

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, FEBRUARY 7, 2017  
6:00 P.M.

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

**1. CALL TO ORDER**

**2. ROLL CALL:**

**Planning Commission Members: Michael Barbree, Margaret Raschella,  
Ralph Lee, Vice Chairperson David Mendez, and Chairperson David Nuck**

**3. FLAG SALUTE**

**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. Approval of Minutes:** December 20, 2016

**7. PUBLIC HEARINGS**

**a. Project:** Zone Change of the Village Core ("VC") Zone District and Conditional Use Permit (Case No. CUP No. CUP2016-016) and Architectural Review (Case No. AR2016-003) for Kasey Fitness Academy at 321 Broadway Street, King City, CA 93930.

**Case No.:** ZC 2016-005, CUP 2016-016, AR 2016-003

**Zone Change  
Applicant:** City of King

**CUP and AR  
Applicant:** Kasey Tertulien, Kasey's Fitness Academy

**Proposal:** **The Planning Commission** will make recommendations to the City Council on whether to approve a zoning text amendment to the City Zoning Ordinance VC Zone District, to permit under a Conditional Use Permit, fitness facilities greater than 1,500 square feet.

**The Planning Commission** will consider approval of a conditional use permit and architectural review to remodel and allow the use of a fitness

facility greater than 1,500 square feet within the first floor of an existing vacant commercial building located at 321 Broadway Street.

**Location:** VC Zoning District (Text Amendment)  
321 Broadway Street (CUP and Architectural Review)

**Environmental**

**Determination:** Categorical Exemptions: The change to the ordinance, Case ZC 2016-005 as well as the proposed fitness facility within an existing building are exempt pursuant to Section 15301 (Class 1 Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.). 15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (up to 50 percent expansion) or no expansion of use beyond that existing at the time of the lead agency's determination.

**Recommendation:** Find the Project Categorically Exempt, Class 1 from CEQA; and Approve

1. *Recommend the City Council adopt an Ordinance approving a text amendment change to the Historic Corridor Revitalization Plan and Village Core ("VC") Zoning Category, modifying Table 4.7 to allow, in the VC Zone District, Health and Fitness Facilities greater than 1,500 square feet in area within existing buildings, subject to a Conditional Use Permit; and*

2. *Approve Conditional Use Permit Case No. CUP 2016-016 and AR 2016-003 allowing a proposed 4,961 square foot health and fitness facility within an existing building at 321 Broadway Street, subject to the Conditions of Approval ("COA") and adoption of the Ordinance.*

b. **Project:** General Plan Amendment and Zone Change to a portion of APN245-111-036-000

**Case No.:** GPA2017-001 and ZC2017-001

**Applicant:** City of King

**Proposal:** Amending the General Plan Land Use Map and the Zoning Map. The property is situated west of the City and adjacent to the Waste Water Treatment Plant ("*WWTP*") and totals 170.5 acres. Approximately 93 acres of the property are farmable land and 77.30 acres are of river bottom land. This area of land consists of one (1) legal lot with two assessor parcel numbers (APN: 245-111-035-000 and APN: 245-111-036-000). Of this property, the approximately 93.21 acres of APN 245-111-035 is situated on County of Monterey unincorporated boundary and Zoned F/40 Farmland and the 77.30 acres are situated within city limits and is zoned Light Industrial ("*M-1*") within the Public Quasi ("*PQ*") Land Use Designation. The proposed amendment and rezone are only for property within city limits.

**Location:** APN 245-111-036

**Environmental**

**Determination:** This project is categorically exempt pursuant to California Environmental Quality Act §15061 (3). The proposed project will not have an adverse impact on the environment.

**Recommendation:** Staff Recommends Planning Commission adopt the attached resolution recommending City Council to amend the general plan from

Public Quasi ("PQ") to Agriculture ("AG") and a Zone Change from Light Industrial ("M-1") Zoning District to Agriculture ("A").

8. REGULAR BUSINESS
9. PLANNING COMMISSIONER REPORTS
10. DIRECTOR'S REPORT
11. WRITTEN CORRESPONDENCE
12. ADJOURNMENT

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**NOTES**

**WRITTEN MATERIAL:** Any writing or document pertaining to an open session item on this agenda which is distributed to a majority of the Planning Commission after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the Community Development Department, 212 S. Vanderhurst Avenue, King City, Ca, during normal business hours, and may be posted on the City's website identified above.

**AGENDA ITEM SPEAKING TIME:** The Planning Commission may limit persons speaking on an agenda item to three (3) minutes per item.

**AMERICANS WITH DISABILITIES ACT:** Any individual, who because of a disability needs special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (831) 385.3281. Whenever possible, requests should be made four (4) working days in advance of the meeting

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**UPCOMING REGULAR MEETINGS**

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<b><u>February 2017</u></b>		
February 13th	6:00 p.m.	Airport Advisory Committee
February 14th	6:00 p.m.	City Council
February 21st	6:00 p.m.	Planning Commission
February 28th	6:00 p.m.	City Council

<b><u>March 2017</u></b>		
March 7th	6:00 p.m.	Planning Commission
March 13th	6:00 p.m.	Airport Advisory Committee
March 14th	6:00 p.m.	City Council
March 21st	6:00 p.m.	Planning Commission
March 28 <sup>th</sup>	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

**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

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

**FEMA:** Federal Emergency Management Agency

**GHG:** Greenhouse gas

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

**HCP:** Habitat Conservation Plan

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

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

**LAFCO:** Local Agency Formation Commission

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

**LLA:** Landscaping and Lighting District

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

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

**MOU:** Memorandum of Understanding

**MND:** Mitigated Negative Declaration

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

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

**NEPA:** National Environmental Policy Act

**SOI:** Sphere of Influence.

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

**TOT:** Transient Occupancy Tax

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

**VMT:** Vehicle Miles Traveled

Planning Commission Minutes

December 20, 2016

1. Call to Order

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:04 p.m.

2. Pledge of Allegiance

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

3. Roll Call

Chairperson David Nuck  X  Vice Chair David Mendez  X   
Michael Barbree  X  Margaret Raschella  X  Ralph Lee  X

**Staff present:** Doreen Liberto-Blanck, Community Development Director; Maricruz Aguilar-Navarro, Assistant Planner; Erica Sonne, Admin. Asst./Deputy City Clerk

4. Public Comments

None

5. Presentations

None

6. Consent Calendar

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

- a. **Approval of Minutes:** December 6, 2016

**Action:** Motion made by Commissioner Barbree to approve minutes of December 6, 2016. Seconded by Commissioner Raschella. Motion carried 5-0.

7. Public Hearing Items

- a. **Project:** Paul Layous Tentative Parcel Map  
**Case No.:** Tentative Parcel Map Case No. TPM 2016-001  
**Applicant:** Paul Layous  
**Proposal:** Tentative Parcel Map ("*TPM*") divides creates two (2) 4,375 square foot lots.  
**Location:** 324 North Third Street and 325 Copley Avenue.

**Environmental**

**Determination:** The project is categorically exempt from CEQA pursuant to CEQA Guidelines §15315 (Class 15). This provisions states that a local jurisdiction can find a project exempt from CEQA if the activity is covered under the general rule that CEQA, which applies only to projects which have the potential for causing a significant effect on the environment.

**Recommendation:** Staff recommends that Planning Commission adopt the Resolution approving the tentative parcel map

Maricruz Aguilar-Navarro, Assistant Planner presented this item. She passed out the tentative parcel map for the commissions review.

Chair Nuck opened the public hearing and seeing no one come forward closed the public hearing.

**Action:** Motion made by Commissioner Barbree to adopt the Resolution approving the tentative parcel map, seconded by Raschella. Motion carried 5-0.

**b. Project:** Farmworker Housing  
**Case No.:** Amendment to Conditional Use Permit Case No. CUP2016-001 and Architectural Review Case No. AR2016-001  
**Applicant:** SGH Holdings, LLC  
**Proposal:** Amend the Conditional Use Permit Case No. CUP2016-001 and Architectural Review Case No. AR2016-001 originally approved by Planning Commission on September 20, 2016 for Temporary Housing of Agricultural Employees at 218 N. First Street, King City, CA 93930. The proposed amendment includes changes to the project description, floor plan and architectural features. The following outlines some of the proposed changes:

1. Change the original manager's apartment unit into a studio apartment with an ADA restroom.
2. Increase one manager to up to two (2) on-site managers. The original approval was for 214 Employees and 1 on-site manager. The proposed amendment is for 214 Employees and up to two (2) on-site managers.
3. Amend the approved architectural elevations which originally included removal of the two (2) roll up doors along the building frontage and addition of seven new windows. The proposed amendment includes keeping the two (2) existing roll-up doors and add two (2) new windows.
4. Changes to the restrooms/showers are to be site built vs modular.
5. Change the project description for operation from "April through October of each year" to "year-round".
6. Add to the project description for on-site meals: add the following language "The employees would be housed (which includes restrooms/showers), provided meals on site to be catered from local restaurants served in the dining room and provided recreation facilities on site."

**Location:** 218 North First Street.

**Environmental**

**Determination:** A Mitigated Negative Declaration was approved by Planning Commission on March 1, 2016.

**Recommendation:** Staff Recommends Planning Commission adopt the attached resolution approving amendments to CUP2016-001 and AR2016-001 requested by the applicant and modifications proposed by staff regarding replacement of roll-up doors and a new condition prohibiting outdoor service of meals.

Doreen Liberto-Blanck, Community Development Director presented this item. Noting the following changes the project description for operation from "April through October of each year" to "year-round".

And add to the project description for on-site meals: add the following language "The employees would be housed (which includes restrooms/showers), provided meals on site to be catered from local restaurants served in the dining room and provided recreation facilities on site."

Chair Nuck opened the public hearing.

David Gill and Steve Scaroni gave they're thanks to the staff for the work on the changes. Mr. Scaroni would like to clarify they do not need the year-around currently however if the need to go one month longer or start one month earlier happened he wanted to be able to do that without coming back to Planning Commission. Mr. Scaroni passed out amendments to the food delivery and it will be brought in by a caterer delivered to the facility. He wants to have the option in an emergency to use a food truck to serve out of on their property. They would still like both the roll-up doors to stay in place. They are going to have a lot of windows. They would like to back off the window requirements to keep the roll-up doors.

Doreen Liberto-Blanck clarified a couple of items so that the commission can make an informed decision that it was the PRC review committee's decision on all of the Conditions of Approval. The roll-up door decision was the PRC review committee decision as well. The privacy fence will cut down on the parking and that is the only park space.

Doreen Liberto-Blanck read into the record the amended Conditions of Approval:

6. **Roll-Up Door:** The roll-up doors shall remain closed unless there is loading and unloading.
7. **Itinerant Vendors/Food Service Catering:** All catering services are subject to approval of a City Business License Review. A business license shall be obtained for every person conducting or carrying on the business of food service and/or catering. Any nuisance on garbage onto the public street will be subject to enforcement per city ordinances. **Prior to issuance of occupancy permit**, the applicant shall strip the area to delineate travel path for serving meals. All food service shall be kept behind the fence.
15. **First Street Fence: Prior to final occupancy**, the applicant shall return to the Planning Commission with a fence plan. The applicant shall provide a privacy fence (e.g., slats installed on chain link fence). If the applicant decides to install a six (6') fence (based on variance findings) along First Street, the applicant shall provide the equivalent number of parking spaces being removed, based on approval from the City Engineer and Community Development Department.

Chair Nuck closed the public hearing.

Applicant Mr. Scaroni verbally agrees to the changes.

**Action:** Motion made by Commissioner Barbree to adopt the attached resolution approving amendments to CUP2016-001 and AR2016-001 with an amendment to the last Whereas in the Resolution seconded by Raschella. Motion carried 5-0.

