

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, JUNE 2, 2020

6:00 P.M.

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

+1 619-327-9987 (toll)  
Conference ID: 409 529 12#

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 May 19, 2020 Planning Commission Meeting  
Recommendation: Approve and file.

7. NON-PUBLIC HEARINGS

None

8. PUBLIC HEARINGS

A. Project: Continue the use of a 32,000 square foot vehicle storage area at 1011 Broadway Street, King City CA. 93930

Applicant: Joan Miller, Property Owner with representative Larry Hayes on behalf of Pete's Towing.

Location: 1011 Broadway Street, King City, CA 93930

Consideration: CUP Case No. for continued use of a Vehicle Storage Yard.

Recommendations: Staff recommends the Planning Commission approve Conditional Use Permit ("CUP") Case No. CUP-200-115 to continue the use.

Environmental  
Determination:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301 as this project involves no change of operation of existing structures and no expansions to existing facilities. The proposed use is similar in character to the existing use.

B. Project: King City Municipal Code Amendments

Applicant: City of King

Location: Citywide. Applies to all zones and land uses in the City.

Consideration: An Ordinance Amending the Municipal Code Regarding Signs, Bundling Applications and Time Expiration of Conditional Use Permits

Recommendations: The Planning Commission adopt Resolution No.2020-281 recommending changes to the Municipal Code related to signs, bundling of applications, and time expiration of conditional use permits and variances.

Environmental  
Determination:

An environmental determination the Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by allowing certain existing signs to be amortized over a longer period of time, bundling of permits, and changing the approval period of conditional use permits and variances, and other minor changes to the Municipal Code, pursuant to CEQA Guidelines sections 15307 and 15308.

## **9. PLANNING COMMISSIONER REPORTS**

### **10. DIRECTOR'S REPORT – A. MMTTC Update**

## **11. WRITTEN CORRESPONDENCE**

## **12. ADJOURN**

## UPCOMING REGULAR MEETINGS

### **JUNE 2020**

June 2nd	6:00 p.m.	Planning Commission
June 8th	6:00 p.m.	Airport Advisory Committee
June 9th	6:00 p.m.	City Council
June 15th	6:00 p.m.	Recreation Commission
June 16th	6:00 p.m.	Planning Commission
June 23rd	6:00 p.m.	City Council

### **JULY 2020**

July 7th	6:00 p.m.	Planning Commission
July 13th	6:00 p.m.	Airport Advisory Committee
July 14th	6:00 p.m.	City Council
July 20th	6:00 p.m.	Recreation Commission
July 21 <sup>st</sup>	6:00 p.m.	Planning Commission
July 28th	6:00 p.m.	City Council

**ADT:** Average daily trips made by vehicles or persons in a 24-hour period

**ALUC:** Airport Land Use Commission

**AMBAG:** The Association of Monterey Bay Area Governments. The AMBAG region includes Monterey, San Benito and Santa Cruz Counties, and serves as both a federally designated Metropolitan Planning Organization and Council of Government. AMBAG manages the region's transportation demand model and prepares regional housing, population and employment forecast that are utilized in a variety of regional plans.

**APCD:** Air Pollution Control District

**AR:** Architectural Review

**BMP:** Best Management Practice, Bike Master Plan

**CAP:** Climate Action Plan

**CC&Rs:** Covenants, Conditions, and Restrictions (private agreements among property owners; the City has no authority to enforce these)

**CDBG:** Community Development Block Grant (a federal grant program designed to benefit low and moderate income persons)

**CEQA:** California Environmental Quality Act

**CFD:** Community Facilities District

**COG:** A council of government, or regional council, is a public organization encompassing a multi-jurisdictional regional community. It serves the local governments by dealing with issues that cross political boundaries.

**CUP:** Conditional Use Permit

**EIR:** Environmental Impact Report

**EIS:** Environmental Impact Statement

**Ex-Parte:** Communication between Planning Commissioners and applicants outside of a public meeting

**FEMA:** Federal Emergency Management Agency

**GHG:** Greenhouse gas

**HOME:** Home Investment Partnership Act (a federal program to assist housing for low and moderate income households)

**HCP:** Habitat Conservation Plan

**HCD:** State Department of Housing & Community Development

**HUD:** U.S. Department of Housing and Urban Development

**LAFCO:** Local Agency Formation Commission

**LID:** Low Impact Development (measures to reduce rainwater runoff impacts)

**LLA:** Landscaping and Lighting District

**LOS:** Level of Service (a measurement of traffic efficiency used by Caltrans)

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

**MMTC:** 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

May 19, 2020

### 1. Call to Order

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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

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

### 3. Roll Call

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Chairperson David Nuck  X  Oscar Avalos  X  (video conference)

David Mendez  X  Brett Saunders  X  (video conference) Domingo Uribe  X  (by Phone)

**Staff present:** Community Development Director, Doreen Liberto; Asst. Planner, Maricruz Aguilar (video conference); Principal Planner Scott Bruce (video conference); Executive Admin. Asst./Deputy City Clerk/ Planning Secretary, Erica Sonne.

### 4. Public Comments

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None

### 5. Presentations

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None

### 6. Consent Calendar

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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: March 03, 2020

**Action:** Motion made by Commissioner Saunders to approve minutes of March 03, 2020. Seconded by Commissioner Avalos. Motion carried 5-0.

### 7. NON- PUBLIC HEARINGS –

None

### 8. PUBLIC HEARINGS

A. Project:	Cell Tower
Applicant:	Complete Wireless Consulting
Location:	720 Broadway Street, King City, CA 93930
Consideration:	CUP Case No. CUP-200-101 to Allow Installation of a Seventy-seven (77') Foot Telecommunications Tower, Removal and Relocation of Existing Stadium Lights to the New Steel Telecommunications Tower at 720 Broadway Street (APN: 026-061-004-000), King City, CA. 93930 (King City High School).

**Recommendations:** Staff recommends the Planning Commission approve Conditional Use Permit ("CUP") Case No. CUP-200-101 for the installation of

the 77' monopole telecommunications at 720 Broadway Street, King City, CA. 93930, subject to the conditions of approval.

Environmental  
Determination:

The project is categorically exempt, pursuant to §15301 of the California Environmental Quality Act (“CEQA”) Guidelines: Class 3 New Small Facilities.

Community Development Doreen Liberto introduced Asst. Planner Aguilar

Asst. Planner Maricruz Aguilar introduced this item with a PowerPoint.

Chair Nuck opened the continued public hearing, hearing no one come forward with comments, Chair Nuck closed the public hearing.

