

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, JUNE 4, 2019
6:00 P.M.

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

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL:

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

4. PUBLIC COMMENTS

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

5. PRESENTATIONS

None

6. CONSENT AGENDA

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

- A. Meeting Minutes of May 21, 2019 Planning Commission Meeting
Recommendation: Approve and file.

7. PUBLIC HEARINGS

- A. Project: Zone Change Case No. ZC 2019-001
- Applicant: Janet Buttgerreit
- Location: 119 N. Vanderhurst Ave., King City, CA 93930 (APN: 026-162-001)
- Consideration: Zone Change of 22,550 Sq. Ft. Property from Multiple-Family Residential and Professional Office ("R-4/N") to Village Business ("VB") Located at 119 North Vanderhurst Ave., Assessor's Parcel Number 026-162-001 and Amendment to the Historic Corridor Revitalization Plan Designation From Neighborhood ("N") to Village Business ("VB").

Recommendation: Staff recommends the Planning Commission adopt the attached Resolution No. 219-254, which recommends the City Council approve Rezoning Case No. ZC2019-001 to change APN 026-162-001 from the Multiple Family Residential and Professional Offices (R-4/N) Zoning District to Village Business (VB) Zoning District.

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the uses allowed under the VB Zoning District are not more intense than the uses permitted under the R-4/N Zoning District. Therefore, this project is not subject to CEQA.”

8. NON-PUBLIC HEARINGS

A. Project: Amherst Center
Applicant: Chris Madson
Location: 1195 Amherst Drive, King City, CA 93930
Consideration: Architectural Review Case No. AR 2018-016, for the construction of a Mixed-Use Residential Development with 12 Residential Units And 6,584 SF of Commercial at 1195 Amherst Drive, King City.
Recommendation: Staff recommends the Planning Commission conduct the public hearing and adopt Resolution No. 2019-255 which approves Case No. AR 2018-016.

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines, section 15332 which exempts the mixed-use project because it is infill and is consistent with the General Plan policies and applicable zoning designation Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR’S REPORT –

A. None

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

June

June 10th	6:00 p.m.	Airport Advisory Committee
June 11th	6:00 p.m.	City Council
June 17th	6:00 p.m.	Recreation Commission
June 18th	6:00 p.m.	Planning Commission
June 25th	6:00 p.m.	City Council

July

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

EIS: Environmental Impact Statement

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

L&A: Landscaping and Lighting District

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

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

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

May 21, 2019

1. Call to Order

Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:03 p.m.

2. Pledge of Allegiance

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

3. Roll Call

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

Staff present: Community Development Director, Doreen Liberto; Executive Admin. Asst./Deputy City Clerk, Erica Sonne.

4. Public Comments

None

5. Presentations

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: May 7, 2019

Action: Motion made by Commissioner Avalos to approve minutes of May 7, 2019. Seconded by Commissioner Mendez. Motion carried 5-0.

Community Development Director Doreen Liberto introduced a new member of EDI Eric Johanson.

7. PUBLIC HEARINGS

None

8. NON- PUBLIC HEARINGS –

A. Project:	Amherst Center
Applicant:	Chris Madson
Location:	1195 Amherst Drive, King City, CA 93930
Consideration:	Architectural Review Case No. AR 2018-016, for the Construction of a Mixed-Use Residential Development with 12 Residential Units And 6,584 SF of Commercial at 1195 Amherst Drive, King City.
Recommendation:	Staff recommends the Planning Commission continue this item to June 4, 2019 Planning Commission meeting.

Environmental
Determination:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines, section 15332 which exempts the mixed use project because it is infill and is consistent with the General Plan policies and applicable zoning designation. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Community Development Director Doreen Liberto introduced this item.

Action: Commissioner Saunders made a motion to continue this item to the June 4th meeting. Seconded by Commissioner Uribe. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report – None

11. Director Reports- None

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:05 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 7(A)

REPORT TO THE PLANNING COMMISSION

DATE: JUNE 4, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: DONALD J. FUNK, PRINCIPAL PLANNER & MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: ZONING CODE AMENDMENT AND HISTORIC CORRIDOR REVITALIZATION PLAN AMENDMENT TO CHANGE 119 NORTH VANDERHURST AVENUE, ASSESSOR'S PARCEL NUMBER 026-162-001, FROM MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES (R-4/N) DISTRICT TO VILLAGE BUSINESS (VB) (RZ CASE NO. 2019-001)

RECOMMENDATION

Staff recommends the Planning Commission adopt the attached Resolution No. 219-254, which recommends the City Council approve Rezoning Case No. 2019-001 to change APN 026-162-001 from the Multiple Family Residential and Professional Offices (R-4/N) Zoning District to Village Business (VB) Zoning District.

BACKGROUND

The applicants, Janet Buttgereit & John Buttgereit, are requesting that 119 N. Vanderhurst Avenue (an approximate 22,500 square foot property) be included in the Historic Corridor Revitalization Plan ("**HCRP**") boundary and rezone the property from Multiple Family Residential/Professional Offices District ("**R-4**") to Village Business ("**VB**"). The zone change would allow this property to use an existing office space into a commercial retail store. (**Reference Figure 1.**) The HCRP, which includes a Form-Based Code and was adopted by Ordinance No. 2011-692 on January 25, 2011.