#### **6. Regular Business-**

None

#### **9. Planning Commission Report –**

**10. Director Reports-** Canceling January 3<sup>rd</sup> Planning Commission meeting.

**11. Written Correspondence–** None

#### **12. Adjournment**

There being no further business, the Planning Commission meeting was adjourned at 6:59 p.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. 7 (a)

**REPORT TO THE PLANNING COMMISSION**

**DATE:** FEBRUARY 7, 2017

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

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

**BY:** DON FUNK, PRINCIPAL PLANNER

**RE:** CONSIDERATION OF RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE ZONING CODE AND THE HISTORIC CORRIDOR REVITALIZATION PLAN TO ALLOW HEALTH AND FITNESS FACILITIES LARGER THAN 1,500 SQUARE FEET WITHIN EXISTING BUILDINGS IN THE VILLAGE CORE (VC) ZONE, AND ADOPTING A RESOLUTION TO APPROVED CONDITIONAL USE PERMIT FOR A FITNESS EXERCISE FACILITY AND JUICE BAR AT 321 BROADWAY STREET

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**RECOMMENDATION:**

It is recommended that Planning Commission adopt two (2) Resolutions, which:

- 1. Recommend the City Council adopt an Ordinance approving a text amendment change to the Historic Corridor Revitalization Plan and Village Core ("VC") Zoning Category, modifying Table 4.7 to allow, in the VC Zone District, Health and Fitness Facilities greater than 1,500 square feet in area within existing buildings, subject to a Conditional Use Permit; and*
- 2. Approve Conditional Use Permit Case No. CUP 2016-016 and AR 2016-003 allowing a proposed 4.961 square foot health and fitness facility within an existing building at 321 Broadway Street, subject to the Conditions of Approval ("COA") and adoption of the Ordinance.*

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### BACKGROUND:

The project involves an amendment of the Village Core (“VC”) Zone to modify the Zoning Ordinance and Historic Area Revitalization Plan to permit health and fitness facilities larger than 1,500 square feet in the VC zone with a Conditional Use Permit. Kasey Tertulien of Kasey’s Fitness Academy is requesting a Conditional Use Permit (“CUP”) Case No. 2016-016 and Architectural Review (“AR”) 2016-003 for a 4,961 square foot fitness facility which will include a juice bar and related health and exercise uses at 321 Broadway. The fitness facility is proposed within the Historic Corridor Revitalization Plan area which currently restricts fitness facilities to less than 1,500 square feet. The site is zoned Village Core (“VC”) and is designated Commercial in the General Plan. A change in the Historic Corridor Revitalization Plan is proposed to modify Table 4.7 to allow “Health/Fitness Facilities” larger than 1,500 square feet in existing buildings with a Conditional Use Permit.



### DISCUSSION:

The City proposes to change the Historic Corridor Revitalization Plan Village Core (“VC”) zoned area to allow Health and Fitness Facilities larger than 1,500 square feet with a CUP. Currently, Health and Fitness facilities less than 1,500 square feet are permitted in the VC zone without a CUP. Health and fitness facilities larger than 1,500 square feet are also currently permitted with a CUP in the First Street Corridor (“FSC”) and Village Business (“VB”) Districts adjoining the VC zoning district. If the zoning text amendment is approved by the Planning Commission and City Council, health and fitness facilities larger than 1,500 square feet could be permitted by the Planning Commission within existing buildings with a CUP.

Kasey’s Fitness Academy has been operating for several years on East San Antonio Drive, but their lease was recently cancelled. As a result, Kasey Tertulien needs a new location for her fitness business. The Downtown site should provide good compatibility between the fitness facility and other existing commercial and service businesses.

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Clients of the fitness facility may need products, food or services of neighboring businesses.

Kasey Tertulien of Kasey's Fitness Academy, submitted a Conditional Use Permit and Architectural Review Application and proposes to convert the first floor of the commercial building located at 321 Broadway Street in Downtown King City into a health and fitness facility (**See Figure 11**). The applicant

The proposed uses would include health and fitness classes, as well as a juice bar and other related uses similar to those at her existing facility on San Antonio Drive. Due to issues with the structural elements in the floor, the applicant initially intends to primarily conduct classes at this location. If the floor is strengthened, she may place some of her exercise equipment in the facility in the future. The applicant indicates that she may decide to add security features to permit 24 hour use of the exercise equipment. The proposed change to the VC zone and Historic Corridor Revitalization Plan would allow the Commission to approve health and fitness facilities larger than 1,500 square feet in existing buildings with a Conditional Use Permit.

The maximum height allowed in the VC zone is 30 feet. The existing building is two stories, approximately 30 feet tall. No changes to the height of the building are proposed. The minimum front, rear and side setback requirements for the VC Zone are 0 feet for all setbacks for buildings from property line. The existing building meets the setback standards.

The Historic Corridor Revitalization Plan guidelines state that "New buildings should be visually compatible with the City's existing historic structures and should have a Western feel." The applicant is not proposing to expand the existing building. The building is similar in appearance to historic Downtown buildings (**Figure 4**). Only minor changes to improve the exterior appearance are proposed. The applicant proposes to paint the building and replace old windows and doors. Following is the intent for uses and building designs in the VC Zone:

*The primary intent of this Zone is to enhance the vibrant, pedestrian-oriented character of Broadway Street as a retail and entertainment center. The physical form and uses are regulated to reflect the urban character of the historic shopfront buildings and to encourage a mix of uses with a well-defined private realm built at the human scale.*

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### The key issues to consider:

1. **Should the City amend the code to permit health and fitness facilities larger than 1,500 square feet in the VC zone with a CUP?**

The proposed amendment will apply to the conversion of existing buildings in the VC zone to Health and Fitness uses. Expansions would be limited to 50 percent of the floor area. Health and fitness facilities can bring customers to the downtown, improving all nearby businesses that may provide services and/or products for the clients of the health and fitness facilities. It also enable the community to maintain a valued business that requires relocation.

2. **Should the applicant be permitted to convert the existing vacant storefront at 321 Broadway Street into a health and fitness facility?**

If the Commission and City Council approve the amendment to the VC Zone, the proposed project will compatible with zoning, general plan and environmental issues. The proposed conversion will allow health and fitness clients to use the services of Kasey Fitness Academy. It is anticipated that many of those clients will purchase items in nearby stores, eat in nearby restaurants and use the services of nearby professionals. There are four (4) parking spaces to the rear of the building. New uses of existing buildings in the downtown are not required to provide additional parking spaces. Public parking is provided nearby.

3. **Will the proposed fitness facility be compatible with the standards applicable to the Historic Corridor Revitalization Plan?**

Commission will need to determine if the project (**See Figures 3, 5, 6, 7, 8, 9, 10, 11 and 12**), with recommended improvements to the building exterior, is consistent with aesthetic guidelines for the Historic Corridor Revitalization Plan and the Village Core District.

4. **Will the proposed fitness facility be compatible with the proposed location?**

The proposed health and fitness facility, incorporating interior and exterior improvements including painting the commercial building and replacing exterior doors and windows, is appropriate for this location. The building is similar in design to the historical buildings in Downtown. (**See Figure 4**)

### Zoning Project Evaluation - Proposed Zoning Language

The City proposes to amend Table 4.7 of the Historic Corridor Revitalization Plan to permit, with a CUP:

*"Health/Fitness Facilities" of 1,500 square feet or more within existing buildings in the VC Zone, including expansions of existing buildings not to exceed 50 percent of the total floor area of the building.*

Health/Fitness Facilities are defined as follows in the Historic Corridor Revitalization Plan:

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"A fitness center, gymnasium, health and athletic club which may include any of the following: exercise machines, or group exercise rooms; sauna, spa or hot tub facilities; indoor tennis, handball, or racquetball; archery and shooting ranges; other indoor sports activities; and indoor or outdoor pools."

Currently, Health and Fitness Facilities less than 1,500 square feet are permitted within the VC zone. The language change will allow the Commission discretion to permit Health and Fitness Facilities greater than 1,500 square feet within existing buildings in the VC Zone with a CUP. Other existing provisions of the Historic Corridor Revitalization Plan protecting the character and historic elements of the Downtown will remain unchanged.

The change will improve the economic vitality of the Downtown by encouraging health and fitness enthusiasts to also utilize the nearby commercial retail businesses, restaurants, coffee-houses and professional services. Older dilapidated and neglected buildings might be upgraded. It may also encourage a greater variety of related businesses in the surrounding area of the Downtown, such as clothing stores health food stores and similar businesses. There are several vacant buildings within the Downtown. The change may have a positive economic impact.

### Architectural Review of 321 Broadway Street

The Applicant is requesting a CUP 2016-016 and Architectural Review Permit AR 2016-003 for a 4,961 square foot fitness facility on the first floor of an existing vacant commercial building at 321 Broadway Street. The new fitness facility will include a juice bar. All new uses are proposed to be within the existing building.

The applicant proposes to make the following improvements to the exterior of the building: new exterior paint and replacement of old windows and doors. The use will be consistent with the VC Zone if the Commission and City Council approve the amendment to Table 4.7 allowing Health and Fitness Facilities over 1,500 square feet with a CUP.

The site is designated Historic (Downtown) Corridor in the General Plan and Village Core ("VC") on the Zoning Map. The site is within the Historic Corridor Revitalization Plan. The Plan provides design guidelines requiring structures to be of a design that is visually compatible with existing structures and have a "western feel." The building dates from early period of the City and with the proposed improvements, the building will be an attractive element of the Downtown.

The existing building has peeling paint and the walls need to be patched and painted. A lighter color would be more pleasing with a coordinated contrasting trim color. Awnings

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could freshen the front of the building and update the appearance while maintaining the historic feel.

There are four existing parking spaces (**See Figures 5 and 12**). The VC Zone requires that new uses provide one space per 1,000 square feet of floor area (Table 4.6 of Historic Corridor Revitalization Plan). One additional space is required, which can be either at this site or within 1,320 feet pursuant to requirements of the VC Zone. The applicant indicates that she will provide one additional space from a nearby property. The driveway and parking lot are in poor repair. It is recommended that holes in the paving be patched and that the parking spaces be re-striped, including one handicap parking space. Handicap parking shall meet ADA standards.

The doors of the building are old and are proposed to be improved by refurbishment or replacement.

Surrounding Zoning and Uses for Proposed Project Located at 321 Broadway Street

**Table 1** provides an overview of the adjacent zoning and existing land uses for 321 Broadway. The site is accessed from Broadway Street and a private driveway at the rear of the property. The site is approximately two blocks from City Hall.

The surrounding zoning and existing uses include:

<b>Table 1</b>			
<b>Adjacent Zoning/Existing Land Use</b>			
<b>East:</b>	Village Core (zoning) Commercial Uses (land uses)	<b>West:</b>	Village Core (zoning) Commercial Uses (land uses)
<b>South</b>	Village Core (zoning) Commercial Uses (land uses)	<b>North</b>	Village Core (zoning) Commercial Uses (land uses)

Municipal Code Requirements

**Conditional Use Permit Requirements:** The project is in the Village Core (“VC”) Zoning District. The purpose of Village Core District is to protect the historical commercial uses and encourage new land uses that are compatible with street-front commercial and

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restaurant land uses. The proposed Health and Fitness Facility will be compatible with nearby uses and may increase the number of customers for some uses in the Downtown such as restaurants, health food stores, clothing stores and professional offices. The clients of Kasey's Fitness Academy are likely to patronize nearby businesses before and after using the fitness studio.

The existing fitness studio on San Antonio Drive exists compatibly with neighboring uses that include an antique store and services. It not anticipated that there will be negative impacts from the proposed health and fitness business.

General Plan/Policies and Requirements

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

<b>Table 2 General Plan Designations</b>	
<b>General Plan Land Use Designation:</b>	Commercial
<b>Specific Plan Area:</b>	Historic Corridor Revitalization Plan The site is located in the Village Core (VC) Zone

The following is a general analysis of the proposed Project.

General Plan Land Use Element - Commercial

There are no specific provisions regarding health and fitness facilities within the Commercial designation of the General Plan. The Historic Corridor Revitalization Plan provides a definition for Health and Fitness facilities. Currently Health and Fitness facilities less than 1,500 square feet are permitted in the VC Designation. The proposed amendment, if approved, will allow the Commission the discretion to approve health and fitness facilities greater than 1,500 square feet. This amendment is consistent with the General Plan the following Objective and Policy of the Land Use Element of the General Plan by encouraging a greater range of commercial services and providing a service that may support visitors to the City who desire to exercise during their vacation:

Objective 1.3: Balanced Land Uses: To develop a balanced range of and uses within the Planning Area consistent with the City's desired character and environmental, social, and economic goals.