Motion by Commissioner Uribe to approve Resolution 2020-279 approving Conditional Use Permit (“CUP”) Case No. CUP-200-101 for the installation of the 77' monopole telecommunications at 720 Broadway Street, King City, CA. 93930, subject to the conditions of approval. Commissioner Saunders seconded. Motion carried 5-0.

Commissioner Saunders recused himself from the items below and left the meeting (virtually)

- B. Project: Canna City Kings: Site and Floor Plan Revisions, Cultivation (CA Type 3B) CUP 2016 – 012(b)19 (Amendment)
- Applicant: Jeff Vandervort, Sam Cope
- Location: 135 East San Antonio, King City, CA 93930
- Consideration: Amendment to a previously approved Conditional Use Permit (CUP) to allow revision to the site plan and Type 3B Cultivation (Mixed light).
- Recommendations: Staff recommends the Planning Commission approve Conditional Use Permit CUP 2016-012(b)19, including Resolution 2020- 278 with a Finding of Consistency with the previous Mitigated Negative Declaration

Environmental  
Determination:

King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan.

In May of 2017, King City conducted an initial study of the project and in June 2017 determined the project to be fully within the scope of the prior analysis by the MND. The Planning Commission adopted a Finding of Consistency per CEQA Guidelines Section 15162.

In April of 2020 King City conducted an initial study and found the revised project to be within the scope of the previous analysis. Staff is recommending that the Planning Commission adopt a Finding of Consistency per CEQA Guidelines Section 15162.

Principal Planner Scott Bruce introduced this item with a PowerPoint.

Chair Nuck opened the continued public hearing, hearing no one come forward with comment, Chair Nuck closed the public hearing.

Motion by Commissioner Avalos to approve Conditional Use Permit CUP 2016-012(b)19, by approving Resolution 2020- 278 with a Finding of Consistency with the previous Mitigated Negative Declaration. Commissioner Uribe seconded. Motion carried 4-0.

Commissioner Saunders returned virtually to the meeting.

**9. Regular Business- None**

**10. Planning Commission Report – None**

**11. Director Reports-**

- A. SB 743 – State law applies to environmental documents. Vehicle miles traveled will be how this is measured. Have to have a threshold of what is acceptable and if you exceed that then you need to mitigate that. Collaborating with south county Cities and TAMC on this. We will be applying for a REAP grant as well.
- B. LEAP Grant- this grant would be to help update the Housing Element and addressing greenhouse gases.
- C. Land Use Element Update- a survey was sent out and we received 400 responses, the results will be brought to Planning Commission next month and then be presented to the City Council.

Kick off meeting going forward this week with Railpros for the Multi-modal station temporary platform.

**12. Written Correspondence– None**

**13. Adjournment**

There being no further business, the Planning Commission meeting was adjourned by Chair Nuck at 6:41p.m.

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David Nuck  
Planning Commission Chairperson  
City of King

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Erica Sonne  
Planning Commission Secretary  
City of King



Item No. 8(A)

**REPORT TO THE PLANNING COMMISSION**

**DATE:** JUNE 2, 2020

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

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

**BY:** MARICRUZ AGUILAR, ASSISTANT PLANNER

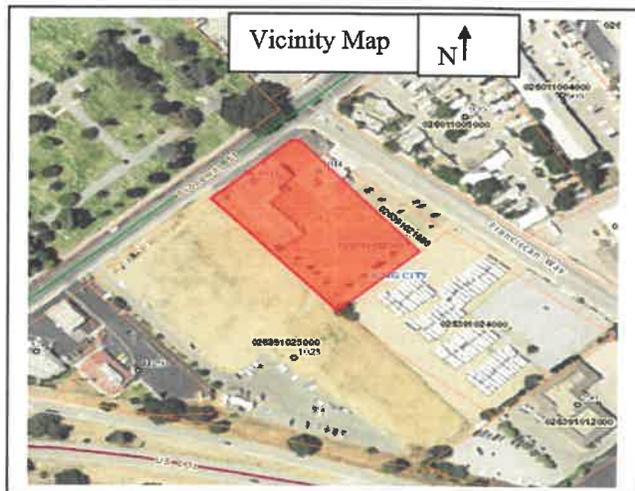
**RE:** CONSIDERATION OF CONDITIONAL USE PERMIT CASE NO. FOR CONTINUED USE OF A VEHICLE STORAGE YARD AT 1011 BROADWAY STREET, KING CITY, CA 93930

**RECOMMENDATION:**

It is recommended Planning Commission approve Conditional Use Permit Case No.CUP-200-115 to continue the use of a 32,000 square foot vehicle storage area at 1011 Broadway Street, King City, CA 93930 for another year, subject to the conditions of approval.

**BACKGROUND:**

The original Conditional Use Permit Case No. CUP2016-006 was approved by Planning Commission on **October 18, 2016**. CUP2016-006 was approved for Always Towing's fenced vehicle storage area for a period of two (2) years. The CUP was conditioned to return for a two (2) year extension and waiver of renewal fees. On **June 19, 2018**, Planning Commission approved CUP Case No. CUP2018-003 to extend the use of the vehicle storage for another two (2) year period. On **April 27, 2020**, Joan Miller, Property Owner and representative Larry Hayes submitted a new CUP application to extend the use of the vehicle storage area for another two (2) years.



The subject property is located at 1011 Broadway Street and abuts a parcel (1023 Broadway Street) which was owned by the former Community Development Agency of the City of King (now Successor Agency). This area is a gateway to the City and potential site for retail development. As a result, the City has been marketing this area for retail development uses. The temporary CUP approval due to potential sale of 1023 Broadway Street. Recently, the City property has been going through escrow for development of a motel and restaurant uses.

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On **May 12, 2020**, the Project Review Committee (PRC) met and discussed the requested extension of time for the use and the City's long-term vision for the area. PRC recommends Planning Commission consider extending the use of the vehicle storage area for one (1) year as reflected on Condition of Approval No. 2 of the last extension request Case No. CUP 2018-003 which states "**Approval Period:** *The approval period for the CUP shall be in accordance with the approved drawings and sketches and shall be valid for two (2) years. The applicant may re-apply for a CUP, prior to the expiration date and request another year.*"

With approval of another year extension this would give a total of five (5) years to this temporary approval. PRC's consensus is that it is turning into a permanent use. A CUP for a permanent use is required to go through a more detailed development review process along with additional conditions of approval (COA), which may require site improvements. **Table 1** below outlines the past approvals and the current request including PRC's recommendation.