The existing R-4/N Zoning District allows residential uses and a variety of professional office uses. The R-4/N zone does not allow retail stores. The proposed VB Zoning District allows a mix of residential uses, professional offices and small commercial uses under 8,000 square feet in area. The primary intent of the VB Zoning District is to

“regulate the physical form of commercial buildings to ensure an appropriate transition between the Village Core and the adjacent residential neighborhoods.”

If the City adopts the zone change to VB, their proposed retail use (an antique store) could be permitted without a Conditional Use Permit as long as the store is: 1. Less than 8,000 square feet of floor area and; 2. Operates only during the hours between 7 a.m. and 9 p.m., and; 3. Complies with all other regulations of the Municipal Code and Historic Corridor and Revitalization Plan as well as other laws applicable to commercial buildings, including, but not limited to handicap access, parking standards, and fire protection. No architectural changes are currently proposed by the owners of the property. The current use of the front of the building is professional office. The current use of the rear of the building is residential apartments.

The site is an existing multi-use building originally constructed as a United Service Organization (USO) facility. The USO is a nonprofit-charitable corporation that provides live entertainment and other programs for members of the United States Armed Forces and their families. The building probably dates from around 1941 when the USO was formed to serve soldiers and veterans of World War II. The USO was initially disbanded in 1947, but was revived in 1950 for the Korean War, after which it continued on, also providing peacetime services. During the Vietnam War, USO social facilities ("USOs") were sometimes located in combat zones. Likely the USO building on this site was used for typical activities such as entertainment and other services for the troops during and after the war.

The USO ended use of the building years ago. Over the years, the building was converted to other uses. At one time, the western portion of the building housed a roller-skating rink. There are now nine (9) apartment units, an insurance office and a beauty shop within the existing building. The existing apartment units are primarily small one-room studio type units. The apartments were created several years ago from a space that was formerly the roller-skating rink. There are also fifteen (15) off-street parking spaces to serve existing land uses. Adequate parking will have to be provided for future uses pursuant to Table 4.6 of the Historic Corridor and Revitalization Plan.

The applicant desires to rent their former appraisal office, estimated to be under 1,000 square feet in area, to an antique retail shop owner. The existing R-4/N zone allows residential uses and offices but does not allow retail stores. If approved, the VB zone would expand the allowable uses to include small retail stores up to 8,000 square feet. The VB zone also permits residential uses and offices. The change would permit the applicant to rent the former office space for retail or office uses. Site of change is shown on **Figure 1**.

The City purchased the property located on the northeast corner of Broadway Street and North Vanderhurst Street, in close proximity to the proposed site of the zone change. A downtown plaza is being proposed for that property. The City is conducting public workshop to discuss the design. The City's goal is to have the plaza constructed

by 2021. The property has an existing building which will be converted into a History Center/Chamber of Commerce Office. The scope also includes demolishing an existing structure on the corner. Retail commercial uses on the subject property, as allowed with the VB Zoning District, would be compatible with and complement the proposals for the nearby new City Plaza project.

Figure 1 – Site Location



DISCUSSION

The applicants have requested the change from R-4/N to VB zoning category because they desire to include commercial retail as well as offices and apartments within their existing building at 119 North Vanderhurst Avenue. The building is unique within the region, having a history as a site that provided servicemen with on-going entertainment during World War I and the Korean War. It also served as a site for entertaining local residents and visitors to King City during the period when the building housed a roller-skating rink. The architecture of the building is unique and reflects the period of the 1940's when it was constructed by the USO.

The General Plan designation is High Density Residential. Adjacent Zoning Districts and land uses include a mix of commercial and office uses as well as apartments which will be consistent with the proposal to change this site to VB. Also, Policy 3.2.3 of the Land Use Element of the General Plan recommends "allowing a mix of residential and commercial development" within the Historic Downtown. Further, the Land Use Element states in the description of the High-Density Residential Land Use category that "certain commercial uses are permitted." Therefore, the Zoning District change would consistent with the General Plan policy recommending a mix of land uses and would encourage residential, office and commercial uses that are compatible with adjacent land uses.

The proposed change in zoning would be beneficial to the Historic Downtown area:

1. It would allow a mix of residential, office and commercial retail uses that are attractive to visitors and tourists, especially across the street from the future City plaza.
2. Visitors to the new store at 119 North Vanderhurst Avenue may also shop at other stores in the Downtown and possibly eat at local restaurants. Often, shoppers visit nearby commercial establishments, especially those within walking distance of a new commercial use. Changing the zoning category to VB may improve the economy of the Historic Downtown and City by allowing the addition of commercial uses.
3. Retail uses would be consistent with nearby land uses.
4. The zoning district directly across North Vanderhurst Avenue is also VB. The zoning to the south of the site is Village Core (VC). The adjacent land use to the south is the City Public Library and the parking lot for the library.
5. The VB zoning would also allow the existing apartments and office within the building.
6. There are no known negative aspects to the proposed change.

The proposed zone change would be consistent with the following General Plan Land Use Element Policies:

1. General Plan Land Use Element Policy 1.3.1: The City shall assure that adequate sites are available for both new and existing commercial land uses to provide space for retail uses, business services, offices, and visitor-serving uses.

Comment: The project would provide additional space for retail commercial while still providing space for residential uses. The change would be consistent with the General Plan.

