Activities to Search for Surface Evidence of Historic or Prehistoric Cultural Resources.
Funding: Project Applicant

In the event of a find, reasonable time shall be allowed for the qualified archaeologist to conduct additional subsurface testing, analysis, and reporting, if warranted. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find (within a 50-meter radius, or approximately 164-feet, or within a larger area as determined by the qualified archaeologist). However, activities may continue in other areas of the project site if so, determined by the qualified archaeologist.

If any find is determined to be significant by the qualified archaeologist, representatives of the project developer or construction contractor and the City, and the qualified archaeologist, shall meet to determine the appropriate course of action.

Responsibility: Project Archaeologist, Project Applicant, Construction Contractor, City
Timing: Prior to Any Work within a 50-meter Radius, or Approximately 164-feet, of the Find
Funding: Project Applicant

All cultural materials recovered as part of the testing or monitoring program shall be subject to scientific analysis, professional museum curation, and reporting prepared according to current professional standards. A copy of the report and analysis shall be provided to the California Historical Resources Information System Northwest Information Center for recordation.

Responsibility: Project Archaeologist, City
Timing: After Report and Analyses is Completed
Funding: Project Applicant

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In accordance with *State CEQA Guidelines*, Section 15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the project site during development, the following steps shall be taken:

There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the Monterey County coroner is contacted to determine that no investigation of the cause of death is required. Possible indications of burials could include a layer of shells placed over the burial.

If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission ("**Commission**") within twenty-four (24) hours. The Commission shall identify the person or persons it believes to be the most likely descendent ("**MLD**") from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98.

Responsibility: Project Contract, Project Applicant, City
Timing: In Event of Discovery or Recognition of any Human Remains
Funding: Project Applicant

The Applicant or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if the:

- a) Commission is unable to identify an MLD or the MLD failed to make a recommendation within forty-eight (48) hours after being notified by the Commission;
- b) Descendent identified fails to make a recommendation; or
- c) Landowner or their authorized representative rejects the recommendation of the descendent, and the mediation by the Commission fails to provide measures acceptable to the landowner.

Responsibility: Project Applicant, NAHC, MLD, City
Timing: After Discovery of Human Remains
Funding: Project Applicant

HYDROLOGY AND WATER QUALITY

82. **Mitigation Measure HYDRO-4A:** ~~Additional~~ Hydrologic modeling of the Bitterwater/Chestnut Workforce Housing Project site's planned land uses shall be performed to estimate peak storm water runoff and to develop ~~engineering-level design of the on-site biofiltration swales and~~ other water quality improvement facilities. The hydrologic modeling shall be completed using the U.S. Army Corps of Engineers HEC-HMS computer program in conjunction with the Soil Conservation Service ("**SCS**") Curve Number method or equivalent, as directed by the City's Public Works Department. The results of the modeling and storm

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water facility design shall be submitted for review and subject to approval by the City Engineer **prior to the issuance of a grading permit** approval of the first Final Map to assure the project does not impact existing storm water capacity on and off site.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of a Grading Permit
Funding: Project Applicant

83. **Mitigation Measure HYDRO-4C:** All new ~~public~~ storm water facilities shall be detailed in the Bitterwater/Chestnut Workforce Housing Project's project's Improvement Plans and shall conform to City of King adopted Standard Design Details to the satisfaction of the City Engineer **prior to issuance of a grading permit** approval of the first Final Map.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of a Grading Permit
Funding: Project Applicant

84. **Mitigation Measure HYDRO-4D:** Storm water runoff shall be routed through vegetated areas for natural filtration prior to release from the project site to the maximum extent possible, and to the satisfaction of the City Engineer **prior to issuance of a grading permit** approval of the first Final Map.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of a Grading Permit
Funding: Project Applicant

85. **Mitigation Measure HYDRO-4E:** The storm water drainage system shall include components (such as bio-swales, intermediate sedimentation basins, and oil separators/grease traps in the parking lot drainage collection systems) for removing sediment as well as oil and grease before the water is discharged into the detention basins or storm drain line. The project developer(s) ~~and/or the Landscape and Lighting District~~ shall develop and implement programs for monitoring and regular maintenance of the biofiltration swales, water quality basin, and oil and grease traps to the satisfaction of the City Engineer. The project developer(s) ~~and/or the Landscape and Lighting District~~ shall provide information on the maintenance of these components to the City Engineer, Building Department and to property owners upon initial sale of the property.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

86. **Mitigation Measure HYDRO-4F:** Storm water collection and conveyance systems shall be designed to minimize erosion and other potential problems for on-site and adjacent properties, including the outfall of the existing 24-inch storm drain to San Lorenzo Creek, to the satisfaction of the City Engineer.