Table 1	
Planning Commission of October 18, 2016	Original temporary approval for two (2) years
Planning Commission of June 19, 2018	Two (2) year extension of temporary use
Planning Commission of June 2, 2020	<p><b>Applicant Request:</b> Applicant proposes two (2) year extension.</p> <p><b>Project Review Committee (PRC) recommendation:</b> One (1) year extension to this temporary approval. Permanent use would require a new conditional use permit subject to site improvements.</p>

**ZONING DESIGNATION:**

Highway Service (H-S)

**GENERAL PLAN LAND USE**

**DESIGNATION:**

Highway Service Commercial (HSC)

**DISCUSSION:**

The property 1011 Broadway Street is located within the Highway Service ("**H-S**") Zoning District and within the Highway Service Commercial ("**HSC**") General Plan Land Use Designation. The area is fenced with a chain link fence and screened with a dark green mesh. The area is for a maximum of thirty (30) vehicles for storage and used by Pete's Towing is the current business that operates their office on 1011 Broadway Street, King City.

The Project Description from the original CUP Case No. 2016-006 indicates and applies to CUP2018-003 and CUP-200-115:

- The proposed use would take up approximately .8 acres of the 1.8 acre site.
- The fenced area would be screened.

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- No additional signage is proposed.
- Vehicles would be limited to cars and pick-up trucks.
- Office hours 8 – 5 Monday to Friday with 24-hour towing.
- Employees will include one (1) office person and six (6) tow truck operators.
- The existing surface of the existing Parking Lot is DG and gravel.
- Approximately 10,000.
- Fence screening is Boen “Value Veil” PN 30058 or similar material as available.
- Per the original CUP2016-006 the applicant agreed to provide an additional layer of gravel (2” – 3” prior to commencing operations). The trailer lot to the south is “paved” similarly.

Per staff’s observation from a site visit on May 12, 2020, the site appears to be in compliance with the COA of the original CUP2016-006. Below are photographs taken by staff during a site visit to review the current conditions of the vehicle storage area.

Current Conditions (Figures 1 - 2)



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Surrounding Uses

**Table 1** provides an overview of the adjacent zoning and land use.

<b>Table 1 Adjacent Zoning/Land Use</b>			
<b>North:</b>	R-1/OS	<b>East:</b>	H-S/MDR/MHP
<b>West:</b>	H-S/HSC	<b>South:</b>	H-S/HSC

General Plan/Policies and Requirements:

**Table 2** provides the land use designations for the project.

<b>Table 2 General Plan Designations</b>	
General Plan Land Use Designation:	Highway Service Commercial (HSC)
Specific Plan Area:	N/A
	Note: The property is within the West Broadway Master Plan (advisory document)

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Environmental Determination

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 1 Section 15301 as it relates only to continuing the operations of existing facilities with no expansion to the existing uses. Furthermore, Staff has determined that none of the exemptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Project Review Committee Comments and Review & Review by Other Agencies

The PRC has reviewed and provided comments incorporated through the staff report. The City is a neighboring property owner and based on the future development of that property and its viability for future economic growth in the City, the Project Review Committee (PRC) is recommending that the temporary approval of vehicle storage yard be conditioned for a one (1) year approval. (**Reference COA No. 2.**) Extending the use to a permanent use would require a new Conditional Use Permit and may be subject to site improvements.

Public Notification and Input

A public hearing notice was published on May 20, 2020 in the South County Newspaper *The Rustler*. Notices were mailed to the property owners within three hundred feet of the property. As of writing of this report no public written comments have been received.

**COST ANALYSIS:**

The processing of this Conditional Use Permit fees were waived per the original conditional use permit Condition of Approval No. 3, which states: Fees shall be waived on future CUP request for extensions.

**ALTERNATIVES:**

The following alternatives are provided for Planning Commission consideration:

1. Approve CUP-200-115 to extend the use for the vehicle storage area for one (1) year extension and require the Applicant to re-apply for a CUP on any future extensions.
2. Deny CUP-200-115 and return with findings for denial.
3. Modify CUP-200-115.
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 - Findings of Fact
2. Exhibit 2 – Resolution No.
3. Exhibit 3 – Conditions of Approval
4. Exhibit 4 – Application for Extension Request

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Submitted by: *Euca L. Soriano for*  
Maricruz Aguilar, Assistant Planner

Approved by: *Euca L. Soriano for*  
Doreen Liberto, AICP, MDR, ACR, Community Development Director

EXHIBIT 1

Case No. CUP-200-115  
Findings of Facts

The purpose for making Findings of Facts to *"bridge the analytical gap between the raw evidence and ultimate decision"*. The Municipal Code gives the Planning Commission ("**Commission**") the authority to approve a project so long as the Commission can make certain findings. Written "findings of fact" are required in order to support the decision of the hearing body to approve or deny a project.

**California Environmental Quality Act (CEQA) Findings of Fact**

The project qualifies for a Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities. The proposed is an extension of use of the original Conditional Use Permit approved by Planning Commission on October 18, 2016 and an extension on June 19, 2018 and proposes no expansion to the existing use.

**Conditional Use Permit Findings**

- 1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan and West Broadway Master Plan.**

***Analysis:** The project is a temporary use. The existing building that Pete's Towing occupies was previously used for Always Towing and previously to that a Lube-N-Go vehicle service operation. The site is partially developed and has a vacant area that is being used for the temporary storage of vehicles for Always Towing. The City's General Plan Land Use Element Policy 3.2.1 provides flexibility in interpretation of allowable uses in order to encourage good retailing design and effective utilization of commercial property. Considering that at the time of this permit review there are no proposed development along the adjacent commercial properties. However, in the event of future development the City's General Plan Land Use Element Policy 3.1.1 the City shall promote available land to accommodate a mix of retailing, tourist related commercial and service uses, wholesaling, dining and entertainment, professional and business services, shopping centers, and mixed uses (commercial and residential) consistent with the economic goals of the City.*

- 2. The Conditional Use Permit, as approved, conforms with the Zoning Ordinance and all other provisions of the City of King Municipal Code applicable to the project.**

***Analysis:** The purpose of Highway Service ("**H-S**") Zoning District is to provide a district for vehicular oriented uses with sufficient architectural and landscaping controls to protect the amenities of the areas. The proposed use is a temporary use.*

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- 3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies regarding economic development and other policies.**