Policy 1.3.1: The City shall assure that adequate sites are available for both new and

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existing commercial land uses to provide space for retail uses, business services, offices, and visitor-serving uses.

Environmental Guidelines – Categorical Exemptions for Proposed Text Amendment and for Proposed Health and Fitness Facility at 321 Broadway Street.

The change to the ordinance, Case ZC 2016-005 as well as the proposed fitness facility within an existing building are exempt pursuant to Section 15301 (Class 1 Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.).

15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (up to 50 percent expansion) or no expansion of use beyond that existing at the time of the lead agency's determination. The types of Class 1 "existing facilities" itemized in Section 15301 are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Expansions up to 50 percent of the floor area of an existing building are permitted under Class 1. The proposed Zoning Ordinance change limits new Fitness Facilities over 1,500 square feet to a maximum of 10,000 square feet and limits those facilities to existing buildings, including expansions of no greater than 50 percent of the existing building floor area. Fitness Facilities of under 1,500 square feet are currently permitted under the code. The proposed change of the ordinance will allow the Planning Commission to approve Conditional Use Permits for Fitness Facilities larger than 1,500 square feet in existing buildings in the Village Core Zone.

Project Review Committee Comments and Review

A representative from each City Department meets to discuss most community development projects. This group operates as the City's staff advisory team which is referred to as the Project Review Committee ("**PRC**"). PRC provides comments to the Applicants and COAs before a project goes to the Planning Commission. Public improvements are not required for the project. The only issues relate to building condition and parking. The code does not require additional parking. There are four existing parking spaces. It is recommended that the paving be patched and new striping of the parking spaces be provided.

**PLANNING COMMISSION**

**Case No. ZC 2016-005, CUP 2016-016, AR 2016-003**

**February 7, 2017**

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Public Notice

Notice of the CUP was published in the South County The Rustler Newspaper on **January 25, 2017** and all property owners of record within three-hundred (300') feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**COST ANALYSIS:**

The City is processing the application for the zone change (text amendment) and being charged to the General Fund as part of its economic development efforts to retain businesses. Kasey Tertulien, Kasey's Fitness Academy is processing the cost of the Conditional Use Permit and Architectural Review Applications.

**ALTERNATIVES:**

The Planning Commission may consider the following options:

- 1. Approve the Proposed Language Change for VC Zone.** Actions include the following:

*If this alternative is selected, the Planning Commission should move to:*

**A. Find the Project Categorically Exempt, Class 1 from CEQA; and**

**B. Approve**

- 1. Recommend the City Council adopt an Ordinance approving a text amendment change to the Historic Corridor Revitalization Plan and Village Core ("VC") Zoning Category, modifying Table 4.7 to allow, in the VC Zone District, Health and Fitness Facilities greater than 1,500 square feet in area within existing buildings, subject to a Conditional Use Permit; and*
  - 2. Approve Conditional Use Permit Case No. CUP 2016-016 and AR 2016-003 allowing a proposed 4,961 square foot health and fitness facility within an existing building at 321 Broadway Street, subject to the Conditions of Approval ("COA") and adoption of the Ordinance.*
- 2. Deny the Zoning Amendment.** This action would deny the change to the Historic Corridor Revitalization Plan prohibiting Health and Fitness Facilities in buildings larger than 1,500 square feet in the VC Zone and would limit the permit the Health and Fitness Facility at 321 Broadway to 1,500 square feet or less. *If this alternative is selected, the Planning Commission should identify the reasons for denial, including that it is not consistent with the design guidelines for the Historic Corridor*

**PLANNING COMMISSION**

**Case No. ZC 2016-005, CUP 2016-016, AR 2016-003**

**February 7, 2017**

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*Revitalization Plan and direct staff to return at the next hearing with findings for denial.*

**3. Modify the Project.** The Planning Commission may request the applicant make modifications to the proposal design, potentially changing the design and/or use of the structure.

Following are the proposed changes to Table 4.7 (Figure 1) allowing Health and Fitness Facilities over 1,500 square feet within existing buildings with a CUP in the VC Zoning District.

**Figure 1**

**Proposed Amendment to Table 4.7, Historic Corridor Revitalization Plan**

**Proposal to Amend Chapter 4.7 Allowed Land Uses and Permit Requirements to add Health and Fitness Facilities over 1,500 square feet in existing buildings as a use permitted within the VC Zoning District with a conditional use permit.**

LAND USE TYPE <sup>1,2,3</sup>	ZONE		
	FSC	VC	VB
<b>Recreation, Education &amp; Public Assembly</b>			
<b>Commercial recreation facility - indoor</b>			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	-	UP
<b>Health/fitness facility</b>			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	UP <sup>5</sup>	UP
<b>Library, museum, or art gallery</b>			
<b>Meeting facility, public or private</b>			
<b>Park, playground</b>			
<b>School, public or private</b>			
<b>Studio, art, dance, martial arts, music, etc.</b>			
• < 1,500 sf	P	P	P
• > 1,500 sf	UP	UP	UP
<b>Theater, cinema, or performing art</b>			
• <5000 sf	P	P	UP
• >5000 sf	UP	UP	-
<b>Residential</b>			
<b>Ancillary building</b>			
<b>Dwellings: Single family</b>			
• Single family	-	-	P
• Multi-family - rowhouse	-	-	P
• Multi-family-duplex	-	-	P
• Multi-family-triplex	-	-	P
• Multi-family - fourplex or larger	UP	-	P
<b>Group Homes</b>			
• Six (6) or fewer resident	p4	p4	P
• Seven (7) or more residents	p4	p4	UP
• Live/work unit	p4	p4	P
• Mixed-use project residential component	p4	p4	p4
<b>Farmworker housing</b>			
<b>Retail</b>			
• Artisan shop	P	P	P
• Bar, tavern, night club	UP	UP	-
• Farmers market	UP	UP	UP
• General retail, except with any of the following features:	P	P	P
o Alcoholic beverage sales, off-premise	UP	UP	UP
o Floor area over 8,000 sf	UP	UP	-

LAND USE TYPE <sup>1,2,3</sup>	ZONE		
	FSC	VC	VB
○ Onsite production of items sold	UP	UP	-
○ Operating between 9 p.m. and 7 a.m.	UP	UP	-
• Neighborhood Market <8,000 sf	P	P	UP
• Nursery <10,000 sf	UP	-	-
• Restaurant, cafe, coffee shop	P	P	UP
<b>Services: Business, Financial, Professional</b>			
• ATM or bank	P	P	P
• Business support service	P	P	P
• Medical services: Clinic, urgent care	UP	-	UP
• Medical services: Doctors office	P	P	P
• Medical services: Extended care	P	-	P
• Office: Business, service	P	P	P
• Office: Professional, administrative	P	P	P
• Financial services	P	P	P
<b>Services: General</b>			
<b>Bed &amp; Breakfast</b>			
○ Four (4) guest rooms or less		-	-P
○ Greater than 4 guest rooms	UP	-	UP
• Child day-care center			
• Child day-care center: Large family day-care homes			
• Child day-care center: Small day-care homes			
• Lodging	P	UP	UP
• Personal Services	P	P	P
<b>Transportation, Communication, Infrastructure</b>			
• Parking facility, public or private	UP	UP	UP
• Train/multi-modal depot	UP	UP	-
• Wireless telecommunication facility	UP	UP	-

1. A definition of each Land Use Type can be found in the Glossary.
2. Similar uses permitted or conditionally permitted, as determined by the Director or the Planning Commission to be of the same general character as the listed uses.
3. Drive-thrus are not allowed with any use in any Zoning District.
4. Residential allowed on upper floors only.
5. *Use permitted with a Use Permit only within existing buildings, including expansions up to a maximum 50% floor area of the existing building. Total area may not exceed 10,000 square feet.*

**Figure 2**  
**VC, VB and FSC Zoning Districts Historic Corridor Revitalization Plan**



Districts	
 First Street Corridor   Corredor de la Calle Primera (FSC)	 Village Core   Aldea Central (VC)
 Village Business   Aldea de Negocios (VB)	 Neighborhood   Vecindario (N)
 Civic Center and City Hall   Central Civico	

**Figure 3**  
**Existing Front of Vacant Commercial Building at 321 Broadway Street**



**Figure 4**  
**Historic Broadway Street Buildings**  
**Note the Striking Similarity with the Existing Building at 321 Broadway Street**



**Figure 5**  
**Rear of Existing Vacant Commercial Building at 321 Broadway Street Showing**  
**Parking Area**



**Figure 6**  
**Rear and Side of Existing Building at 321 Broadway Street**



**Figure 7**  
**East Side of Existing Vacant Commercial Building at 321 Broadway Street**



**Figure 8**  
**Northeast Side Existing Vacant Commercial Building Showing Stairway at 321 Broadway Street**



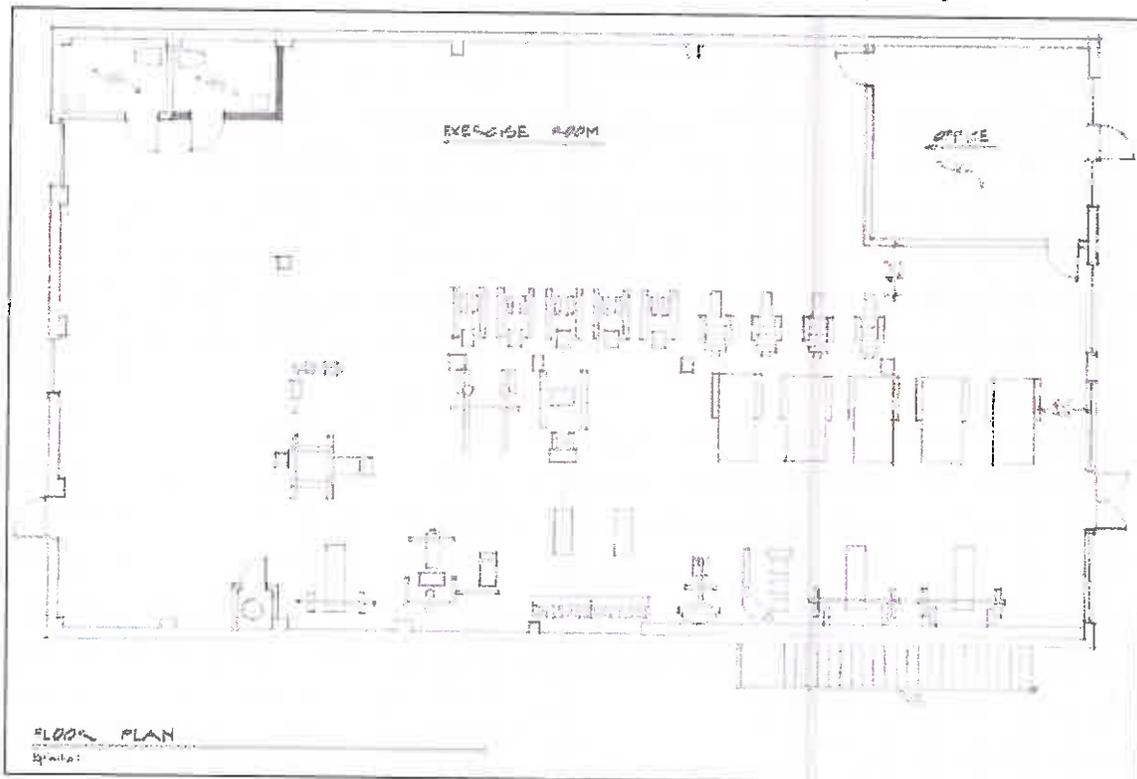
**Figure 9**  
**Example of Exercise Equipment for Proposed Health and Fitness Facility**