Responsibility: Project Applicant, City

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Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

87. **Mitigation Measure HYDRO-4G:** The project developer(s) ~~and/or the Landscape and Lighting District~~ shall include storm drain system signs and stenciling at all pavement storm drain inlets with language to discourage illegal dumping of unwanted materials.
- The project developer(s) ~~and/or the Landscape and Lighting District~~ shall provide all ~~residents property purchasers~~ with information stating a prohibition on the dumping of waste (soil waste, liquid, and yard waste) into storm drain systems, open space areas, and creeks; and
 - The Bitterwater/Chestnut Workforce Housing project shall include provisions for street, parking lot, land storm drain maintenance activities to control the movement of pollutants and removal of them from the pavement through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped materials from the project site. Some of these provisions may be addressed through the covenants, conditions and restrictions (CC&Rs), if authorized to be included in the CC&Rs by the City Engineer and Community Development Director.
 - The above provisions and other applicable City Specific Plan requirements related to storm water shall be incorporated as conditions of approval ~~on the Vesting Tentative Map.~~

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

88. **Mitigation Measure HYDRO-4H:** In accordance with the local and state provisions, ~~in the Specific Plan~~ the project developer(s) shall design the proposed on-site drainage systems using Low Impact Development (~~Start at the Source~~) design methods.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

89. **Mitigation Measure HYDRO-4I:** Areas of impervious surfaces in the residential areas shall be designed to minimize runoff.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

90. **Mitigation Measure HYDRO-4K:** The project developer(s) shall use porous block payment systems in low traffic areas to increase on-site groundwater recharge; such areas shall be identified with the consultation of the City Engineer. The materials, methods, and locations shall be subject to the review and approval of the City Engineer.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy

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Funding: Project Applicant

91. **Mitigation Measure HYDRO-4L:** ~~In accordance with the provisions in the Specific Plan, the~~ The project developer(s) and the Landscape and Lighting District and all subsequent developers and/or land use applicants shall use native plants and drought-tolerant landscaping wherever possible. The developers and/or land use applicants shall also install efficient irrigation systems, such as drip irrigation and automatic irrigation systems to minimize excess runoff. The requirements for efficient irrigation systems shall be constructed made part of the Specific Plan provisions, project conditions of approval, or covenants, conditions and restrictions (CC&Rs), to the satisfaction of the City Engineer and the Community Development Director, prior to issuance of a grading permit approval of the first Final Map.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

92. **Mitigation Measure HYDRO-4M:** Information and instructions regarding water quality, BMPs, and pollution prevention shall be provided to the residents of the development-new owners of residential and commercial structures at close of escrow. ~~Such information and instructional material shall initially be prepared by the project developer(s) and/or the Landscape and Lighting District and shall be reviewed and approved by the City Engineer prior to issuance of a certificate of occupancy for the first project phase for residential uses and the first project phase of commercial uses.~~

Responsibility: Project Applicant, City
Timing: Ongoing
Funding: Project Applicant

93. **Mitigation Measure HYDRO-4N:** The project conditions of approval shall include requirements for residents ~~and commercial users~~ to implement the following measures within any common landscaping and open spaces areas:

- Material Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using safer alternative products; and
- Material Exposure Controls, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors.

Responsibility: Project Applicant, City
Timing: Ongoing
Funding: Project Applicant

MITIGATION MEASURES (Jayne Street Area Only)

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94. **Mitigation Measure HYDRO-1E: Prior to issuance of a development permit**, the project developer will be required to prepare and provide development plans (inclusive of, but not limited to, a site plan, erosion control and drainage plan, and a landscape plan) for the City Engineer and Building Department review and approval.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

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Exhibits to COA/MM (all Exhibits attached to the 2-4-20 staff report).