*Analysis: The City has seen a shift of land uses with the recent code changes to the East Ranch Business Park Specific Plan area and Industrially zoned area. The City is allowing for flexibility in interpretation of allowable uses within the H-S District to accommodate uses that have been displaced. The use of a vehicle storage yard in the H-S Zoning District is being conditioned with a limited approval period in the event that new commercial retailing develops.*

- 4. The Project will not adversely affect the health and safety of the community of the community.**

*Analysis: The project involves only a temporary approval for vehicle storage. No proposed long-term storage is part of this approval. The vehicles will have a maximum period of forty-five (45) days and then be relocated to a wreckage yard located outside of the city.*

- 5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

*Analysis: The site was previously used for the operations of a vehicle service oil change shop (Lube-N-Go). The site consists of mixed commercial (bakery, church, retail sales and the towing company). The site will continue with the maintenance of the fence during the duration of this temporary CUP approval.*

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

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

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

*Analysis: Access to the subject site is provided via Broadway Street and Franciscan Way. Access to the project site from this roadway has been reviewed by the City Engineer and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to*

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*pedestrian walkways on the property. The parking is sufficient to on site for the proposed use. There are no proposed changes to the parking or circulation.*

**EXHIBIT 2**

**RESOLUTION NO.**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,  
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-200-115 FOR AN  
EXTENSION OF USE OF THE TEMPOARY USE OF VEHICLE STORAGE AREA AT  
1011 BROADWAY STREET, KING CITY, CALIFORNIA.**

**WHEREAS**, on **August 30, 2016**, Joan Miller ("**Applicant**") submitted a Conditional Use Permit ("**CUP**") to allow a vehicle storage towing area for Always Towing at 1011 Broadway Street, King City, Ca. ("**Project**"); and

**WHEREAS**, on **October 18, 2016**, the Planning Commission ("**Commission**") approved the Project, CUP Case No.CUP2016-006 for two (2) years with condition of approval ("**COA**") No.2 allowing the Applicant to re-apply at no charge for an extension of time for two (2) years; and

**WHEREAS**, on **June 19,2018**, the Commission approved the Project, CUP Case No.CUP2018-003 for two (2) years with condition of approval ("**COA**") No.2 allowing the Applicant to re-apply at no charge for another year; and

**WHEREAS**, because this is a temporary use, COAs related to site improvements were not required; and

**WHEREAS**, on **April 27, 2020**, the Applicant submitted a CUP to request approval of CUP Case No. CUP-200-115 to extend the life of the temporary use and

**WHEREAS**, on May 12, 2020, the Project Review Committee ("**PRC**") recommended an extension for a one (1) year period for the temporary use; and

**WHEREAS**, the property, as described in the Staff Report and attached as **Exhibit 4**, as the property is within the West Broadway Master Plan area, zoned Highway Service ("**H-S**") and designated Highway Service Commercial ("**HSC**") in the General Plan; and

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

**WHEREAS**, on **June 2, 2020**, the Commission reviewed the staff report, accepted public testimony, and considered all other relevant information on the Project during a duly noticed public hearing and approved a one (1) year extension for the temporary use; and

**WHEREAS**, the Commission makes the followings findings of facts:

**Conditional Use Permit Findings**

1. *The project is a temporary use. The existing building that Pete's Towing occupies was previously used for Always Towing and previously to that a Lube-N-Go vehicle service operation. The site is partially developed and has a vacant area that is being used for the temporary storage of vehicles for Always Towing. The City's General Plan Land Use Element Policy 3.2.1 provides flexibility in*

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*interpretation of allowable uses in order to encourage good retailing design and effective utilization of commercial property. Considering that at the time of this permit review there are no proposed development along the adjacent commercial properties. However, in the event of future development the City's General Plan Land Use Element Policy 3.1.1 the City shall promote available land to accommodate a mix of retailing, tourist related commercial and service uses, wholesaling, dining and entertainment, professional and business services, shopping centers, and mixed uses (commercial and residential) consistent with the economic goals of the City. The purpose of Highway Service (H-S) Zoning District is to provide a district for vehicular oriented uses with sufficient architectural and landscaping controls to protect the amenities of the areas. The proposed use is a temporary use for one (1) year. The existing fenced area will remain and would have to re-apply for any extensions.*

- 2. The City has seen a shift if land uses with the recent code changes to the East Ranch Business Park area and Industrially zoned area. The City is allowing for flexibility in interpretation of allowable uses within the H-S Zoning District to accommodate uses that have been displaced. The use of a vehicle storage yard in the H-S Zoning District is being conditioned with a limited approval period in the even that new commercial retailing develops.*
- 3. The project involves only a temporary approval for vehicle storage. No proposed long-term storage is part of this approval. The vehicles will have a maximum period of forty-five (45) days and then be relocated to a wreckage yard located outside of the city.*
- 4. The site was previously used for the operations of a vehicle service oil change shop (Lube-N-Go). The site consists of mixed commercial (bakery, church, retail sales and the towing company). The site will continue with the maintenance of the fence during the duration of this temporary CUP approval.*
- 5. The project qualifies for an Exemption under CEQA Guidelines Section 15301(a) for minor interior/exterior modifications to existing facilities. The project qualifies for a Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.*
- 6. Access to the subject site is provided via Broadway Street and Franciscan Way. Access to the project site from this roadway has been reviewed by the City Engineer and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to pedestrian walkways on the property. The parking is sufficient to on site for the proposed use. There are no proposed changes to the parking or circulation.*

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King approves CUP Case No. CUP-200-115, consistent with **Exhibits 4** and all conditions of approval as presented.

**PLANNING COMMISSION  
VEHICLE STORAGE AREA  
1011 BROADWAY STREET  
CUP-200-115 (Temporary Use)  
PAGE 12 OF 17**

This resolution was passed and adopted this 2<sup>nd</sup> day of June 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

---

DAVID NUCK, CHAIRPERSON

ATTEST:

---

ERICA SONNE  
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3

New Case Number: CUP-200-115  
*Original CUP 2016-006, Extension CUP 2018-003*  
FINAL CONDITIONS OF APPROVAL

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

- 1 **Project Description:** Conditional Use Permit ("**CUP**") Case No. CUP-200-115 is to extend the use of the parking of vehicles as part of Pete's Towing operations at the southwest corner of Broadway Street and Franciscan Way for one (1) year. The applicant's dispatch space is located on a part of the same lot to the north. Outdoor parking will occur only within the existing fenced area. The property is located in the Highway Service ("**H-S**") Zoning District and is within the boundary of the advisory document West Broadway Master Plan.
- 2 **Approval Period:** The approval period for this temporary CUP shall be in accordance with the approved drawings and sketches, attached as **Exhibit 4** and shall be valid for one (1) year. The temporary CUP shall expire on **June 2<sup>nd</sup>, 2021**. Permanent use requires development review process, subject to applying for a new Conditional Use Permit, subject to new conditions of approval.
- 3 **Lighting:** No new lighting is proposed and must be approved before installation. If approved, all new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads or surrounding properties.
- 4 **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.
- 5 **Hold Harmless and Indemnification 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 conditions of approval 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 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,

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VEHICLE STORAGE AREA  
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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.