2. General Plan Land Use Element Policy 3.1.1: The City shall designate eight types of commercial land use categories: F-S Freeway Service Commercial; HS Highway Service Commercial; C-I Retail Commercial; C-2 General Commercial; FSC First Street Corridor, VC Village Core, VB Village Business, and C-N Neighborhood Commercial. In addition, a "T" Transitional overlay is established for the upper Broadway area. Within these land use categories, the City shall promote the availability of commercial sites to accommodate a mix of retailing, tourist related commercial and service uses, wholesaling, dining and entertainment, professional and business services, and shopping center

developments consistent with the environmental, social, and economic goals of the City.

Comment: The project would add 22,500 square feet of VB Village Business zoned land area in the Downtown. The VB Zone allows a mix of commercial, service, office and residential land uses and would be consistent with the General Plan.

No changes are proposed to the language or tables contained in the Historic Corridor Revitalization Plan.

ENVIRONMENTAL DETERMINATION:

Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the proposal would not substantially change the intensity of use within the existing building and would be consistent with adjacent land uses and land use designations. Therefore, this project is not subject to CEQA.”

Attachments:

Exhibit 1 – Resolution of the Planning Commission recommending that the City Council approved Zoning Map and Historic Corridor and Revitalization Plan maps changing the zoning of the 22,500 square foot site from Residential Multiple Family and Professional Office (R-4/N) to Village Business (VB) zoning designation (with attachments)

Attachment 1 – Existing Page 43 of Historic Corridor & Revitalization Plan

Attachment 2 – Proposed Page 43 of Historic Corridor & Revitalization Plan

Attachment 3 – Existing Page 49 of Historic Corridor & Revitalization Plan

Attachment 4 – Proposed Page 49 of Historic Corridor & Revitalization Plan

Attachment 5 – Existing Page 51 of Historic Corridor & Revitalization Plan

Attachment 6 – Proposed Page 51 of Historic Corridor & Revitalization Plan

Attachment 7 – Existing Page 93 of Historic Corridor & Revitalization Plan

Attachment 8 – Proposed Page 93 of Historic Corridor & Revitalization Plan

Attachment 9 – Existing R-4/N Zoning Designation of Site APN 026-162-001

Attachment 10 – Proposed Change of Site APN 026-162-001, From R-4/N to VB

Exhibit 2 – Draft Ordinance of the City Council Amending the Zoning Map and the Historic Corridor and Revitalization Plan maps changing the zoning of the 22,500 square foot site from Residential Multiple Family and Professional Office (R-4/N) to Village Business (VB) zoning designation.

EXHIBIT 1

RESOLUTION 2019-254

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING CITY
RECOMMENDING THE CITY COUNCIL APPROVE ZONING MAP AND HISTORIC
CORRIDOR AND REVITALIZATION PLAN MAP AMENDMENTS OF A 22,500
SQUARE FOOT PROPERTY, ASSESSOR'S PARCEL NUMBER APN 026-162-001,
FROM MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES (R-4/N)
DISTRICT TO VILLAGE BUSINESS (VB) ZONE (CASE NO. RZ 2019-001)**

WHEREAS, John and Janet Buttgerit and Robert and Allie Cullen ("**Applicants**") submitted zoning map amendment application (Case No. RZ 2019-001) to modify the Zoning Code and Historic Corridor Revitalization Plan ("**HCRP**") on a 22,500 square foot parcel located at the southwest corner of Vanderhurst and Lynn Streets from the Multiple Family and Professional Offices Zoning District (R-4/N) to Village Business Zoning District (VB) ("**Project**"); and

WHEREAS, the Project amends the Zoning Map and the Preferred Plan Concept Map (Page 43), The Village Business Map, 3.4 (Page 49), The Neighborhood Map, 3.5 (Page 51) and the Regulating Plan 4.1 of the Historic Corridor and Revitalization Plan and Form Based Code, per **Attachments 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10**; and

WHEREAS, staff has performed a preliminary environmental assessment of the Project and, pursuant to California Environmental Quality Act ("CEQA") Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the proposal would not substantially change the intensity of use within the existing building and would be consistent with adjacent land uses and land use designations. Therefore, this project is not subject to CEQA; and

WHEREAS, the Planning Commission ("**Commission**") held a duly noticed public hearing, on **June 4, 2019** on the Project at which time they considered the staff report, all information, evidence, and public testimony presented in connection to the project; and

WHEREAS, the Planning Commission now desires to recommend the City Council adopt said amendments and associated finding under CEQA.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of King City as follows:

1. The Planning Commission finds that public necessity, convenience, general welfare, or good zoning practices justify amendment of the zoning map and Historic Corridor Revitalization Plan. Specifically, the change is consistent with the General

Plan goals and policies, any operative plan, or adopted policy. The change is also consistent with the purpose of the zoning ordinance to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed business development consistent with the General Plan any applicable operative plan, or adopted policy.

