



Item No. 8 (A)

REPORT TO THE PLANNING COMMISSION

DATE: MARCH 3, 2020

TO: HONORABLE CHAIRPERSON NUCK 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 AMENDMENT AND BITTERWATER ROAD/CHESTNUT AVENUE EMPLOYEE HOUSING PROJECT (JERRY RAVA II, FRESH FOOD INC.)

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 18th hearing); 3) allow the applicant to make a presentation; 4) allow the public to provide comments; and 5) adopt the attached Resolutions.

BACKGROUND

The Planning Commission ("Commission") met on **February 4** and **February 18, 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

The Commission also considered a Supplemental Environmental Impact Report ("S-EIR") 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. At the February 18, 2020 meeting, the Commission opened the public hearing. On February 4th the Commission continued the items to February 18th. At the February 18th hearing, the applicant requested that the items be continued to the March 3, 2020 Commission meeting. No other members of the public spoke during the public comment period. Amended COA are attached (*Reference Exhibit 1*).

The Commission will take the following actions:

1. Recommend the City Council ("Council") certify the Supplemental Environmental Impact Report ("S-EIR") (*Reference Exhibit 2.*)
2. Recommend the City Council approve the Specific Plan Amendment and Rezoning. (*Reference Exhibit 3.*)
3. Approve the Conditional Use Permit, Architectural Review, and Tentative Parcel Map ***subject to the certification of the S-EIR and approval of the Specific Plan Amendment and Rezoning.*** (*Reference Exhibit 4.*)

DISCUSSION

City staff met with the applicant on February 25, 2020. The applicant requested a few changes to the project, which are detailed as follows:

- Change in roof color from a light color to a dark color (see *Exhibit 5*).

Staff Recommendation: The Commission review the proposed change and provide comments.

- Change in appearance to masonry wall along the railroad (see *Exhibit 6*).

Staff Recommendation: The Commission review the proposed change and provide comments.

- **Change to COA #19 – *Runoff to Landscaping Areas Post-Construction Stormwater Management:*** *The site plan shall address all runoff in conformance with current storm water regulations. All runoff shall be directed to approved new landscaping areas Low Impact Development (LID)/Best Management Practices (BMP) and that 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.

Staff Recommendation: Staff supports the amended COA.

- **Change to COA #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.*

Staff Recommendation: Staff supports the amended COA.

- **Change to COA #27 – Solar Glare Hazard Analysis:** *Prior to issuance of a ~~building permit solar 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.*

Staff Recommendation: Staff supports the amended COA.

- **Change to COA #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. Common open space shall be implemented in Phase 1.*

Staff Recommendation: Staff supports the amended COA.

At the **February 4, 2020** meeting, the Commission had no objections to staff's recommendations regarding a number of design questions. Therefore, staff has added or amended the following 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)*

Mitigation Measures

During the February 25th meeting, the applicant requested several changes to the mitigation measures. After the public review period of the environmental document, any changes to mitigation measures require findings that the modifications are not significantly different from the original mitigation measure. Following are findings supporting the minor changes to the mitigation measures. The No. 1 (i.e., (1)) shows the mitigation measure applies to the Rava applications.

- **COA 82 / Mitigation Measure HYDRO-4A (1):** *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 other water quality improvement facilities. The hydrologic modeling shall be*

*completed using the U.S. Army Corps of Engineers HEC-HMS computer program or equivalent, 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 water facility design shall be submitted for review and subject to approval by the City Engineer **prior to the issuance of a grading permit** to assure the project does not impact existing storm water capacity on and off site.*

Finding: The change to the mitigation measure allows for flexibility in the specific computer program used to perform the modeling. This change does not reduce the effectiveness of the mitigation measure and, by broadening the range of software programs that can be used, increases the implementation feasibility of the mitigation measure.

- **COA 84 / Mitigation Measure HYDRO-4D (1):** *Storm water runoff shall be routed through vegetated areas (or other Low Impact Development (LID)/Best Management Practices (BMP) 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**.*

Finding: The change to the mitigation measure allows for flexibility in the selection of specific methods of achieving the end goal of filtering pollutants from storm water runoff. There is a wide range of potential Low Impact Development/Best Management Practices approaches that effectively filter surface water contaminants. This change does not reduce the effectiveness of the mitigation measure, and by opening up the use of a range of equally effective measures, increases the implementation feasibility of the mitigation measure.