- 6 **Structural/Architectural Changes:** (Improvements as submitted are limited to screening material placed in the existing fence and two (2) to three (3) inches of gravel to be placed in the parking lot.) Construction (location of parked vehicles) shall be in substantial conformance with the plans, and COA presented to and approved by the Planning Commission in connection with the Project. Minor changes, which are determined by the Community Development Director to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Planning Commission, may be granted by the Community Development Director.
  - a) Screening material shall be same or equivalent to the material presented to the Planning Commission (Boen "Value Veil" PN 30058). Screening material will be reviewed by Staff with a determination of condition/requirement for replacement of damaged areas to be presented to Planning Commission every two (2) years.
  - b) Parked vehicles will be located as far to the west as possible in the lot.
- 7 **Other County, State and Federal Permits:** Prior to initiation of the proposed use, the applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.

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- 8 **Signage/Window Coverage:** (No requests for new signage have been submitted at this time.) New signs shall require a Sign Permit from the City.

**Conditional Use Condition Agreement:**

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

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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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1011 BROADWAY STREET  
CUP-200-115 (Temporary Use)  
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**EXHIBIT 4**



**GENERAL APPLICATION FORM**  
(SUBMITTED WITH ALL APPLICATIONS)  
City of King City \* Community Development Department  
212 S. Vandercourt Avenue \* King City, CA 93930  
831.385.3281(phone) \* 831.386-5968 (fax)

Date Application Submitted:  
Date shall be stamped  
as received by City Hall staff

RECEIVED  
APR 27 2010  
CITY OF KING

Type of Application: **NEW** AMENDMENT (IN CASE OF PRIOR DATA OR PREVIOUS APPROVAL)

<input type="checkbox"/> Pre-Application Review (PRE-APP)	<input type="checkbox"/> General Plan Amendment (GPA)	<input type="checkbox"/> Development Agreement (DA)
<input type="checkbox"/> Sign Permit (SN)	<input type="checkbox"/> Change of Zone (CZ) <input type="checkbox"/> Pre-Zoning (PZ)	<input type="checkbox"/> Memorandum of Understanding (MOU)
<input type="checkbox"/> Landscape Permit (LP)	<input type="checkbox"/> Planned Development (PD)	<input type="checkbox"/> Annexation
<input checked="" type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Tentative Tract Map (TAM) <input type="checkbox"/> Vesting Tentative Tract Map (VTM)	<input type="checkbox"/> Sphere of Influence Amendment (SOI)
<input type="checkbox"/> Architectural Review (AR)	<input type="checkbox"/> Parcel Map (PM)	<input type="checkbox"/> Specific Plan (SP)
<input type="checkbox"/> Variance (VAR)	<input type="checkbox"/> Lot Line Adjustment (LLA)	<input type="checkbox"/> Planning Commission or City Council Interpretation
<input type="checkbox"/> Plot Plan Review (PPR)	<input type="checkbox"/> Home Occupation Permit (HOP)	<input type="checkbox"/> Other Application(s):

Applicant Name: Jean Miller Telephone No.: (805) 231-0421  
 Business/Organization Name: Robert J. Miller Fax No.: NA  
 Mailing Address: 2055 Traditions Loop email: jean.miller22@gmail.com  
 Architect/Engineer/Representative: Larry Hoops Telephone No.: (805) 226-4090

**PROJECT SPECIFIC INFORMATION**

Property Owner Name: Jean Miller Assessor Parcel Number(s): 222-291-0222  
 Project Location/Address: 1011 Broadway Street Existing Use(s): Empty Retail, Home, Church  
 Existing Zoning: H-1 Existing General Plan Designation: H-1  
 Adjacent General Plan Designations: N \_\_\_\_\_ S \_\_\_\_\_ E \_\_\_\_\_ W \_\_\_\_\_  
 Adjacent Zoning: N R S H-1 E H-1/62 W H-1  
 Adjacent Uses: N Commercial S Storage E Trailer Park W Car Lot

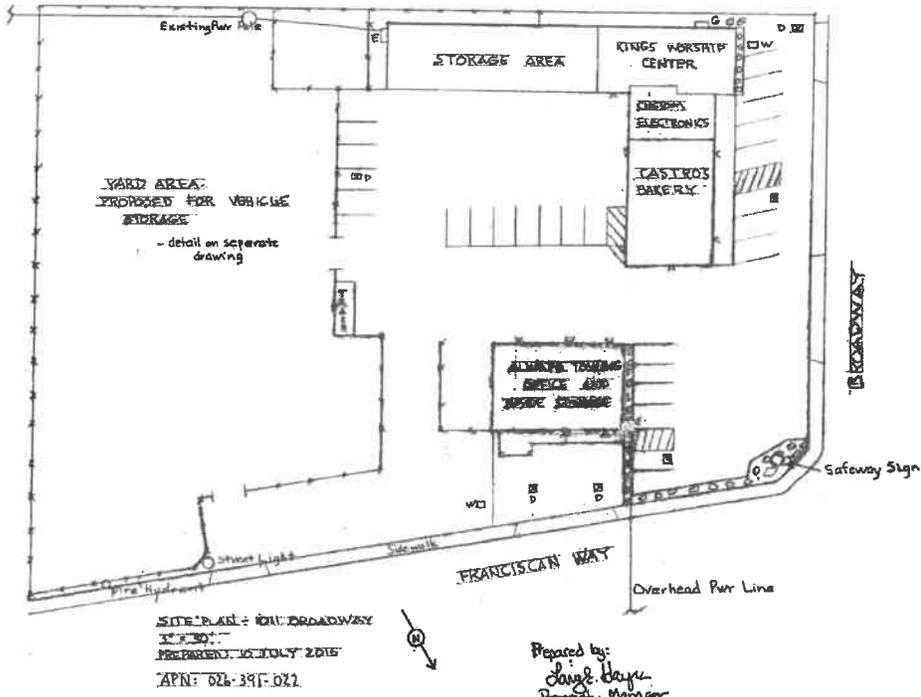
The undersigned applicant affirms that all information contained with this application is true and accurate and that the applicant is authorized to make such application to the City of King. Additionally, the undersigned applicant understands and agrees that the application fee is a deposit and the application is processed on a time and materials basis. By signing this application, the undersigned applicant agrees to all statutory processing time periods (e.g., Permit Streamlining Act) and understands that if the deposit is depleted and an additional deposit is not made to the City Finance Department, the City will suspend processing the application until said deposit is made with the City Finance Department.