2. The Planning Commission of the City of King recommends the City Council approve zoning map amendment application (Case No. RZ 2019-001) to modify the Historic Corridor Revitalization Plan and zoning ordinance on the 22,500 square foot parcel located at the southwest corner of Vanderhurst and Lynn Streets from the Multiple Family and Professional Offices Zoning District (R-4/N) to Village Business Zoning District (VB) as shown on Exhibits 1_[SLC1] and 2. The Planning Commission also recommends the City Council adopt a finding pursuant to CEQA Guidelines, section 15061(b)(3), that it has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the proposal would not substantially change the intensity of use within the existing building and would be consistent with adjacent land uses and land use designations. Therefore, this project is not subject to CEQA.

This resolution was passed and adopted this **4th day of June, 2019**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST:

ATTACHMENT 1

EXISTING PAGE 43 OF HISTORIC CORRIDOR & REVITALIZATION PLAN



ATTACHMENT 2

PROPOSED PAGE 43 OF HISTORIC CORRIDOR & REVITALIZATION PLAN



ATTACHMENT 3

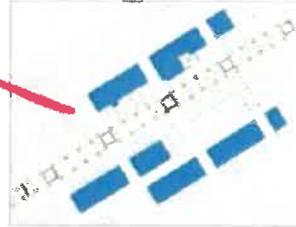
EXISTING PAGE 49 OF HISTORIC CORRIDOR & REVITALIZATION PLAN

3.4 VILLAGE BUSINESS | ALDEA DE NEGOCIOS (VB)

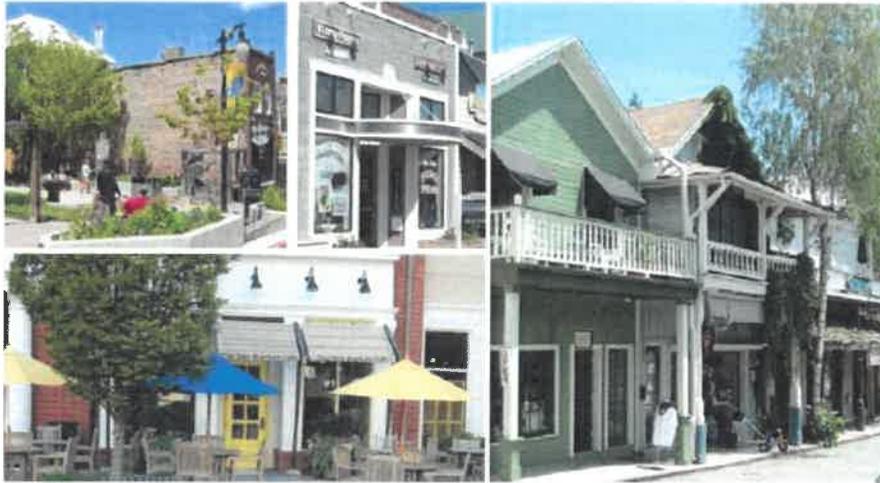
The Village Business or Aldea Negocios (VB) surrounds the Village Core, fronting Lynn and Bassett Streets. The VB serves as a transition between the busier, more densely built Village Core and the residential neighborhoods.

The VB will have local-serving commercial uses including shops, offices, and personal services. Office tenants should generate retail and restaurant activity for local business. Retail and services will be oriented to the street to ensure a pedestrian-friendly atmosphere. Where appropriate, smaller-scale mixed-use buildings can provide live/work building types with residential space above the smaller local businesses. Frontages, setbacks and landscaping in the VB will ensure office and retail uses fit in with neighboring single-family homes already located in the area.

Site



Existing Condition



ATTACHMENT 4

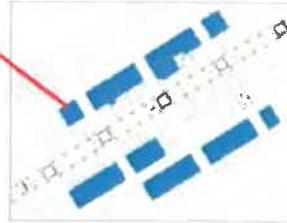
PROPOSED PAGE 49 OF HISTORIC CORRIDOR & REVITALIZATION PLAN

3.4 VILLAGE BUSINESS | ALDEA DE NEGOCIOS (VB)

The Village Business or Aldea Negocios (VB) surrounds the Village Core, fronting Lynn and Bassett Streets. The VB serves as a transition between the busier, more densely built Village Core and the residential neighborhoods.

The VB will have local-serving commercial uses including shops, offices, and personal services. Office tenants should generate retail and restaurant activity for local business. Retail and services will be oriented to the street to ensure a pedestrian-friendly atmosphere. Where appropriate, smaller-scale mixed-use buildings can provide live/work building types with residential space above the smaller local businesses. Frontages, setbacks and landscaping in the VB will ensure office and retail uses fit in with neighboring single-family homes already located in the area.

Site



Existing Condition



ATTACHMENT 5

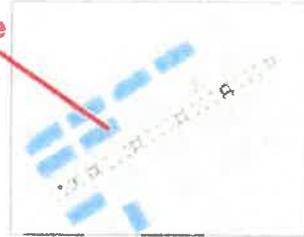
EXISTING PAGE 51 OF HISTORIC CORRIDOR & REVITALIZATION PLAN

3.5 NEIGHBORHOOD | VECINDARIO (N)

The Neighborhood or Vecindario (N) is located adjacent to the Village Business, along Lynn and Pearl Streets. This area is mostly residential and has a number of existing historic Victorian homes. These homes should be preserved to enhance the historic feeling of the area, and new development should relate to the existing historic homes.

The Neighborhood or Vecindario (N) is discussed here for illustrative purposes but is not included in the Regulating Plan (Section 4.1).