- **COA 85 / Mitigation Measure HYDRO-4E (1):** *The storm water drainage system shall include Low Impact Development (LID)/Best Management Practices (BMP) 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~~ from the site. 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~~ LID/BMP facilities to the satisfaction of the City Engineer. The project developer(s) 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.*

Finding: The change to the mitigation measure allows for flexibility in the selection of specific methods of achieving the end goal of filtering pollutants from storm water runoff. There is a wide range of potential Low Impact Development/Best Management Practices approaches that effectively filter surface water contaminants. The change to the mitigation measure also clarifies the point before which such measures are required to be implemented. The original wording could result in confusion, since on-site components, including the filtering components themselves, could be considered part of the “storm drain line.” The changed wording clarifies that the water quality treatment must take place within the site and must be fully implemented prior to discharge of the storm water to off-site drainage basins or storm drain lines. This change does not reduce the effectiveness of the mitigation measure, and by opening up the use of a range of equally effective measures, and clarifying the location at which measures will be implemented, increases the implementation feasibility of the mitigation measure.

- **COA 89 / Mitigation Measure HYDRO-4I (1):** *Areas of impervious surfaces in the residential areas shall be designed to minimize runoff by incorporating the use of Low Impact Development (LID)/Best Management Practices (BMP) into the final design to the satisfaction of the City Engineer.*

Finding: The change to the mitigation measure provides a clarification of how the intention of the mitigation measure is to be achieved. This change does not reduce the effectiveness of the mitigation measure, and may better achieve the intention of the mitigation measure by providing clarity as to the means of achieving that intention.

- **COA 90 / Mitigation Measure HYDRO-4K (1):** *The project developer(s) shall use porous block pavement systems in low traffic areas Low Impact Development (LID)/Best Management Practices (BMP) 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.*

Finding: The change to the mitigation measure allows for flexibility in the selection of specific methods of achieving the end goal of percolating storm water runoff into the soil. There is a wide range of potential Low Impact Development/Best Management Practices approaches that effectively facilitate the infiltration of surface water into the soil. This change does not reduce the effectiveness of the mitigation measure, and by opening up the use of a range of equally effective measures, increases the implementation feasibility of the mitigation measure.

- **COA 91 / Mitigation Measure HYDRO-4L (1):** *The project developer(s) shall use native plants and drought-tolerant landscaping wherever possible. The developers shall also install efficient irrigation systems, such as drip irrigation and automatic irrigation systems to minimize excess runoff. The irrigation systems shall be constructed to the satisfaction of the City Engineer and the Community Development Director, **prior to issuance of a grading permit certificate of occupancy.***

NOTE THE PROPOSED WORDING CHANGE IS **MODIFIED** TO MATCH COA 92.

Finding: The change to the mitigation measure adjusts the timing of the mitigation measure to a time that is more practical. The construction of the irrigation system cannot take place prior to issuance of a grading permit because the site is not in a condition at that point for such final stage improvements to be constructed. This change does not reduce the effectiveness of the mitigation measure, but rather establishes feasible timing for implementation of the mitigation measure.

Additionally, during the February 25th meeting with the applicant, there was a discussion regarding Mitigation Measures Nos. NOI-1A, NOI-1B and NOI-3 related to noise and vibration. Staff and the applicant had an email exchange about this issue on July 16, 2019. The applicant will work with their contractor to meet these requirements.

Since the Commission may approve the CUP, AR and TPM before the Council certifies the S-EIR and approves the Specific Plan Amendment and Rezone, the Planning Commission Resolution specifies that final approval of the CUP, AR and TPM are conditional on the City Council's action(s).

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 include 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. Notice for the **March 3, 2020** meeting was published in the local newspaper on **February 19, 2020**. Public notice was mailed to property owners within three-hundred (300') feet on **February 18, 2020**.

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. The MM that apply specifically to the Bitterwater Road/Chestnut Avenue Project include “(1)” in the title. Additionally, staff is recommending additional COA based on the February 4th Commission hearing. **(Reference COAs No. 14, 15, 21, 30.)**

COST ANALYSIS

The applicant pays for the cost to process the project.

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, Rezone property along Jayne Street and remove it from the DTA-SP, approve a Conditional Use Permit and Architectural Review to allow a 118-unit employee housing project at the property located near Bitterwater Road and Chestnut Avenue, and a Tentative Parcel Map

to merge eighteen (18) lots and create two (2) lots. The City determined that the Project could result in significant adverse environmental impacts. Accordingly, the City directed the applicant to prepare a S-EIR pursuant to the CEQA Guidelines Section 15163. Please refer to the **February 4, 2020** staff report for more information regarding the environmental review.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Recommend the Council certify the S-EIR and approve the SPA and ZC, and approve Tentative Parcel Map Case No. 2019-002, Conditional Use Permit Case No. 190-254, and Architectural Review Case No. 2019-004 subject to the Council's certification of the S-EIR and approval of the SPA and ZC.
2. Recommend the Council certify the S-EIR and approve the SPA and RC with modifications, and/or approve Tentative Parcel Map Case No. 2019-002, Conditional Use Permit Case No. 190-254, and Architectural Review Case No. 2019-004 with specified modifications.
3. Do not recommend the Council certify the S-EIR and approve the SPA and ZC, and deny Tentative Parcel Map Case No. 2019-002, Conditional Use Permit Case No. 190-254, and Architectural Review Case No. 2019-004.
4. Provide other direction to staff.