Applicant Signature: Jean Miller Date: 4/24/2010  
 Title: owner

If the applicant is not the property owner, the property owner must either sign below or provide written authorization for the applicant to act on his/her behalf.  
 Property Owner (Please Print): Jean Miller Date: 4/24/2010

Property Owner Signature: Jean Miller

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 1011 BROADWAY STREET  
 CUP-200-115 (Temporary Use)  
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- W = Water Service
- G = Gas Service
- E = Electric Service
- D = Storm Drain
- ⤵ = Outside Light
- = Fence

CUP 2014-004

CITY OF KING  
 AUG 30 2016



8(B)

**REPORT TO THE PLANNING COMMISSION**

**DATE: JUNE 2, 2020**

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

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

**RE: CONSIDERATION OF ORDINANCE AMENDMENDING THE MUNICIPAL CODE REGARDING SIGNS, BUNDLING APPLICATIONS, AND TIME EXPIRATION OF CONDITIONAL USE PERMITS**

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**RECOMMENDATION:**

It is recommended that the Planning Commission adopt Resolution No. 2020-281 recommending changes to the Municipal Code related to signs, bundling of applications, and time expiration of conditional use permits and variances.

**BACKGROUND:**

On January 14, 2020, the City Council ("Council") adopted a number of changes to the Municipal Code in response to recent long-range planning efforts, code enforcement actions, and upcoming potential development projects. The Planning Commission ("Commission") make recommended the changes in December 17, 2019Staff is bringing forth a second set of Municipal Code changes in response to a number of issues that have been identified.

The attached Ordinance would make the following changes:

- Changes the amortization time period for certain non-conforming signs.
- Prohibits the placement of private signs within the City right-of-way.
- Bundles applications so legislative (e.g., general plan amendment) and administrative (e.g., conditional use permit) applications simultaneous go to the Council for a decision rather than bifurcate decisions.
- Changes the approval period for conditional use permits ("CUP") and applications submitted concurrently with a CUP from one (1) year with no extension of time to two (2) year plus a year extension.

**PLANNING COMMISSION  
JUNE 2, 2020  
MUNICIPAL CODE AMENDMENTS  
PAGE 2 OF 4**

**DISCUSSION:**

The attached Ordinance makes several changes to the Municipal Code, as follows:

**Chapter 17.55 Signs**

**17.55.070 Prohibited Signs and 17.55.080 (d) (B) Signs with Public Right-of-Way**

These sections allow temporary local community signs to be placed for a duration of seven days within the public right-of-way. The sign ordinance allows temporary local community signs approved by the Community Development Director for a maximum duration of seven days, with certain stipulations. However, private signs within the public right-of-way can create obstacles for vehicles, bicyclists and other legitimate uses and if not installed properly, blow away or fall over. Additionally, too many signs can create a visual distraction. It is important to note that legally it is very difficult to deny some signs and not others without violating freedom of speech issues. As a result, such signs have not historically been approved.

Therefore, eliminating this provision will reduce placing staff in the position of having to deny requests that are received from the community, particularly non-profit and faith-based organizations. As a result, the City Council recently directed staff to prepare a Code change prohibiting the community signs outright. Therefore, staff is recommending that private signs not be permitted within the public right-of-way.

**Chapter 17.55 - 17.55.110 (b) Non-conforming Signs**

A nonconforming sign is a permanent or temporary sign that was legally established at one time but now does not comply with the sign ordinance. Staff is recommending that the amortization period change from seven years to twenty-five years for signs originally valued at more than \$3,000. These signs are typically located along the Highway 101 frontage and West Broadway Street area. As part of the City's economic development approach, larger commercial users are looking to locate along the West Broadway Street corridor and want to initially use existing signs with face changes. This will allow businesses to open with existing signage and give additional time to plan for long-term signage.

Staff has experienced two specific issues with regard to signs that have already been amortized. First, prospective commercial tenants have stipulated to property owners that their lease will be contingent upon utilization of an existing pole sign, which are often no longer allowed. Second, these signs are often very expensive to remove. Therefore, removal creates a significant economic burden on the property owner and in many cases will result in an empty unused sign since it is difficult for the City to require removal.

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**Chapter 17.64 Permits and Variances**

CUP and variance permit applications become null and void after one year of a Commission decision. This has not been consistently enforced due to conflicting language in the Municipal Code. No extensions can be granted, unless specifically authorized by the Commission. For projects, staff is recommending to standardize an approval life of two years with an extension of twelve months and may not exceed a total of three years from the original date of expiration, unless otherwise permitted by law for CUPs and associated variance permit applications. A variance permit without an associated CUP will expire within one year of approval and no extensions of times are allowed. Time limits vary in different jurisdictions, but the recommendations are relatively consistent with other jurisdictions.

Currently, administrative action applications (e.g., CUP) are approved by the Commission subject to appeal to the Council. The Commission only makes recommendations to the Council on legislative action applications (e.g., general plan amendment). The current review process is bifurcated when a legislative action application (e.g., general plan amendment) is processed concurrently with an administrative action application (e.g., CUP) in cases where a project requires multiple applications. The Commission's decision on the administrative action application is contingent upon the Council's approval of the legislative action. Staff recommends that legislative and administrative applications be bundled together with the same review process. This allows the Council to consider and take action on all applications simultaneously.

**ENVIRONMENT DETERMINATION**

An environmental determination the Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by allowing certain existing signs to be amortized over a longer period of time, bundling of permits, and changing the approval period of conditional use permits and variances, and other minor changes to the Municipal Code, pursuant to CEQA Guidelines sections 15307 and 15308.

**COST ANALYSIS:**

There are no costs associated with this action.

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JUNE 2, 2020  
MUNICIPAL CODE AMENDMENTS  
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**ALTERNATIVES:**

The following recommendations are provided for Council consideration:

1. Adopt the Resolution recommending the City Council adopt the Ordinance;
2. Direct staff to modify the Ordinance;
3. Do not recommend the City Council adopt the Ordinance;
4. Request additional information; or
5. Provide staff other direction.