Site



Existing Condition



ATTACHMENT 6

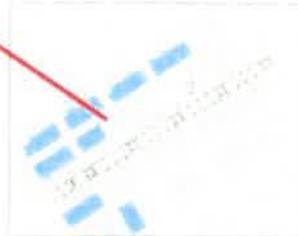
PROPOSED PAGE 51 OF HISTORIC CORRIDOR & REVITALIZATION PLAN

3.5 NEIGHBORHOOD | VECINDARIO (N)

The Neighborhood or Vecindario (N) is located adjacent to the Village Business, along Lynn and Pearl Streets. This area is mostly residential and has a number of existing historic Victorian homes. These homes should be preserved to enhance the historic feeling of the area, and new development should relate to the existing historic homes.

The Neighborhood or Vecindario (N) is discussed here for illustrative purposes but is not included in the Regulating Plan (Section 4.1)

Site



Existing Condition



ATTACHMENT 7

EXISTING PAGE 93 OF HISTORIC CORRIDOR & REVITALIZATION PLAN



ATTACHMENT 8

PROPOSED PAGE 93 OF HISTORIC CORRIDOR & REVITALIZATION PLAN



**EXHIBIT 2
DRAFT ORDINANCE**

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING TO AMEND THE ZONING CODE AND THE HISTORIC CORRIDOR REVITALIZATION PLAN AND FORM BASED CODE CHANGING THE ZONING DISTRICT FROM MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES (R-4/N) TO VILLAGE BUSINESS (VB) ON ASSESSOR PARCEL NUMBER 026-162-001

WHEREAS, John and Janet Buttgerit and Robert and Allie Cullen ("**Applicants**") submitted zoning map amendment application (Case No. RZ 2019-001) to modify the Zoning Code and Historic Corridor Revitalization Plan (HCRP) on a 22,500 square foot parcel located at the southwest corner of Vanderhurst and Lynn Streets from the Multiple Family and Professional Offices Zoning District (R-4/N) to Village Business Zoning District (VB) ("**Project**"), and shown on **Exhibit X**; and

WHEREAS, staff has performed a preliminary environmental assessment of the Project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the proposal would not substantially change the intensity of use within the existing building and would be consistent with adjacent land uses and land use designations. Therefore, this project is not subject to CEQA; and

WHEREAS, the Planning Commission (Commission) held a duly noticed public hearing, on **June 4, 2019** on the Project at which time they considered the staff report, all information, evidence, and public testimony presented in connection to the project and recommended the City Council (Council) adopt an Ordinance amending the Zoning Map of the City's Zoning Ordinance and HCRP, with the findings of facts, attached as **Exhibit X**;

WHEREAS, the Council conducted a public hearing on June 11, 2019 to consider. The Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the ordinance.

NOW THEREFORE, the people of the chartered City of King City do ordain as follows:

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

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that is consistent with the General Plan and all applicable Specific Plans.

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

SECTION 4. The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines ("CEQA Guidelines"), and the environmental regulations of the City. The City Council finds and determines that the Project is consistent with CEQA Guidelines, section 15061(b)(3) because there is no possibility that this project may have a significant effect on the environment as the proposal would not substantially change the intensity of use within the existing building and would be consistent with adjacent land uses and land use designations. Therefore, this project is not subject to CEQA;

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the modified Zoning Map shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 11 day of June 2019, and adopted the Ordinance after the second reading at a regular meeting held on the ___ day of _____, 2019, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and

adopted by the City Council of the City of King on the date and by the vote indicated herein.



Item No. 7(B)

REPORT TO THE PLANNING COMMISSION

DATE: JUNE 4, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

VIA: ERIK BERG-JOHANSEN, PLANNER

RE: CONSIDERATION OF ARCHITECTURAL REVIEW CASE NO. AR 2018-016 FOR THE CONSTRUCTION OF A MIXED-USE RESIDENTIAL DEVELOPMENT WITH 12 RESIDENTIAL UNITS AND 6,584 SF OF COMMERCIAL, AND A MASTER USE PERMIT FOR POTENTIAL USES TO OCCUPY THE COMMERCIAL SPACE AT 1195 AMHERST DRIVE, KING CITY.

RECOMMENDATION:

It is recommended Planning Commission conduct the public hearing and adopt Resolution No. 2019-252 which approves Case No. AR 2018-016.

BACKGROUND:

On **August 7, 2018**, Chris Madson ("**Applicant**") submitted an application for the construction of twelve (12) new residential units and 6,000 square feet of commercial uses at 1195 Amherst Drive with the following permits: Conditional Use Permit (Case No. CUP 2018-004), Architectural Review (Case No. AR 2018-016), Variance request (Case No. VAR 2018-001), and Landscape Design Review (Case No. LDR 2018-002). The variance request is to eliminate the requirement for one (1) garage per three (3) or more bedroom apartments.

The Planning Commission (Commission) met on **May 7, 2019** to review the proposal. The Commission was concerned that the elevation drawings did show the bathrooms that were identified on the floor plans. To ensure consistency between plan sheets, staff suggested that a condition be added that would require the bathrooms to be reflected on all drawings/diagrams, and that the revised drawings be brought back to the Commission for review.