**Figure 10**  
**Sample of Typical Exercise Classes at Proposed Health and Fitness Facility**

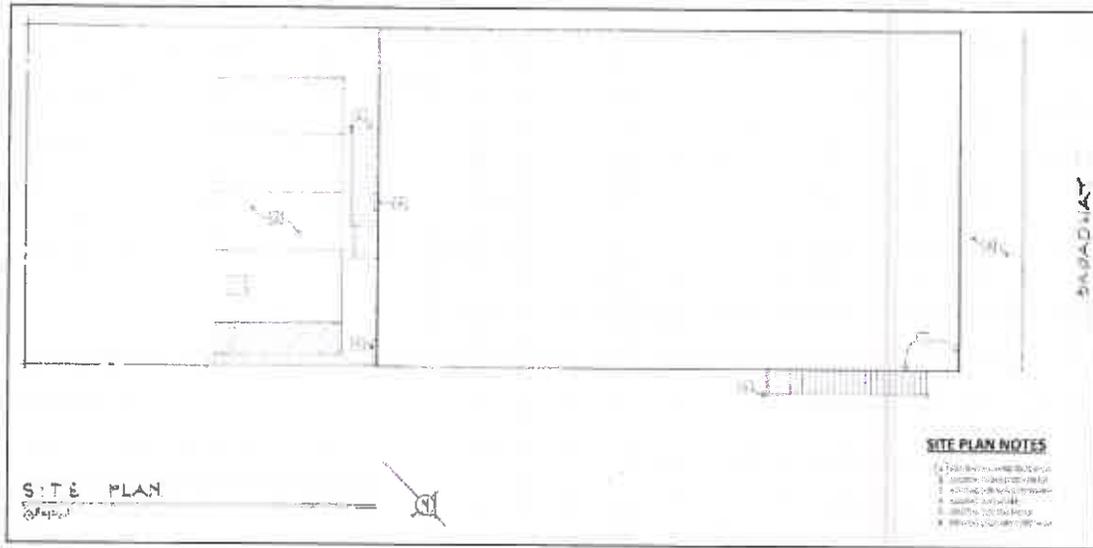


**Figure 11**  
**Proposed Floor Plan of Health and Fitness Facility at 321 Broadway Street**  
Layout is approximate and may change depending on evaluation of capability of floor structure.



**Figure 12**

**Plot Plan Incorporating Four Off-Street Parking Spaces, Including One Handicap Parking Space**



**Exhibits:**

1. Findings of Fact for Amendment to the Village Core Zone
2. Findings of Fact for CUP and AR
3. Resolution No. 2017-170 Recommending City Council approve an Ordinance
4. Resolution No. 2017-174 for CUP and AR
5. Conditions of Approval
6. Project Design Site Plan/Floor Plan
7. Draft Ordinance for City Council

Prepared by:

\_\_\_\_\_  
DON FUNK, PRINCIPLE PLANNER

Approved by:

\_\_\_\_\_  
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR

**EXHIBIT 1**  
**Case No. ZC 2016-005**

**FINDINGS OF FACTS FOR APPROVAL FOR AMENDMENT OF VC ZONE**

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. Furthermore, a project must meet certain conditions to be categorically exempt from the California Environmental Quality Act ("**CEQA**"). Staff presents the required findings to aid the Commission in making the resolution of approval or denial.

**Zoning Amendment Findings**

1. The General Land Use Designation for Retail Commercial ("**RC**"), General Land Use designation, permits a variety of commercial and service uses. The proposed language change to allow Health and Fitness Facilities over 1,500 square feet in the VC Zone will promote other related business in the Downtown and result in a net potential economic benefit to the Downtown. Health food stores, restaurants, sport accessory stores and clothing stores may benefit.
2. The proposed amendment is consistent with the General Plan Land Use Element to assure adequate public services and facilities to existing and new development as the community grows. Health and Fitness Facilities provide a needed service in the City and promote overall health of the population. Both residents and visitors to the City can utilize and benefit from Health and Fitness Facilities.
3. The proposed use will be consistent with the Historic Corridor Revitalization Plan and with the goals for providing structures that are compatible with existing buildings in the Village Core district. It will improve the appearance of the site by promoting improved appearance of neglected existing buildings.
4. The amendment will be consistent with adjoining Village Business (VB) and First Street Corridor Zones which already permit Health and Fitness Facilities over 1,500 square feet with a Conditional Use Permit.

**California Environmental Quality Act (CEQA) Categorical Exemption Findings:**

The change to the ordinance, Case ZC 2016-005 as well as the proposed fitness facility within an existing building are exempt pursuant to Section 15301 (Class 1 Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.).

15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (up to 50 percent expansion) or no expansion of use beyond that existing at the time of the lead agency's determination. The types of Class 1 "existing facilities" itemized in Section 15301 are not intended to be all-inclusive of the types

of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Expansions up to 50 percent of the floor area of an existing building are permitted under Class 1. The proposed Zoning Ordinance change limits new Fitness Facilities over 1,500 square feet to a maximum of 10,000 square feet and limits those facilities to existing buildings, including expansions of no greater than 50 percent of the existing building floor area. Fitness Facilities of under 1,500 square feet are currently permitted under the code. The proposed change of the ordinance will allow the Planning Commission to approve Conditional Use Permits for Fitness Facilities larger than 1,500 square feet in existing buildings in the Village Core Zone.

**EXHIBIT 2**  
**Case No. CUP 2016-016 and AR 2016-003**

**FINDINGS OF FACTS FOR APPROVAL FOR CONDITIONAL USE PERMIT AND  
ARCHITECTURAL REVIEW**

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. Furthermore, a project must meet certain conditions to be categorically exempt from the California Environmental Quality Act ("**CEQA**"). Staff presents the required findings to aid the Commission in making the resolution of approval or denial.

**Conditional Use Permit Findings**

1. The General Land Use Designation for Retail Commercial ("**RC**"), General Land Use designation, permits a variety of commercial and service uses. The proposed Health and Fitness Facility at 321 Broadway Street will promote other related business in the Downtown and result in a net potential economic benefit to the Downtown. Health food stores, restaurants, sport accessory stores and clothing stores may benefit.
2. The proposed Health and Fitness Facility is consistent with the General Plan Land Use Element to assure adequate public services and facilities to existing and new development as the community grows. This Health and Fitness Facility will provide a needed service in the City and promote overall health of the population. Both residents and visitors to the City can utilize and benefit from this Health and Fitness Facility.
3. The project use and design, with new paint and new windows and doors and other improvements to the site, will be consistent with the Historic Corridor Revitalization Plan and with the goals for providing structures that are compatible with existing buildings in the Village Core district. New paint, new doors and windows and repair of holes in the parking area will improve the appearance of the site and safety of the parking lot.
4. The proposed use will be consistent with the Historic Corridor Revitalization Plan and with the goals for providing structures that are compatible with existing buildings in the Village Core district. It will improve the appearance of the site by promoting improved appearance of neglected existing buildings.
5. The COA as shown on **Exhibit 5** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

6. The CUP will not be valid until after the amendment to the VC Zone, Case ZC 2016-005, becomes effective.

**California Environmental Quality Act (CEQA) Categorical Exemption Findings:**

The proposed text change and the proposed fitness facility within an existing building are exempt pursuant to Section 15301 (Class 1 Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.). The project does not expand the existing commercial building and does not have any significant environmental impacts.

15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (up to 50 percent expansion) or no expansion of use beyond that existing at the time of the lead agency's determination. The types of Class 1 "existing facilities" itemized in Section 15301 are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use up to 50 percent.

Health and Fitness facilities create no noise, air quality or other significant impacts on the environment and are similar in nature to other uses permitted in the VC Zone. If the Commission determines that there are no design or other issues related to the proposed zoning amendment allowing health and fitness facilities over 1,500 square feet in existing buildings with a CUP as well as the proposed CUP 2016-016/AR 2016-003 for Kasey's health and fitness facility proposed for the existing vacant building located at 321 Broadway Street, the Commission can determine that the project qualifies for a CEQA Categorical Exemption, Class 3 "Existing Facilities."

**EXHIBIT 3**  
**RESOLUTION NO. 2017-170**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING CITY  
RECOMMENDING THE CITY COUNCIL APPROVE AN ORDINANCE FOR A ZONING  
CODE TEXT AMENDMENT PERMITTING HEALTH AND FITNESS FACILITIES  
LARGER THAN 1,500 SQUARE FEET IN THE VILLAGE CORE (VC) ZONE WITHIN  
EXISTING BUILDINGS WITH A CONDITIONAL USE PERMIT**

**WHEREAS**, City ("**Applicant**") is proposing a zoning code text amendment (Case No. ZC 2016-005), to change the zoning text for the Village Core (VC) Zoning District in the Historic Corridor Revitalization Plan to allow health and fitness facilities in existing buildings with a conditional use permit; and

**WHEREAS**, the Project is a zoning code text amendment allowing health and fitness facilities over 1.500 square feet in area within existing buildings in the VC Zoning District with a CUP (**Reference Exhibit 1 and Figure 1**); and

**WHEREAS**, the change to the ordinance, Case ZC 2016-005 as well as the proposed fitness facility within an existing building are exempt pursuant to Section 15301 (Class 1 Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.). 15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (up to 50 percent expansion) or no expansion of use beyond that existing at the time of the lead agency's determination.; and

**WHEREAS**, the Planning Commission has held a duly noticed public hearing, on **February 7, 2017**, as required by Cal. Government Code §65854 on the proposed text amendment to the zoning ordinance, at which hearing the proposed amendments were explained and comments invited from persons in attendance; and

**WHEREAS**, the Planning Commission has reviewed the information provided in the staff report, and presented during the public hearing, and listened to all testimony; and

**WHEREAS**, the Planning Commission has recommended the City Council adopt an ordinance for the ZC Case No. 2016-005 based on the following findings of fact:

**CEQA**

The change to the ordinance, Case ZC 2016-005 as well as the proposed fitness facility within an existing building are exempt pursuant to Section 15301 (Class 1 Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.). 15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (up to 50 percent expansion) or no expansion of use beyond that existing at the time of the lead agency's determination.

**Proposed Language Change of VC Zone**

The Commission recommends the amendment of Table 4.7 of the Historic Corridor Revitalization Plan to permit, with a CUP:

"Health/Fitness Facilities" of 1,500 square feet or more within existing buildings in the VC Zone, including expansions of existing buildings not to exceed 50 percent of the total floor area of the building.

This recommended amendment meets the following additional findings:

- 1) The rezoning is consistent with the policies of the General Plan and consistent with the General Plan land use designations. The proposed amendment area is designated in the General Plan and as Village Core uses in the Historic Downtown Revitalization Plan, which implements the General Plan. The proposed change to add Health and Fitness Facilities is not a substantive change from other commercial and service uses already permitted within the VC Zone.
- 2) The use authorized by the rezone is compatible with the other uses in the same zoning districts because the Health and Fitness Facilities larger than 1,500 square feet are already permitted in the adjoining Village Business (VB) and First Street Corridor (FSC) zones with a CUP.
- 3) Community need has been demonstrated for additional Health and Fitness Facilities within the City. Other Health and Fitness Facilities have operated in the past without major incidents in other areas of the City as well as within the Downtown area.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King recommends the City Council approve Rezone Case No. ZC 2016-005, as presented.

This resolution was passed and adopted this **7th day of February, 2017**, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINING:**

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

ATTEST:

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

## EXHIBIT 4

### RESOLUTION NO. 2017-171

#### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-016 AND AR 2016- 003 FOR A HEALTH AND FITNESS FACILITY LOCATED ON 321 BROADWAY STREET, KING CITY, CALIFORNIA.