Exhibit A – 2011/2014 Conditions of Approval / Mitigation Measures

Exhibit B – CUP Site Plan / Elevations

Exhibit C – Architectural Site Plan/Detail Sheets

Exhibit D – Tentative Parcel Maps

Exhibit E – Final S-EIR (SC No. 2006041150)

Exhibit F – Summary of DTA-SP Amendments

Exhibit G – Amended DTA-SP

Exhibit H – Zoning Amendment Map

Exhibit I – Tentative Parcel Map

Exhibit J – CUP Site Plans / Elevations



Smith-Hobson, LLC

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Ventura, California 93002-2250
Phone 805/648-3363 • Fax 805/648-4603

February 3, 2020

Mr. Steven Adams, City Manager
Ms. Doreen Liberto, Community Development Director
City of King
212 S. Vanderhurst Ave.
King City, CA 93930

RE: Planning Commission Item 8B – February 4, 2020
Downtown Addition Specific Plan Amendment

Dear Steve and Doreen,

On behalf of Smith-Monterey KC, LLC, we are in full support of the proposed Downtown Addition Specific Plan amendment and the Rava Employee Housing Project. This is an important first step toward realizing the city's vision for the Downtown Addition and we have followed this project closely. Jerry Rava and his team have kept us informed at each step of the process.

We appreciate your efforts as well not only on this project but also on the rail plan that is so vital to this part of the city.

Please do not hesitate to contact us with questions or if you need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "David S. Armstrong". The signature is stylized and includes a long horizontal stroke at the end.

David S. Armstrong, CEO

C: Jeffrey P. Smith
Gregory H. Smith
Claude Hoover
John Bauke

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, 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, 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 and February 18, 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, 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; 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, Zoning Amendment, Conditional Use Permit, Architectural Review and Tentative Parcel Map ("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 Regional Housing Needs Plan ("RHNP") 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 MMTTC. 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. Additional Conditional Use Permit 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 below for approval of the Conditional Use Permit, for reasons including as follows:
- a. The Project is consistent with the goals, policies and objectives of the City of King General Plan because the project proposes an affordable housing option for employees working in and around King City.
 - b. The Project is consistent with Housing Element, including the following Policies:
 - i. Policy 1.1: "Encourage the development of a range of housing types and prices to facilitate housing production commensurate with the city's regional share and address the city's job-based housing demand."
 - ii. Policy 1.6: "Encourage the construction of housing on underutilized lots to assist in revitalizing the historic downtown and older neighborhoods."
 - iii. Policy 3.1: "The City shall encourage the development of housing for farmworkers, seniors, congregate care facilities, and similar special housing needs population."
 - c. The Zoning Amendment is consistent with the DTA-SP as amended and the design

standards in it.

- d. The design location, operating characteristics and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetics, value, character, scale and view protection. The proposed structures are compatible in size, style and scale of the DTA-SP.
 - e. The design is functional, allowing for ease and safety of pedestrian and bicycle traffic, and provides for architectural elements that support the building's necessary operation (e.g., parking lot close to apartment units).
8. Additional Architectural Review 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 below for approval of the Architectural Review, for reasons including as follows:
- a. The design is consistent with the DTA-SP because it proposes high quality structures and a site plan consistent with "Courtyard Housing" standards, as amended, in a zone that supports high density residential uses.
 - b. The Project has a uniformed and coherent design that creates an internal sense of order and desirable environment for the occupants, visitors and general community.
 - c. The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques with incorporation of textures, colors and other details that are compatible with the DTA-SP.
 - d. The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes regional drought-resistant plant materials capable of providing desirable habitat and that can be appropriately maintained consistent with Municipal Code Chapter 15.50, subject to the COA/MM.
 - e. The Project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation and site planning.
9. Additional Tentative Parcel Map 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 below for approval of the Tentative Parcel Map ("TPM"), that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any adopted Specific Plan of the City, for reasons including as follows:
- a. The TPM is in conformity with the provisions of the Subdivision Map Act ("SMA") and Municipal Code Chapter 16.36, as to design, public improvements, drainage, utilities, and road improvements because the Project will make all necessary improvements to provide for the health, safety and welfare of the community. This includes improvements to Chestnut Avenue, Bitterwater Road, and installation of needed drainage improvements.