The Commission approved the CUP, Variance, and LDR, with amendments and continued the Architectural Review application. For additional background

**PLANNING COMMISSION
AMHERST CENTER
AR 2018-016
JUNE 4, 2019
PAGE 2 OF 18**

information the Planning Commission should refer to the **May 7, 2019** staff report.

DISCUSSION:

Following the May 7th Commission meeting, the applicant notified staff that the bathrooms proposed between the A/B buildings would be removed from the proposal. Revised elevation drawings and color renderings were submitted on May 23rd. The drawings clarify openings will exist on both sides of the exterior staircases (no solid wall between buildings is proposed). This design will allow for through pedestrian access under the second story skybridges.

In summary, the applicant updated their elevation drawings to reflect the removal of the exterior bathrooms and to clarify a solid wall is not proposed between buildings. A new grey/white color scheme has also been proposed and is shown on the revised plans. Staff recommends a condition of approval to ensure all plan sheets (i.e., floor plans, site plan) submitted for a building permit are consistent with the design represented in the elevations and renderings dated **May 23, 2019**.



Figure 1: Color Renderings (Dated May 23, 2019)

ARCHITECTURAL REVIEW ANALYSIS

The Commission will act as the architectural review committee ("**ARC**"), pursuant to Municipal Code Section 17.30.120.

Building Height

The project buildings cannot exceed two (2) stories and shall not exceed thirty (30') feet in height. The proposed structures are two (2) stories and are twenty-seven (27') feet in height.

Building Site

Front yard: The project proposes twenty (20') feet setback from San Antonio Road. It is the front yard because it is the narrowest frontage of a corner lot facing the street is the front yard per Municipal Code Section 17.04.440.

Side Yard: The project proposes a ten (10') feet side yard. The minimum side yard setback is ten (10') feet because the property is adjacent to a residential district per Municipal Code Section 17.20.060 (b).

Rear Yard: The project proposes a 144 feet rear yard setback. The minimum requirement is fifteen (15') feet because the project is adjacent to a residential district per Municipal Code Section 17.020.060 (c).

Architectural Features

All proposed exteriors will include stucco on the first floor and wood siding/trim on the second floors. A stone veneer exterior accent wall is located on the north side of the first floor. The roofs will have composition shingles.

The project proposal includes color elevations of the proposed buildings. The color pallet has been revised to include a mixture of grey/white tones as shown on **Exhibit 1. (Reference Exhibit 5 - Condition of Approval No. 40 of the CUP staff report.)**

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

Window Placement

Windows for the commercial uses shall be located at street level and along the public street. The windows for commercial uses along Amhurst Street are required to be 6 feet x 5 feet and are located 1.5 feet from the ground surface allowing pedestrians easy visual access. The project will be conditioned to meet this requirement. **(Reference Exhibit 5 - Condition of Approval No. 32 of the CUP staff report.)**

Outdoor and Building Lighting

The project proposes lighting within the parking and pedestrian pathways. Lighting fixtures either wall-mounted or light standards shall be in keeping with the architectural theme of the buildings. Project CUP Conditions shall contain this

provision The Lighting should provide enhanced pedestrian safety and safety of parking. Project CUP Conditions shall contain this provision Pole light fixtures in parking areas shall not exceed thirty feet (30') in height. Project CUP Conditions shall contain this provision. **(Reference Exhibit 5 - Condition of Approval No. 16 of the CUP staff report.)**

Roof and Roof-mounted Equipment

Any mechanical equipment shall be screened from the public view using landscape, walls, fencing, parapets or other architectural elements or a combination thereof. Mansard roofs, parapets, overhangs, and awnings will be decorative and coordinated with the architecture and colors of the building. Visible roofing materials on these features will be tile or architectural metal. Composition, tar and rock roofing materials are not acceptable for visible roofing. **(Reference Exhibit 5 - Condition of Approval No. 31 of the CUP staff report.)**

Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. Well maintained antenna towers and satellite dishes (e.g., dish antennas) may be left unpainted. These details must appear on elevations submitted for architectural review. **(Reference Exhibit 5 - Condition of Approval No. 31 of the CUP staff report.)**

Electrical and mechanical apparatus and fixtures located on exterior walls shall be concealed from street visibility in a manner consistent with the architectural design of the building. **(Reference Exhibit 5 - COA No. 33 of CUP staff report.)**

Fences

Fences and walls are permitted. An existing six (6') foot-tall wood fence is located along the rear (westerly) property line and the side yard. All existing fence is proposed to remain. **(Reference Exhibit 6 - May 7, 2019 Staff Report for photos of existing fences.)**

Surrounding Uses

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

Table 1			
Adjacent Zoning/Land Use			
North:	NC	East:	R-3
West:	R-3	South:	R-3

MUNICIPAL CODE REQUIREMENTS

Table 2 Development Standards for proposed Project

Table 2 Development Standards Met?		
	Development Standard	Requirements Met?
Maximum Building Height	Two Stories (30 feet)	Requirement Met
Minimum Setback (Buildings)	Front Yard: No less than 20 ft Side Yard: None or 10 ft Residential Rear Yard: None or 15 ft from residential	Front: 20 ft Side: 10 ft Rear: 144 ft
Landscaping	Minimum area is 10% of gross area of the building site.	Requirement Met
Parking (Off Street Parking)	No standard for mixed use.	41 parking spaces proposed
Parking (ADA parking)	2 ADA parking spaces with 1 van accessible	
Fence/Walls	Permitted but not required	Existing fences to remain.
Outdoor Lighting	Lighting should be in keeping with architectural theme of buildings and provide enhanced pedestrian safety.	UNKNOWN. A final lighting plan shall be submitted at the time of building permit submittal, per the conditions of approval.
Trash Enclosure	Trash should be screened and located away from residents 1 Enclosed trash area 12'x14'	Requirement Met
Scale and Portion	Buildings shall avoid	Requirement Met