**WHEREAS**, On **December 22, 2016**, Kasey Tertulien of Kasey's Fitness Academy, requested a Conditional Use Permit ("**CUP**") Case No. 2016-016 and Architectural Review, AR 2016-003, for a 4,961 square foot fitness facility which will include a juice bar and related health and exercise uses at 321 Broadway. The fitness facility, as described in the Staff Report, is proposed within the Historic Corridor Revitalization Plan area which currently restricts fitness facilities to less than 1,500 square feet. The site is zoned Village Core ("**VC**") and is designated Commercial in the General Plan. Since Health and Fitness Facilities are currently limited to a maximum of 1,500 square feet, a change in the Historic Corridor Revitalization Plan is proposed to modify Table 4.7 to allow "Health/Fitness Facilities" larger than 1,500 square feet in existing buildings with a Conditional Use Permit. The site is zoned Village Core ("**VC**") and is designated Commercial in the General Plan; and

**WHEREAS**, On **February 7, 2016**, the Planning Commission ("**Commission**") held a public hearing to consider the proposal of Kasey Tertulien of Kasey Fitness Academy; and

**WHEREAS**, the project, with the provisions to repaint the building, replace windows and doors and patch and re-stripe the parking lot agreed to by the applicant at the meeting, 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**, the Commission reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **February 7, 2017**; and

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

1. The General Land Use Designation for Retail Commercial ("**RC**"), General Land Use designation does permit a variety of commercial related uses. The proposed Health and Fitness Facility at 321 Broadway is consistent with the General Plan Designation.
2. The project use and design will be consistent with the Historic Corridor Revitalization Plan with the goals for providing structures that are compatible with existing buildings in the Village Core district. It will improve the appearance of the site by incorporating design features, including repainting the building, replacing existing doors and windows and patching and re-stripping the parking lot agreed to by the applicant at the meeting of February 7, 2017.
3. The COA as shown on **Exhibit 5** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King approves CUP Case No. CUP 2016-016 and AR 2016-003, consistent with **Exhibit 5** and all conditions of approval as presented.

This resolution was passed and adopted this 7<sup>th</sup> day of **February 2017**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

ATTEST:

\_\_\_\_\_  
ERICA SONNE  
SECRETARY TO THE PLANNING COMMISSION

## EXHIBIT 5

### CUP CASE NO. 2016-016 AND AR 2016-003 CONDITIONS OF APPROVAL

**Community Development Department** (Applicant should discuss the following conditions of approval ("**COA**") with Maricruz Aguilar, 831-386-5916, if there are any questions):

- 1. Project Description:** The project approval, for applicant Kasey Tertulien of Kasey's Fitness Academy, approving a Conditional Use Permit ("**CUP**") Case No. CUP 2016-005 and Architectural Review Permit (**AR**) Case No. 2016-003, for a 4,961 square foot fitness facility which will include a juice bar and related health and exercise uses at 321 Broadway. The fitness facility is proposed within the Historic Corridor Revitalization Plan area which currently restricts fitness facilities to less than 1,500 square feet. The site is zoned Village Core ("**VC**") and is designated Commercial in the General Plan. A change in the Historic Corridor Revitalization Plan is proposed to modify Table 4.7 to allow "Health/Fitness Facilities" larger than 1,500 square feet in existing buildings with a Conditional Use Permit. Project shall be constructed in accordance with **Figures 11 and 12** contained in the Staff Report, as approved by the Planning Commission on **February 7, 2017**. ***Project approval is contingent on the City Council's approval of the text amendment (i.e., approval of the ordinance), which becomes effective thirty (30) days after the second Ordinance reading.***
- 2. Approval Period:** The approval period for this permit are set by Municipal Code Section 17.64.030 and shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval as stated in Condition #1 or per Municipal Code Section 17.64.030 if different. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked.
- 3. Cultural Resources:** No excavation is proposed at the time of the issuance of this CUP. However, should excavation occur, in the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources are found during excavation or construction, work will be halted at a minimum of thirty (30') feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie cultural resources, paleontological resources, historical resources or, in the case of adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within twenty-four (24) hours. A qualified professional (to be hired by the applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage 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 §5097.98. The landowner or its 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: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within twenty-four (24) hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

4. **Lighting:** Any and all outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties.
5. **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.
6. **Hold Harmless and Indemnification Clause:** The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**") and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Aleshire & Wynder, attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "*proceeding*") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Aleshire & Wynder, attorneys, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

*Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or*

*Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or involved in such proceeding.*

The applicant agrees to indemnify City and its elected officials, officers, contractors, consultants, attorneys, employees and agents (including Earth Design, Inc., Hanna & Brunetti, Aleshire & Wynder, attorneys) for all of City's costs, fees, and damages incurred in enforcing the **indemnification** provisions of this Agreement.

The applicant agrees to defend, indemnify and **hold harmless** City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Aleshire & Wynder, attorneys), attorneys, employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, sphere of influence amendment, annexation, pre-zoning, general plan amendment, specific plan, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve which approval shall not be unreasonably withheld, conditioned or delayed:

*The counsel selected by applicant and accepted by the City, to so defend City, which approval shall not be unreasonably withheld, delayed or conditioned;*

*All significant decisions concerning the manner in which the defense is conducted, which approval shall not be unreasonably withheld, delayed or conditioned; and*

*Any and all settlements.*

City shall have and retain the right to have the City attorney defend the City and its staff in connection with such proceeding. City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants' actual and reasonable fees and costs arising from their support of the defense shall be paid by the applicant.

The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding. Notwithstanding the preceding, this obligation to indemnify shall not apply to any claim to the extent arising from the gross negligence or willful misconduct of the indemnified party or of any agent, employee or licensee of the indemnified party.

7. **Other County, State and Federal Permits:** Before 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.
8. **Structural Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in

connection with the project. No conditions, nor and substantial change in colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable.

9. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. The project shall comply with all building codes and City Building Division review and approvals.
10. **Business License:** **Before issuance of a building permit,** a business license shall be obtained for every person conducting or carrying on the business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.
  - (a) Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.
  - (b) 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.
  - (c) Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.
11. **Improvements to the Building and Parking Lot:** The following improvements shall be made to the exterior of the building and site, **prior to final occupancy:**
  - (a) The exterior of the building walls and fascia shall be repaired and holes patched.
  - (b) The exterior of the building, walls and accent trim, will be re-painted in substantial conformance with the colors to be approved by the Community Development Director ("**Director**"). Colors of walls and trim to be coordinated.
  - (c) The exterior front and rear doors and first floor windows shall be replaced with doors and windows approved by the Director.
  - (d) The rear paved parking area and drive shall be patched and the parking spaces, including one handicap space, shall be restriped.
  - (e) The applicant states that she will apply for grant funds for awnings for the front of the building. If she is successful in obtaining a grant, she will install the awnings at that time. Any future cloth awnings and other minor additional exterior improvements shall be reviewed and approved by the City Manager and Community Development Director prior to installation.
12. **Additional Parking & Shared Parking Agreement:** **Prior to final occupancy,** the Applicant shall submit a final parking plan and verification of a shared parking agreement within 1,320 feet (walking distance) of the facility for approval by the City Manager and Community Development Director.

**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.

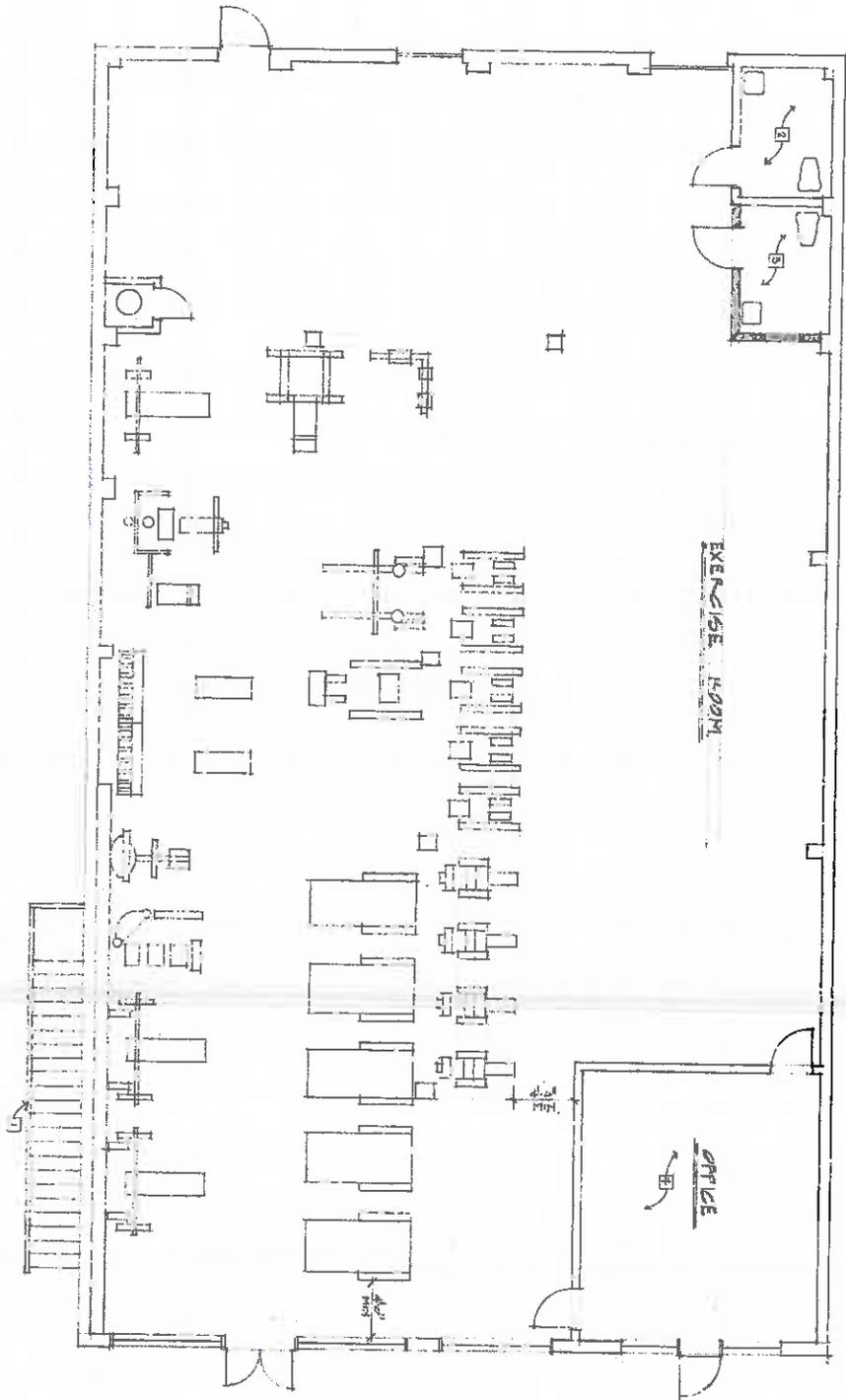
I have received a copy of the conditional use permit conditions of approval and mitigated measures and agree with them. I understand that if I do not abide by them the Planning Commission has the authority to revoke my conditional use permit, pursuant to the Municipal Code. (*Reference Municipal Code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

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



# EXHIBIT 6

FLOOR PLAN  
 8/11/10



- FLOOR PLAN NOTES**
- 1. EXISTING STAIRWAY TO REMAIN
  - 2. EXISTING STAIRWAY TO REMAIN
  - 3. EXISTING STAIRWAY TO REMAIN
  - 4. EXISTING STAIRWAY TO REMAIN

DATE	8/11/10
BY	WJ
SCALE	AS SHOWN
PROJECT	WESLEY JAY BEEBE - ARCHITECT
NO.	2

**WESLEY JAY BEEBE - ARCHITECT**  
 P.O. BOX 1743  
 KING CITY CA. 95050-0743  
 (831) 365-0810  
 (831) 365-0688

NO.	DATE	BY	DESCRIPTION

# EXHIBIT 7

1. ORDINANCE NO. \_\_\_\_\_

2. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING**  
3. **SECTION 4.7 (ALLOWABLE LAND USES) OF THE CITY OF KING HISTORIC**  
4. **CORRIDOR REVITALIZATION PLAN TO AMEND THE ALLOWABLE USES**  
5. **IN THE VILLAGE CORE (VC) ZONING DISTRICT FOR THE PURPOSE OF**  
6. **ALLOWING HEALTH AND FITNESS FACILITIES GREATER THAN 1,500**  
7. **SQUARE FEET IN AREA WITHIN EXISTING BUILDINGS**

8. **WHEREAS**, there is a request by Kasey's Fitness Academy to relocate from East San  
9. Antonio Drive to vacant building space located within the Downtown Village Core (VC) Zoning  
10. District; and

11. **WHEREAS**, the new health and fitness facility is larger than 1,500 square feet in area,  
12. and

13. **WHEREAS**, the VC Zone currently prohibits health and fitness facilities larger than 1,500  
14. square feet, and

15. **WHEREAS**, health and fitness facilities provide a needed and useful service for City  
16. residents and visitors, and

17. **WHEREAS**, health and fitness facilities may increase and improve nearby businesses,  
18. and

19. **WHEREAS**, health and fitness facilities have not created land use issues within the City  
20. in the past and are currently permitted within the neighboring Village Business (VB) and First  
21. Street Corridor (FSC) Zoning Districts, and

22. **WHEREAS**, the change to the ordinance, Case ZC 2016-005 as well as the proposed  
23. fitness facility within an existing building are exempt pursuant to Section 15301 (Class 1  
24. Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title 14, California  
25. Code of Regulations Section 15000, et seq.). 15301. Existing Facilities: Class 1 consists of the  
26. operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing  
27. public or private structures, facilities, mechanical equipment, or topographical features, involving  
28. negligible (up to 50 percent expansion) or no expansion of use beyond that existing at the time  
29. of the lead agency's determination; and

30. **WHEREAS**, the VC Zoning District needs to be amended to accommodate health and  
31. fitness facilities larger than 1,500 square feet, and

32. **WHEREAS**, this amendment may facilitate the refurbishing of Downtown buildings.