Exhibits:

- Exhibit 1 – 2020 Amended Conditions of Approval/Mitigation Measures
- Exhibit 2 – Resolution Recommending the City Council Certify the S-EIR and Adopt the Mitigation/Monitoring Plan
- Exhibit 3 – Resolution Recommending the City Council Approve the Specific Plan Amendment and Zoning Amendment.
- Exhibit 4 – Resolution Approving the Conditional Use Permit, Architectural Review and Tentative Parcel Map subject to the City Council Certifying the S-EIR and Approving the Specific Plan Amendment and Zoning Amendment.

**MARCH 3, 2020 (CONTINUED ITEM)
PLANNING COMMISSION
S-EIR, DTA SPA, ZC, CUP, AR, TPM
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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
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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

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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."

**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
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ZONING DISTRICT AMENDMENT (JAYNE STREET)

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. **Post-Construction Stormwater Management:** The site plan shall address all runoff in conformance with current storm water regulations. All runoff shall be directed to approved Low Impact Development (LID)/Best Management Practices (BMP) that 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

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infiltrate through a plant and soil medium that provides for bioremediation of any pollutants in the runoff and upper soil layer.

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. 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 solar 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 shall be implemented in Phase 1.

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 Marshal 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, 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. All previously approved Mitigation Measures are still applicable, and attached as **Exhibit "A"**. The No. 1 (i.e., (1)) shows the mitigation measure was revised and replaced only for the Rava applications.

AESTHETICS:

79. **Mitigation Measure AES-2C (1):** 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 (1):** 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. **Mitigation Measure CR-2C:** 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.**

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When excavation of greater than four (4') feet is anticipated, a Tribal Monitor may be required.

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

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Funding: Project Applicant

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 (1):** 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 other water quality improvement facilities. The hydrologic modeling shall be completed using the U.S. Army Corps of Engineers HEC-HMS computer program or equivalent, in conjunction with the Soil Conservation Service ("**SCS**") Curve Number method or equivalent, as directed by the City's Public Works Department. The results

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of the modeling and storm water facility design shall be submitted for review and subject to approval by the City Engineer **prior to the issuance of a grading permit** 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 (1):** All new storm water facilities shall be detailed in the Bitterwater/Chestnut Workforce Housing 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.**

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

- 84. Mitigation Measure HYDRO-4D (1):** Storm water runoff shall be routed through vegetated areas (or other Low Impact Development (LID)/Best Management Practices (BMP)) 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.**

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

- 85. Mitigation Measure HYDRO-4E (1):** The storm water drainage system shall include Low Impact Development (LID)/Best Management Practices (BMP) 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 from the site. The project developer(s) and/or the Landscape and Lighting District shall develop and implement programs for monitoring and regular maintenance of the LID/BMP facilities to the satisfaction of the City Engineer. The project developer(s) 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 (1):** 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.

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

87. **Mitigation Measure HYDRO-4G (1):** The project developer(s) 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) shall provide all residents 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 requirements related to storm water shall be incorporated as conditions of approval.

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

88. **Mitigation Measure HYDRO-4H (1):** In accordance with the local and state provisions, the project developer(s) shall design the proposed on-site drainage systems using Low Impact Development design methods.

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

89. **Mitigation Measure HYDRO-4I (1):** Areas of impervious surfaces in the residential areas shall be designed to minimize runoff by incorporating the use of Low Impact Development (LID)/Best Management Practices (BMP) into the final design to the satisfaction of the City Engineer.

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

90. **Mitigation Measure HYDRO-4K (1):** The project developer(s) shall use Low Impact Development (LID)/Best Management Practices (BMP) 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.

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

91. **Mitigation Measure HYDRO-4L (1):** The project developer(s) shall use native plants and drought-tolerant landscaping wherever possible. The developers shall also install efficient irrigation systems, such as drip irrigation and automatic irrigation systems to minimize excess runoff. The irrigation systems shall be constructed to the satisfaction of the City Engineer and the Community Development Director, **prior to issuance of a certificate of occupancy.**

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

92. **Mitigation Measure HYDRO-4M (1):** Information and instructions regarding water quality, BMPs, and pollution prevention shall be provided to the residents of the development. Such information and instructional material shall initially be prepared by the project developer(s) and shall be reviewed and approved by the City Engineer **prior to issuance of a certificate of occupancy.**

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

93. **Mitigation Measure HYDRO-4N (1):** The project conditions of approval shall include requirements for residents 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)

94. **Mitigation Measure HYDRO-1E (1):** Prior to issuance of a development permit, the project

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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