	monolithic building scale and proportions	
Colors/materials	Required to be authentic and keeping with the building architectural style and regional influences	Requirement Met
Screening	Any mechanical equipment shall be screened from public view	Requirement Met
Building Entrance Orientation	Primary building entrances to be located along public street	Requirement Met
Residential Privacy	Views into living quarters should be avoided.	Requirement Met
Window Placement	Street level business's windows to be located along public street frontages at height for pedestrian visible access	Requirement Me
Pedestrian and Visual Linkage with Public Space	Project shall incorporate pedestrian linkages to public realm	Requirement Met
Signage	6ft high freestanding monument sign. Building Signs are 1 sq. ft. per each 2 lineal feet of building frontage Indirect lighting.	6ft high freestanding monument sign. Requirement is met. A Master Sign Program shall be submitted for the commercial spaces.

Advantages

The development of this mixed-use project would be beneficial to the City. The nearby residential neighborhood would have new commercial amenities within walking distance, and the building design and onsite landscaping would enhance the aesthetic quality of the area.

Disadvantages

There are no known disadvantages. The project is well designed and will benefit the community.

ENVIRONMENTAL DETERMINATION:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines, section 15332 which exempts the mixed-use project because it is infill and is consistent with the General Plan policies and applicable zoning designation. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

PROJECT REVIEW COMMITTEE COMMENTS AND REVIEW AND REVIEW BY AGENCIES:

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 applicant and conditions of approval ("**COA**") before a project goes to the Planning Commission. No major issues regarding the project arose during the meeting of the PRC. Comments from PRC are incorporated throughout the staff report and their recommendations are incorporated in the attached COA. Comments in this Staff Report reflect comments made by City Staff.

PUBLIC NOTICE AND INPUT:

A public hearing notice was published in the King City Rustler South County Newspaper on **April 24, 2019** 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.

On April 26, 2019, Jonathan Bohorquez, CHISPA called and left a message for clarification on the project description. Staff called back and left a voicemail with clarifications on the project and staff followed up via email on May 1st.

Planning Commission continued the Architectural Review item to June 4, 2019.

COST ANALYSIS:

Development review application fees are based on actual time and materials per the City Fee Scheduled.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

**PLANNING COMMISSION
AMHERST CENTER
AR 2018-016
JUNE 4, 2019
PAGE 8 OF 18**

1. Adopt Resolution No. 2019-255 which approves AR 2018-016;
2. Request modifications in the design and/or proposed use;
3. Deny Resolution No. 2019-255 which denies the architectural review. (If the Planning Commission wishes to deny the project, the reasons should be specified, and the item continued to a future hearing so the appropriate findings of fact and resolution can be prepared by staff.); or
4. Provide other direction to staff.

Exhibits:

- Exhibit 1 – Updated Elevation Drawings and Color Renderings dated 5/23/19
- Exhibit 2 – Findings of Fact
- Exhibit 3 – Resolution
- Exhibit 4 – Conditions of Approval for Architectural Review
- Exhibit 5 – Conditions of Approval for CUP, VAR, LDR as amended 5/7/2019
- Exhibit 6 – Planning Commission Staff Report of 5/7/2019

Submitted by: ~~MEH~~ FOR Erik Berg-Johansen
Erik Berg-Johansen, Planner

Approved by: ~~MEH~~ FOR Doreen Liberto
Doreen Liberto, AICP, Community Development Director

**PLANNING COMMISSION
AMHERST CENTER
AR 2018-016
JUNE 4, 2019
PAGE 9 OF 18**

EXHIBIT 1

Updated Elevation Drawings and Color Renderings (5/23/19)