33. **NOW THEREFORE BE IT ORDAINED** by the City Council of the City of King as follows:

34. **SECTION 1:** The City Council of the City of King, does hereby make the following  
35. findings of fact:

36. 1. The proposed Zoning Amendment is consistent with the General Plan.
37. 2. The proposed amendment to the Historic Corridor Revitalization Plan is consistent with  
38. the General Plan.

39. **SECTION 2:** The City Council approves the following changes to the Historic Corridor  
40. Revitalization Plan and Village Core (VC) Zone:

41.

1. Amend Table 4.7 (Allowed Land Uses and Permit Requirements) of the Historic Corridor  
2. Revitalization Plan and the VC Zoning District is hereby amended by adding Health and Fitness  
3. Facilities larger than 1,500 square feet as an acceptable use by Conditional Use Permit within  
existing buildings as follows:

Land Use Type	FSC	VC	VB
Health/Fitness Facilities greater than 1,500 sq.	UP	<u>UP<sup>5</sup></u>	UP

4. Reference 5: Use permitted with a Use Permit only within existing buildings, including  
5. expansions up to a maximum 50% floor area of the existing building. Total area may not  
6. exceed 10,000 square feet.

7. **SECTION 3:** If any section, subsection, sentence, clause, phrase or portion of this  
8. Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction  
9. such portion shall be deemed a separate, distinct and independent provision of such Ordinance  
and shall not affect the validity of the remaining portions thereof.

10. **SECTION 4:** All other ordinances of the City of King or provisions of the King City  
11. Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of  
such conflict.

12. **SECTION 5:** The City Council authorizes the amendment of the Municipal Code to  
13. incorporate these text amendment changes to the VC Zoning District and further authorizes the  
staff to prepare the completion of codification text and tables of previously adopted sections of  
14. the VC, VB and FSC Zoning Districts within the City's Municipal Code.

15. **SECTION 6:** This ordinance shall become effective and in full force and effect at 12:01  
a.m. on the thirty-first day after its final passage.

16. **SECTION 7.** The City Clerk shall certify to the adoption of this Ordinance, and cause  
17. the same to be published in the local newspaper, and the same shall take effect thirty (30) days  
after the date of its adoption

18. PASSED AND ADOPTED AND APPROVED THIS 28th day of February, 2017.

19.

20.

\_\_\_\_\_  
Michael LeBarre, Mayor

21.

ATTEST:

22.

\_\_\_\_\_  
Steven Adams, City Clerk

23.

24. APPROVED AS TO FORM

25.

26.

\_\_\_\_\_  
Shannon Chaffin, City Attorney

27.

28.



Item No. **7 (b)**

**REPORT TO THE PLANNING COMMISSION**

**DATE:** FEBRUARY 7, 2017

**TO:** PLANNING COMMISSION

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

**RE:** CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL TO AMEND THE GENENERAL PLAN (CASE NO. GPA2017-001) AND APPROVE A ZONE CHANGE (CASE NO. ZC2017-001) ON APN 245-111-036-000

**RECOMMENDATION:**

It is recommended the Planning Commission adopt the attached Resolution No. 2017-169 amending the General Plan from Public Quasi (“PQ”) to Agriculture (“AG”), and a zoning district amendment from (“M-1”) to Agriculture (“A”)

**BACKGROUND:**

The City is selling a portion of APN 245-111-036-000, which is located adjacent to the wastewater treatment plant. The City will also sell APN 245-111-035-000, which is located in the unincorporated area and has land use designations for agriculture (Reference attached Exhibit 1). The future new owner wishes to continue farming the property. The General Plan designation is Public/Quasi-Public (“PQ”) and the Zoning District is Industrial (“M-1”). With agreement of the new owner, the City has initiated a General Plan Amendment (“GPA”) from (“PQ”) to Agriculture (“AG”), and a zoning district amendment from (“M-1”) to Agriculture (“A”).

**DISCUSSION:**

The proposal involves amending the General Plan Land Use Map and the Zoning Map. The property is situated west of the City and adjacent to the wastewater treatment plant (“WWTP”) and totals 170.5 acres. Approximately 93.92 acres of the property are farmable land and approximately 76.58 acres are of river bottom land. This area of land consists of one (1) legal lot with two assessor parcel numbers (APN: 245-111-035-000 and APN: 245-111-036-000). Of this property, the approximately 93.92 acres of APN 245-111-035 is situated on County of

**PLANNING COMMISSION  
GENERAL PLAN AMENDMENT/ZONE CHANGE  
FEBRUARY 7, 2017  
PAGE 2 OF 4**

Monterey unincorporated boundary and Zoned F/40 Farmland. The approximate 76.58 acres situated within City limits is zoned Light Industrial (“M-1”) within the Public Quasi (“PQ”) Land Use Designation. The proposed amendment and rezone are only for property within City limits.

Analysis

The City is in the process of selling a portion of APN 245-111-036-000 and all of APN 245-111-035-000. The future owner wishes to continue farming the site. To be consistent with the adjacent land use designations and uses, the City has initiated a General Plan Amendment and Zone Change to agricultural uses. (Reference Exhibits 2 and 3.) This portion of land was intended for future expansion of the Waste Water Treatment Plant. However, the plant is now proposed to upgrade to a tertiary treatment plant, and the portion of land is no longer needed. The City will process a land survey to create two lots from 245-111-036-000 in accordance with Subdivision Map Act §66426.5.

The General Plan provides the following goals for open space/Agricultural lands, and for Public Service and Facilities:

**5. OPEN SPACE AND AGRICULTURAL LANDS GOALS AND POLICIES**

**GOAL: TO PROTECT AND PROVIDE OPEN SPACE LANDS TO SATISFY THE NEEDS OF THE COMMUNITY; TO CONSERVE NATURAL RESOURCES FOR FUTURE GENERATIONS; AND TO PRESERVE VIABLE, PRIME AGRICULTURAL LANDS WITHIN THE PLANNING AREA WHICH ARE NOT DESIGNATED FOR FUTURE URBAN GROWTH.**

**7. PUBLIC SERVICES AND FACILITIES GOALS AND POLICIES**

**GOAL: TO PROVIDE ADEQUATE LAND AREAS FOR PUBLIC AND QUASI-PUBLIC LAND USES; TO PLAN AND PROVIDE FOR ADEQUATE AND EFFICIENT GOVERNMENT OFFICES AND COMMUNITY FACILITIES TO ACCOMMODATE THE EXISTING AND FUTURE NEEDS OF THE CITY; TO PROVIDE POLICE AND FIRE PROTECTION SERVICES AT LEVELS ADEQUATE FOR THE PROTECTION OF LIFE AND PROPERTY; TO ENSURE AN EFFICIENT SYSTEM OF PUBLIC UTILITIES; TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF HEALTH AND MEDICAL SERVICES TO ALL RESIDENTS OF THE PLANNING AREA; AND TO PROVIDE ADEQUATE PARK AND RECREATIONAL FACILITIES TO SERVE THE RECREATIONAL NEEDS OF THE CITY.**

To be consistent with the proposed General Plan designation, a zoning change from M-1 to A is also being processed. (Reference Exhibit 4 for permitted uses in the agricultural district.)

The property use is clearly consistent in preserving agricultural land. There are no plans to expand urban growth in this area. As mentioned above, the surrounding county land is designated for agricultural uses.

**PLANNING COMMISSION  
GENERAL PLAN AMENDMENT/ZONE CHANGE  
FEBRUARY 7, 2017  
PAGE 3 OF 4**

Advantages

Surplus property will be sold for a use which is consistent with surrounding uses, the land will be preserved for agricultural purposes, and the designated land use will be consistent with current and future planned used.

Disadvantages

There is less land for future use by the City. However, one additional parcel is begin held until the wastewater treatment plant master plan is completed in case any additional land is needed.

Environmental Review

Pursuant to Public Resources Code §15061 (3), and in accordance with the California Environmental Quality Act (CEQA), the project is covered by the general CEQA rule which states if it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA. Staff believes that changing the land use designations from PQ and M-1 to AG and A will not have a significant effect on the environment, and therefore the project is not subject to CEQA.

Public Notification and Input

A public hearing notice was published in the South County Newspaper The Rustler on January 25, 2017 and notices were mailed to property owners within 300ft radius of the site.

**COST ANALYSIS:**

The property is being sold to Mission Holdings TLC (or a related entity thereof) for \$2,325,000.

**ALTERNATIVES:**

The following alternatives are provided for Council consideration:

1. Adopt the attached Resolution;
2. Do not adopt the attached Resolution and request staff return with a Resolution not recommending the amendments; or
3. Provide other direction to staff.