- b. The TPM is consistent with the goals, policies and objectives of the General Plan as noted above, and including because the Housing Element includes a goal to promote affordable housing for agricultural workers and employees.
 - c. The design and improvement of the TPM provides for the needed street alignment, grades and widths, drainage and sanitary facilities and utilities, including the required easements, fire roads, fire breaks and other specific physical requirements required by the General Plan.
 - d. The design and layout is consistent with the design standards established in the DTA-SP. City departments have reviewed the TPM and their COA are attached to the TPM.
 - e. The Project site is physically suitable for this type and density of development. The property is not in a flood zone or earthquake fault zone and is relatively flat. Project construction would involve minimal site grading and alteration of existing topography.
 - f. The design of the TPM will not cause substantial environmental damage and avoidable injury to fish and/or wildlife or their habitat because a S-EIR has been prepared which has determined that subject to certain mitigation measures, there will be no significant adverse impacts to the environment.
 - g. The design of the TPM and related improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the Project area. The TPM provides for easements, as shown on the tentative map and addressed in the COA.
 - h. The proposed project is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare.
10. 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 herefo; ii) adopt an ordinance approving Zoning Amendment Case No. 2019-002 as set forth in Exhibit B; iii) approve Conditional Use Permit Case No. 190-254 and Architectural Review Case No. 2019-004 as set forth in Exhibit C; and iv) approve Tentative Parcel Map Case No. 2019-002 as set forth in Exhibit D. 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 Commission's intent and direction.
11. Effective Date. This Resolution shall become effective immediately.

This resolution was passed and adopted this 18th day of February 2020, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE, DEPUTY CITY CLERK for
MARICRUZ AGUILAR-NAVARRO,
ASSISTANT PLANNER / PLANNING COMMISSION SECRETARY

- Exhibit A: DTA-SP Amendment Case No. 2019-002
- Exhibit B: Zoning Amendment Case No. 2019-002
- Exhibit C: Conditional Use Permit Case No. 190-254 and Architectural Review Case No. 2019-004
- Exhibit D: Tentative Parcel Map Case No. 2019-002

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

Exhibit B
Zoning Amendment Case No. 2019-002

Exhibit C
Conditional Use Permit Case No. 190-254 and
Architectural Review Case No. 2019-004

Exhibit D
Tentative Parcel Map Case No. 2019-002

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** and **February 18, 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, 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 18th day of February, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE, DEPUTY CITY CLERK for
MARICRUZ AGUILAR-NAVARRO,
ASSISTANT PLANNER / 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.						

March 2020

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						

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				San Lorenzo Creek						
Biologist subject to City approval 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						

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				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/						

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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.						

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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.						

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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(1)(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.						

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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						

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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.						

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contaminated soil		Landscape Architect								
Handling oversized materials	GEO-6F	Applicant/ Construction Contractor/ Contract Engineering Geologist	City of King/ City of King	During site grading.						
Impacts to loose and compressible soil	GEO-6G	Applicant/ Construction Contractor/ Contract Engineering Geologist	City of King/ City of King	During site grading.						
Cut and fill slope design	GEO-6H	Applicant/ Construction Contractor/ Contract Engineering Geologist	City of King/ City of King	During site grading.						
Compaction control requirements	GEO-6I	Applicant/ Construction Contractor/ Contract	City of King/ City of King	During site grading and foundation construction.						

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		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 Engineering 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.						

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		Engineering Geologist								
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										

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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.						

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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						

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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						

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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.						

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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						

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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 aviation 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/ KCJUHSD & 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.						

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TRAFFIC AND CIRCULATION										
Pay traffic impact fees	TRA-1a TRA-1b TRA-2 TRA-7 TRA-8a TRA-8b TRA-8c TRA-9a TRA-9c COA 50 COA 73	Applicant	City of King/ City of King		Payment of fee at time of building permit.					
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)					
Provide bicycle lanes along Project frontage of Bitterwater Road	TRA-4A COA 41	Applicant	City of King/ City of King		Payment of fee at time of building permit.					

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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.						

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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