**Exhibits:**

Exhibit 1: Planning Commission Resolution No. 2020-281

Exhibit 2: City Council Ordinance

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

## RESOLUTION NO. 2020-281

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING  
RECOMMENDING THE CITY COUNCIL OF THE CITY OF KING AMEND TITLE 17,  
CHAPTER 17.55, SECTIONS 17.55.070, 17.55.080, AND 17.55.110, AND AMEND  
CHAPTER 17.64, SECTIONS 17.64.020, 17.64.030, 17.64.040, 17.64.050 AND  
17.64.060 OF THE KING CITY MUNICIPAL CODE**

**WHEREAS**, pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

**WHEREAS**, on June 2, 2020, the Planning Commission ("Commission") considered an ordinance amending Chapter 17.55 and Chapter 17.64 of the Municipal Code, attached as **Exhibit 1**; and

**WHEREAS**, the Commission finds the proposed ordinance consistent with the General Plan and any applicable Specific Plan(s); and

**WHEREAS**, the Commission finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

**WHEREAS**, the Commission finds that increasing the amortization period from seven (7) years to twenty-five (25) years from January 2009 for the original value of signs of more than \$3,000 is needed to promote economic development; and

**WHEREAS**, the Commission finds that prohibiting any sign, other than public signs, from being placed within a public-right-of-way minimizes liability for damages arising from said signs; and

**WHEREAS**, the Commission finds that allowing conditional use permits and associated applications to be valid for two (2) years with one (1) one-year extension is reasonable because it will provide applicants more time to constructed needed projects; and

**WHEREAS**, the Commission finds that bundling of applications will help ensure the smooth processing and construction of developments; and

**WHEREAS**, the Commission finds the ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by allowing certain existing signs to be amortized over a longer period of time, bundling of permits, and changing the approval period of conditional use permits and variances, and other minor changes to the Municipal Code, pursuant to CEQA Guidelines sections 15307 and 15308.

**WHEREAS**, on June 2, 2020, the City of King Planning Commission (“Commission”) conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council (“Council”) approve the proposed ordinance; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King adopts Resolution No. 2020-281 which recommends the City Council adopt the Ordinance to amended Chapter 17.55 and Chapter 17.64 of the Municipal Code, attached as **Exhibit 1**.

This resolution was passed and adopted this **2nd day of June 2020**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
DAVID NUCK, CHAIRPERSON

ATTEST: \_\_\_\_\_  
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

**ORDINANCE NO. 2020-****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING TITLE 17, CHAPTER 17.55, SECTIONS 17.55.070, 17.55.080, AND 17.55.110, AND AMENDING CHAPTER 17.64, SECTIONS 17.64.020, 17.64.030, 17.64.040, 17.64.050 AND 17.64.060 OF THE KING CITY MUNICIPAL CODE**

**WHEREAS**, pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

**WHEREAS**, on June 2, 2020, the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") [approve/deny] the proposed ordinance; and

**WHEREAS**, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

**WHEREAS**, the Council finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

**WHEREAS**, the Council finds that increasing the amortization period from seven (7) years to twenty-five (25) years from January 2009 for the original value of signs of more than \$3,000 is needed to promote economic development; and

**WHEREAS**, the Council finds that prohibiting any sign, other than public signs, from being placed within a public-right-of-way minimizes liability for damages arising from said signs; and

**WHEREAS**, the Council finds that allowing conditional use permits and associated applications to be valid for two (2) years with one (1) one-year extension is reasonable because it will provide applicants more time to constructed needed projects; and

**WHEREAS**, the Council finds that bundling of applications will help ensure the smooth processing and construction of developments; and

**WHEREAS**, in accordance with the California Environmental Quality Act ("CEQA"), and pursuant to CEQA Guideline, sections 15378 and 15061(b)(3), this activity is not a "project" subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment; and

**WHEREAS**, on June 23, 2020, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

**NOW THEREFORE**, the City Council of the City of King does hereby ordain as follows:

**SECTION 1.** The above recitals are incorporated hereby by reference.

**SECTION 2.** The City Council has reviewed the proposed ordinance and hereby finds that it is consistent with the General Plan and all applicable Specific Plan(s).

**SECTION 3.** The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of the City of King residents.

**SECTION 4.** An environmental determination the Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by allowing certain existing signs to be amortized over a longer period of time, bundling of permits, and changing the approval period of conditional use permits and variances, and other minor changes to the Municipal Code, pursuant to CEQA Guidelines sections 15307 and 15308.

## **SECTION 5. CHAPTER 17.55 SIGNS**

### **17.55.070 Prohibited signs.**

All signs not expressly authorized by this chapter shall be prohibited. Prohibited signs include the following:

- (g) Any sign, other than public signs, placed within a public right-of-way, ~~except as provided by Section 17.55.080(d) (Private signs placed within the public right-of-way);~~

### **17.55.080 General requirements for determining sign area, height, location and sign design.**

- (d) Private Signs Placed Within the Public Right-of-Way.

- (1) No private sign shall be allowed in the public right-of-way except for the following:
  - (A) Projecting signs that comply with Section 17.55.100(i) (Projecting signs). An encroachment permit shall be required.
  - ~~(B) Temporary local community signs may be approved by the director or designee without a sign permit for events up to a maximum duration of seven (7) days.~~
    - ~~(i) Size. The sizes shall be no larger than twenty (20) square feet.~~
    - ~~(ii) Location. Signs shall be positioned so they do not obstruct visual line of sight or endanger members of the public.~~
    - ~~(iii) Affixed to Ground/Structure. Signs shall be safely installed so they do not blow away, fall over, or create a risk to public safety.~~
- (2) Any sign installed or placed within the public right-of-way other than in compliance with this chapter shall be forfeited to the public and be subject to confiscation.
- (3) The city shall have the right to recover from the owner, or person placing the sign, the full costs related to the removal and disposal of the sign.
- (4) A sign permit shall not be required for public city signs placed within the public right-of-way.

### **17.55.110 Nonconforming signs.**

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this chapter. These sign regulations, Chapter 17.55, are deemed not more restrictive than the previous sign regulations in force at the time of the adoption of these sign regulations. Pursuant to the Business and Professions Code Section 5491.1, any city or county adopting or amending any ordinance or regulation that regulates or prohibits the use of any on-premises advertising display that is more restrictive than existing law, shall include provisions in that ordinance or regulation for the identification and inventorying of all displays within its territorial limits that are determined to be illegal or abandoned pursuant to the law that is in effect prior to the adoption of, or amendment to, the ordinance or regulation. It is the applicant's responsibility to demonstrate that the sign was legally established.