**Exhibits:**

1. Location of property
2. General Plan Land Use Map
3. Zoning Map
4. M-1 Zoning
5. Resolution

**PLANNING COMMISSION  
GENERAL PLAN AMENDMENT/ZONE CHANGE  
FEBRUARY 7, 2017  
PAGE 4 OF 4**

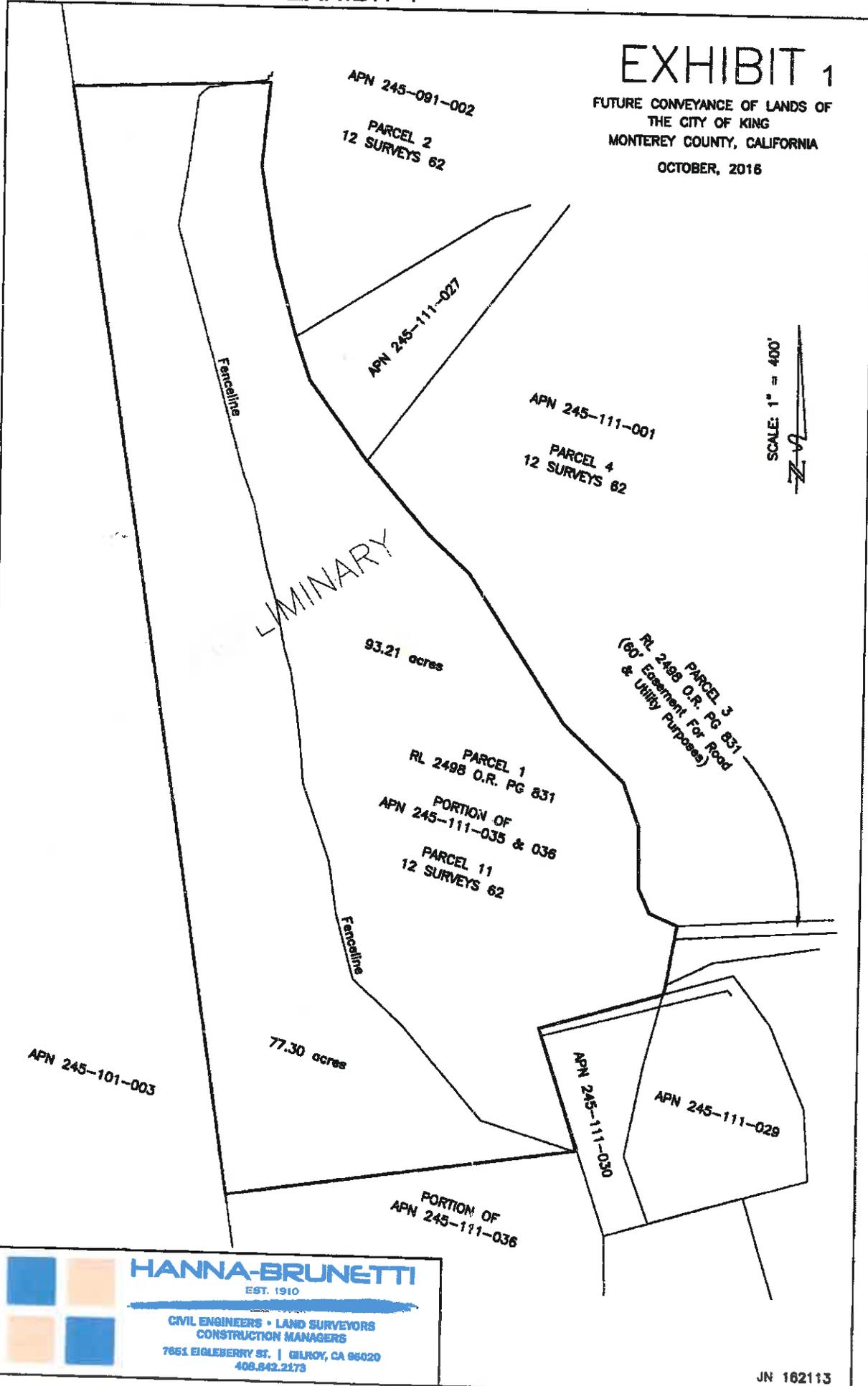
Submitted by:  For Doreen Liberto  
Doreen Liberto, AICP, MDR, Community Development Director

Approved by:   
Steven Adams, City Manager

EXHIBIT 1

EXHIBIT 1

FUTURE CONVEYANCE OF LANDS OF  
THE CITY OF KING  
MONTEREY COUNTY, CALIFORNIA  
OCTOBER, 2016



**HANNA-BRUNETTI**  
EST. 1910

CIVIL ENGINEERS • LAND SURVEYORS  
CONSTRUCTION MANAGERS  
7651 EIGLEBERRY ST. | GILROY, CA 95020  
408.842.2173

# EXHIBIT

FUTURE COMPREHENSIVE ZONING MAP  
THE CITY OF IRVING  
MONTEREY COUNTY, CALIFORNIA  
OCTOBER, 2016

GPA from  
PQ to  
OP/AG

APN 246-111-001  
PARCELS 6  
12 SURVEYS 40

ZC from  
M-1 to  
A

PARCEL 3  
R. 2465 017, 06 B31  
(6) Subdivided for Road  
& Utility Purposes

PARCEL 7  
R. 2465 017, 06 B31  
PARCELS 7  
PROPERTY OF  
APN 246-111-008 & 009  
PARCELS 11  
12 SURVEYS 40

PARCELS 10  
APN 246-111-006

APN 246-107-013

71.30 acres

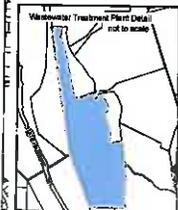
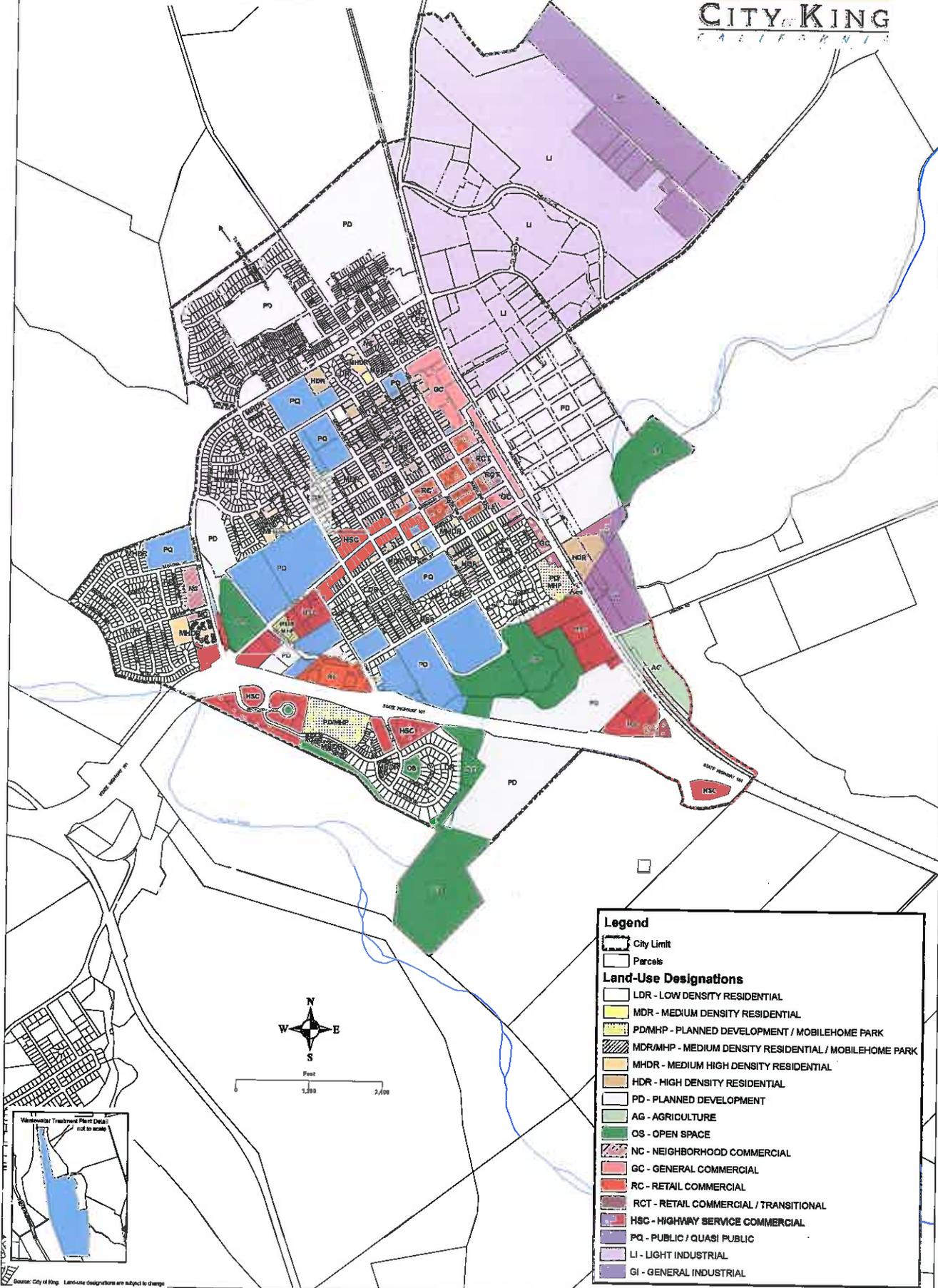
53.51 acres

71.30 acres

**HANNA-BELNETTI**  
INC. P.O.  
CIVIL ENGINEER - LAND SURVEYOR  
CALIFORNIA LICENSE NO. 50500  
1000 S. GARDEN AVENUE, SUITE 100  
IRVING, CA 92610  
949.634.7178

# GENERAL PLAN LAND-USE

## EXHIBIT 2

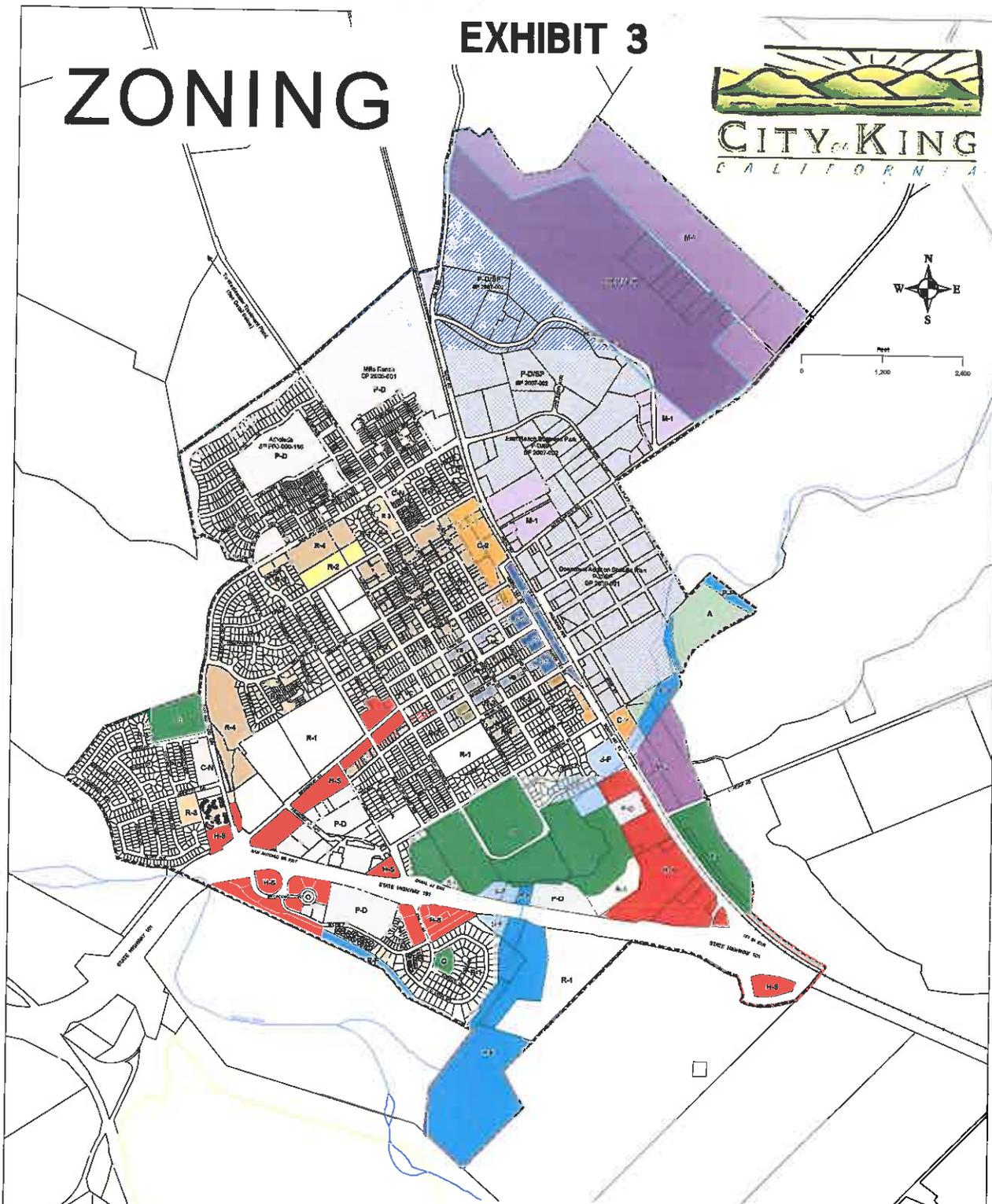


Legend	
	City Limit
	Parcels
Land-Use Designations	
	LDR - LOW DENSITY RESIDENTIAL
	MDR - MEDIUM DENSITY RESIDENTIAL
	PDMHP - PLANNED DEVELOPMENT / MOBILEHOME PARK
	MDRMHP - MEDIUM DENSITY RESIDENTIAL / MOBILEHOME PARK
	MHDR - MEDIUM HIGH DENSITY RESIDENTIAL
	HDR - HIGH DENSITY RESIDENTIAL
	PD - PLANNED DEVELOPMENT
	AG - AGRICULTURE
	OS - OPEN SPACE
	NC - NEIGHBORHOOD COMMERCIAL
	GC - GENERAL COMMERCIAL
	RC - RETAIL COMMERCIAL
	RCT - RETAIL COMMERCIAL / TRANSITIONAL
	HSC - HIGHWAY SERVICE COMMERCIAL
	PQ - PUBLIC / QUASI PUBLIC
	LI - LIGHT INDUSTRIAL
	GI - GENERAL INDUSTRIAL

Source: City of King. Land-use designations are subject to change.

# ZONING

## EXHIBIT 3



### Legend

- CITY LIMITS
- PARCELS

### Zoning District Classifications

- |  |      |   |  |        |  |
|--|------|---|--|--------|--|
|  | A-P  | COMBINING AIRPORT DISTRICT                                    |  | C-N    | NEIGHBORHOOD COMMERCIAL DISTRICT             |
|  | A    | AGRICULTURAL DISTRICT   |  | C-1/TD | RETAIL-COMMERCIAL TRANSITION DISTRICT        |
|  | F3C  | FIRST STREET CORRIDOR   |  | C-2    | GENERAL COMMERCIAL DISTRICT                  |
|  | VB   | VILLAGE BUSINESS  |  | H-S    | HIGHWAY SERVICE DISTRICT                     |
|  | CCCH | CMC CENTER AND CITY HALL                                      |  | M-1    | INDUSTRIAL DISTRICT                          |
|  | VC   | VILLAGE CORE  |  | M-2    | INDUSTRIAL DISTRICT                          |
|  | R-1  | SINGLE FAMILY RESIDENTIAL DISTRICT                            |  | M-3    | HEAVY INDUSTRIAL DISTRICT                    |
|  | R-2  | MEDIUM DENSITY RESIDENTIAL DISTRICT                           |  | P-D    | PLANNED DEVELOPMENT DISTRICT                 |
|  | R-2N | MEDIUM DENSITY RESIDENTIAL NEIGHBORHOOD                       |  | O      | OPEN SPACE DISTRICT                          |
|  | R-3  | MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT                      |  | P-F    | PRIMARY FLOOD PLAIN DISTRICT                 |
|  | R-3N | MEDIUM HIGH DENSITY RESIDENTIAL - NEIGHBORHOOD                |  | S-F    | SECONDARY FLOOD PLAIN DISTRICT               |
|  | R-4  | MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES DISTRICT |  | P-D/SP | PLANNED DEVELOPMENT / SPECIFIC PLAN DISTRICT |
|  | R-4N | MULTIPLE FAMILY RESIDENTIAL - NEIGHBORHOOD                    |  |        |  |

\* N - denotes 'not regulated by the form base code'

Source: City of King City. Zoning classifications are subject to change.

King City Municipal Code							
Up	Previous	Next	Main	Collapse	Search	Print	No Frames

Title 17 ZONING

## **Chapter 17.30 M-1 INDUSTRIAL DISTRICT**

### **Note**

\* Prior ordinance history: Ords. 354, 429 and 547.

### **17.30.010 Purpose.**

The purpose of the M-1 district is to provide a district of larger land parcels with enhanced aesthetic standards exclusively for sound industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences of nonindustrial uses, while maintaining an environment free from offensive or objectionable noise, dust, odor or other nuisances.

The following regulations apply in all M-1 districts and shall be subject to the provisions of Chapters 17.48 through 17.52 and approved architectural, construction and design standards of the M-1 zone. (Ord. 587 § 1 Exh. A, 1996)

### **17.30.020 Uses permitted subject to obtaining a use permit.**

The following uses are permitted subject to obtaining a use permit:

- (1) Manufacture, processing and packing of beverages (except distilleries), food or food products (except commercial medical cannabis activity as defined within subsection (14) of this section) completely within a structure or processing and packing of food products when the major operation takes place in unenclosed structures and where products, materials and equipment are stored in the open;
- (2) Other manufacture, assembly, processing and packaging or industrial operations within a building where all resulting dust, dirt, cinders, fumes, gases, smoke or offensive odor shall be confined to the premises or so disposed of as to avoid air pollution;
- (3) Manufacture, repair, sale, lease or storage of farm and general agricultural tools, equipment and vehicles where repairs are conducted within a building or within an area enclosed by a solid eight-foot fence;
- (4) Wholesaling, storage and warehousing completely within an enclosed structure;
- (5) Office of manufacturers' representatives, brokers, business and professional services or consultation;
- (6) Printing, publishing, book-binding and blueprinting services. Retail sales as an accessory to these uses and within the same building;
- (7) Laboratory, research and development facilities;
- (8) Testing and analysis of scientific equipment and instrumentation;
- (9) Retail sales as an accessory to permitted uses and within the same building shall not exceed ten percent of the gross floor area;
- (10) Food and beverage products packaging, cooling and freezing plants;
- (11) Retail commercial uses such as restaurants, service stations and convenience stores designed to serve the industrial area;

(12) Auto, truck, boat, trailer sales and rental. Service facilities for these uses when conducted entirely within a building or within an area enclosed by a solid eight-foot fence;

(13) Residential uses for caretakers in conjunction with permitted uses but not including any other residential use;

(14) Commercial medical cannabis cultivation and nurseries consistent with those activities authorized under the state cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code Section 19332(g)(5) Type 2A "small indoor," 19332(g)(6) Type 2B "small mixed-light," 19332(g)(8) Type 3A "indoor," 19332(g)(9) Type 3B "mixed-light" and 19332(g)(10) Type 4 "nursery." Cultivation for purposes of this provision shall be limited to those activities defined within California Business and Professions Code Section 19300.5(i) and the delivery or transport of the harvested cannabis outside of the city. No deliveries or distribution of any cannabis product shall be allowed within the jurisdictional boundaries of the city;

(15) Commercial cannabis level one manufacturing and testing consistent with those activities authorized under the state manufacturing and testing laboratories license types issued by the State Department of Health under Business and Professions Code Sections 19300.7 and 19341(a) Type 6 "Manufacturer 1" and 19341(c) Type 8 "testing";

(16) Any other use which the planning commission finds not to be inconsistent with the uses set out herein. (Ord. 729 §§ 1—4, 2016; Ord. 718 § 1, 2016; Ord. 587 § 1 Exh. A, 1996)

#### **17.30.030 Manufacturing uses not allowed in the M-1 district.**

The following manufacturing uses are not allowed in the M-1 district:

(1) Production or mixing of asphalt, cement, charcoal and fuel briquettes, including those of a portable or temporary type;

(2) Production of coal, coke and tar products, including use in manufacturing;

(3) Production of dry fertilizers, gelatin, animal glue and sizing;

(4) Production of turpentine, matches and paint;

(5) Stockyards, slaughterhouses including poultry, animal feeding or sales yards, slag sites;

(6) Storage and manufacturing of fireworks or explosives;

(7) Brick yards, cement pipe and block manufacturing, pottery manufacturing, and other kiln fired products;

(8) Production of herbicides and pesticides. (Ord. 705 § 1, 2014; Ord. 596 § 1 Exh. A, 1998; Ord. 587 § 1 Exh. A, 1996)

#### **17.30.040 Accessory buildings and uses permitted.**

(1) Accessory buildings are permitted only if constructed simultaneously with or subsequent to the main building on the same lot.

(2) Accessory uses which are normally incidental to uses permitted. (Ord. 587 § 1 Exh. A, 1996)

#### **17.30.050 Maximum building height.**

No building shall be more than two stories, nor more than thirty feet in height (not including roof-mounted equipment which must be screened and/or painted to coordinate with building architecture); provided, that the height limit may be increased upon first securing a use permit if the building is equipped with a sprinkler



All developments will be required to landscape a twenty-foot front and twenty-foot side yard setback from the property line which is adjacent to the public street. The landscaping will be undulating mounds with grass or groundcover vegetation with a minimum of two approved trees not more than fifty feet apart. Drought tolerant landscaping is encouraged. Additional landscaping is required for the parking lot and front of the building in an amount equal to ten percent of the gross area required for parking. Such landscaping will be maintained by the developer as a condition of the land use approval. Automatic irrigation systems are required for all landscaping. (Ord. 587 § 1 Exh. A, 1996)

**17.30.140 Parking requirements.**

Employee and visitor parking must conform to zoning specifications and be located at the sides or the front of the building provided setback and landscaping requirements are met. Truck parking and docking areas should be architecturally consistent with building design and aesthetically pleasing and should be screened from street view. All parking, docking and traffic ways must be graded, paved and appropriately marked. Exterior maintenance and storage areas may be properly prepared decomposed granite or equivalent.

**Industrial**

(1) Manufacturing, heavy industrial, heavy commercial uses	Minimum of 2 spaces for every 3 employees on largest shift but not less than 1 space per 2,000 square feet of gross floor area. Parking may be off-site within 300 feet, upon approval of planning commission.
(2) Warehousing and wholesaling, and commercial cannabis cultivation, level one manufacturing and testing	Minimum of 2 spaces for every 3 employees on largest shift but not less than 1 per 3,000 square feet of gross floor area.
(3) Mini-warehouses	1 space per 1,000 square feet of gross floor area.
(4) Contractor yards	1 space per 1,000 square feet of gross floor area.
(5) Office and business services	1 space per employee, but not less than 1 space per 250 sq. ft. of gross floor area.
(6) Retail and commercial	1 space for every 150 sq. ft. of gross sales floor area in addition to those required for the primary use.

(Ord. 729 § 5, 2016; Ord. 718 § 2, 2016; Ord. 587 § 1 Exh. A, 1996)

**17.30.150 Commercial cannabis cultivation property development standards.**

All commercial cannabis activity shall be subject to and comply with all provisions of the King City Municipal Code Chapter 17.03. (Ord. 729 § 6, 2016)

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# EXHIBIT 5

## RESOLUTION NO. 2017-169

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, CALIFORNIA RECOMMENDING THE CITY COUNCIL AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM PUBLIC QUASI (PQ) TO AGRICULTURE (AG) (CASE NO. GPA2017-001) AND APPROVE A ZONE DISTRICT CHANGE FROM INDUSTRIAL (M-1) TO AGRICULTURE (AG) (CASE NO. ZC2017-001) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036-000.**

**WHEREAS**, the Community Development Department ("Department") of the City of King reviewed the applications to amend the General Plan land use designation from Public-Quasi ("PQ") to Agriculture ("AG") (Case No. GPA2017-001) and amend the zoning district from Industrial ("I") to Agriculture (AG) (Case No. ZC2017-001) on a portion of Assessor Parcel No. 245-111-036-000, and consisting of approximately 77.30 acres, as shown on Exhibit 1; and

**WHEREAS**, pursuant to Public Resources Code §15061 (3), and in accordance with the California Environmental Quality Act (CEQA), the project is covered by the general CEQA rule which states if it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, on February 7, 2017, the City of King Planning Commission ("Commission") conducted a public hearing to consider the applications and after considering public testimony, the staff report and all submitted evidence to support the applications, the Commission recommends the City Council ("Council") approve Case No. GPA2017-001 and Case No. ZC2017-001.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of King does hereby recommend the City Council approve Case No. GPA2017-001 and Case No. ZC2017-001 based on the following findings of fact:

1. The proposed General Plan amendment from Public Quasi to Agriculture is compatible with adjacent uses and densities. The Agricultural land use designation is consistent with the character of the area, which is predominately agriculture.
2. The zone change is consistent with the revised General Plan designation. The zoning district would be amended from Industrial to Agricultural.
3. The projects are statutorily exempt from environmental review pursuant to the State CEQA Guideline §15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of February, 2017

\_\_\_\_\_  
David Nuck, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Erica Sonne, Planning Commission Clerk