(a) General Requirements. A nonconforming sign shall not be:

- (1) Changed to another nonconforming sign;
- (2) Structurally altered to extend its useful life;
- (3) Enlarged;
- (4) Re-established after a business is discontinued for ninety (90) days;
- (5) Re-established after damage or destruction to fifty (50%) percent or more of the value of the sign, or its components, as determined by the chief building official;  
or
- (6) Any nonconforming sign shall lose its legal nonconforming status immediately following the expiration of the ninety (90) day period that the business was discontinued and shall be removed and replaced with a conforming sign, requiring a new sign permit approval.

(b) Amortization. Signs that lawfully existed and were maintained and became nonconforming after adoption of this chapter in January of 2009, shall be removed or made to conform based on the following schedule:

<b>If the Original Value of the Sign is</b>	<b>Amortization Period (in years)</b>
Less than \$499	2
\$500 to \$1,499	3
\$1,500 to \$2,999	5
More than \$3,000	25

- (1) The time periods shall commence on the effective date of the ordinance codified in this chapter in January of 2009;
- (2) If more than one sign on a premises is or becomes nonconforming, the cost of all such nonconforming signs shall be aggregated for the purpose of determining the amortization period;
- (3) The owner or user of a nonconforming sign shall, upon written request of the department, furnish acceptable proof of the initial cost in the form of:
  - (A) An original bill of sale,
  - (B) A description schedule from state or federal income tax returns, or

(C) A written appraisal by a sign manufacturer.

- (4) The owner or user of a nonconforming sign shall appeal, in writing, for a longer amortization period to the commission within fifteen (15) calendar days of the date of actual service of the director's notice; if served by mail, shall be deemed served three (3) calendar days after the postmarked date on the envelop. The written appeal shall be served upon the city clerk. The commission shall provide the appellant with notice of its decision relating to the appeal. The owner or user of a nonconforming sign shall file an appeal with the city clerk within fifteen (15) calendar days of the date of actual service. If the commission's decision is served by mail, the date of actual service shall be three calendar days after the postmarked date on the envelop. The city council may consider the appeal de novo. The city council may reverse, affirm wholly or partly, or modify the decision of the commission. The decision of the city council on any such appeal shall be final on adoption of an order containing its determination. If the city council fails to act within seven (7) calendar days following the hearing of the appeal, the action of the commission shall be deemed final, unless this time period is extended by mutual consent of the appellant and the city council. (Ord. 747 § 3, 2017)

## **SECTION 6: CHAPTER 17.64 PERMITS AND VARIANCES—COUNCIL ACTION**

### **17.64.020 Permits and variances effective when.**

~~No conditional use permit or permits-granting-a variance permit shall have any force or effect until the applicant has agreed in writing to the conditional of approvals/mitigation measures, if applicable thereof actually receives such permit designating the conditions of its issue thereon and signed by the city clerk. (Ord. 354 § 8.3.1, 1973)~~

### **~~17.64.030 Void if not used within specified time.~~**

~~Any use permit or variance granted in accordance with the terms of this title shall be null and void if not used within one year from the date of the approval thereof or within any shorter period of time, if so designated by the planning commission. (Ord. 652 § 9, 2004; Ord. 354 § 8.3.2, 1973)~~

### **17.64.030 Expiration of approvals and extensions of time ~~Void if not used within specified time.~~**

Any conditional use permit and or variance associated with the conditional use permit and granted in accordance with the terms of this title shall be null is valid for two years following the date on which the permit(s) or approval(s) is grant. If a building permit has not been issued within this time period, the conditional use permit and associated variance, if applicable, automatically expires. Extensions may be granted in twelve (12) month increments and may not exceed a total of three (3) years from the original date of

expiration unless otherwise permitted by law. The request for an extension application must be submitted to the City prior the expiration date.

A variance permit without an associated conditional use permit shall be used within one year following the date on which the permit is granted. No extensions of times are allowed.

An extension of time may be issued for projects described above. Approvals for which the planning commission or city council has the authority to grant may only be extended by the final approving bodies.

~~and void if not used within one year from the date of the approval thereof or within any shorter period of time, if so designated by the planning commission. (Ord. 652 § 9, 2004; Ord. 354 § 8.3.2, 1973)~~

**17.64.040 Consideration of concurrent applications (new section).**

Where approval authority rests with the community development director for projects being processed pursuant to the provisions of this title, and one or more related cases with approval authority vested at the planning commission or city council are being processed concurrently, approval authority for all permits, licenses and approvals shall rest with the planning commission or city council, respectively; and the community development directors review shall be in the form of a recommendation to the planning commission or city council.

Where approval authority rests with the planning commission for projects being processed pursuant to the provisions of this title, and one or more related cases with approval authority vested at the city council are being processed concurrently, approval authority for all permits, licenses and approvals shall rest with the city council; and the planning commission's review shall be in the form of a recommendation to the city council.

**17.64.050 Revocation—Grounds (formerly section 17.64.040).**

Any conditional use permit or variance granted in accordance with the terms of this title may be revoked by the planning commission in the manner hereinafter set forth, if any of the conditions or terms of such permits are violated, or if the following findings are made:

- (1) In Connection With Conditional Use Permits. The continuance of the use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such use, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.

(2) In Connection With Variances. Continued relief from the strict application of the terms of this title would be contrary to the public interest, safety, health and welfare. (Ord. 652 § 9, 2004; Ord. 354 § 8.3.3, 1973)

**17.64.060 Revocation—Hearing (formerly section 17.64.050).**

Before the revocation of any permit, the planning commission shall hold a hearing thereon after giving written notice thereof to the permittee at least ten (10) calendar days in advance of such hearing. (Ord. 652 § 9, 2004)

**SECTION 7.** This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced by the City Council after waiving the reading, except by Title, at a regular meeting thereof held on the 23 day of June 2020, and adopted the ordinance after the second reading at a regular meeting held on the 14 day of July 2020, by the following roll call vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

**ATTEST**

\_\_\_\_\_  
**STEVEN ADAMS, City Clerk**

**CITY OF KING**

By: \_\_\_\_\_  
**MIKE LEBARRE, Mayor**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
**ROY C. SANTOS, City Attorney**  
Aleshire & Wynder, LLP

I, \_\_\_\_\_, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.