EXHIBIT 1

RECEIVED
MAY 23 2019
CITY OF KING
COMMUNITY DEVELOPMENT DEPT

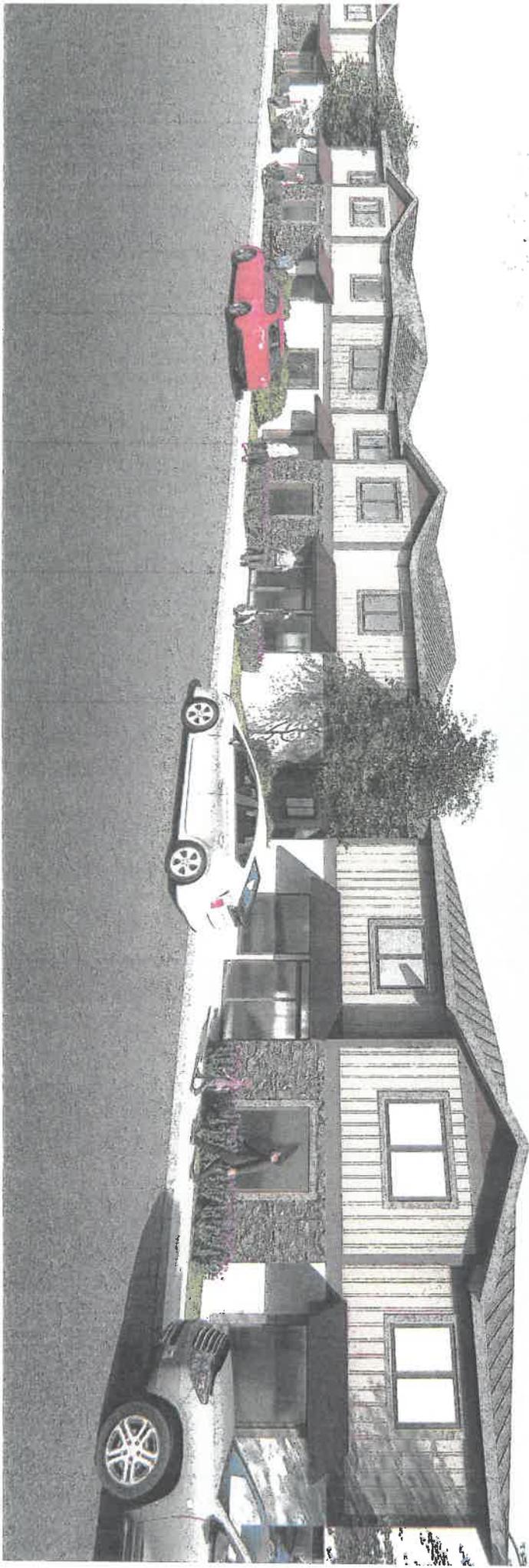
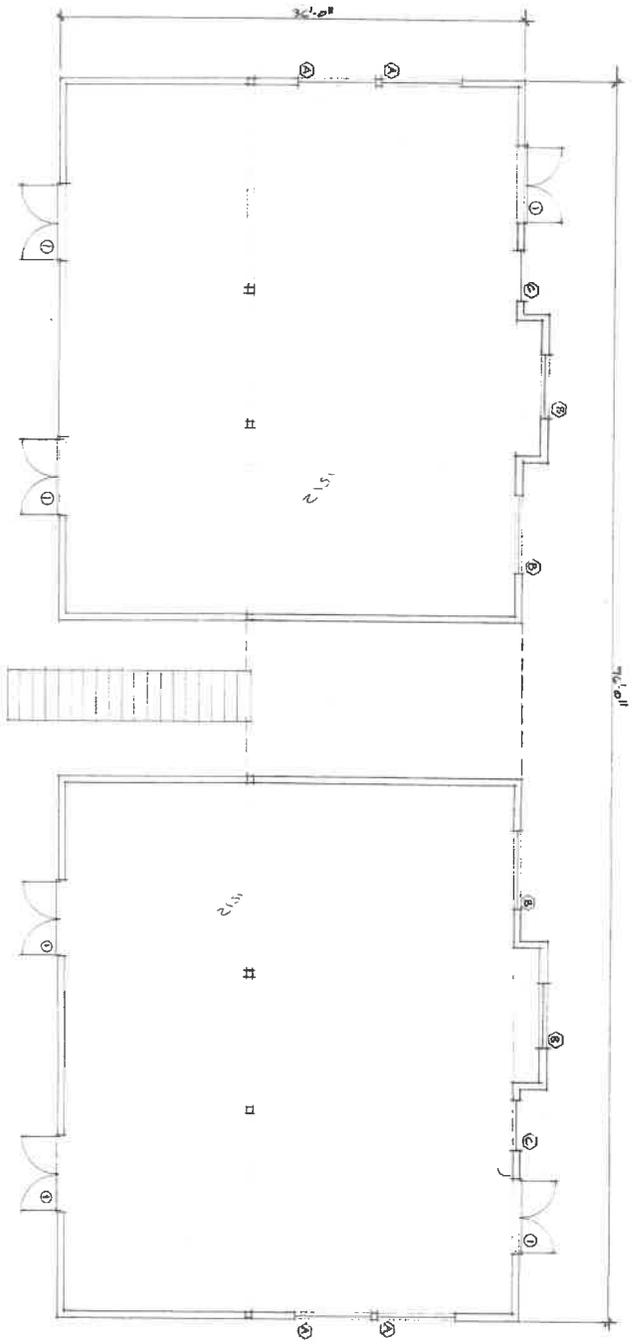




EXHIBIT 1

RECEIVED
MAY 23 2019
CITY OF KIN...
COMMUNITY DEVELOPMENT DEPARTMENT

LOWER FLOOR PLAN BUILDING A/B.
W-1101 COMMERCIAL BUILDING 30925 SART



WINDOW SCHEDULE

SYM	SIZE	TYPE	UNACTOR	SPEC	REMARKS
1	600	COMMERCIAL STOREFRONT			
2	500	COMMERCIAL STOREFRONT			
3	400	COMMERCIAL STOREFRONT			

DOOR SCHEDULE

SYM	SIZE	TYPE	GRADE	REMARKS
1	500	COMMERCIAL STOREFRONT SYSTEM		



EXHIBIT 1

WESLEY JAY BEEBE - ARCHITECT
P.O. BOX 1743
KING CITY CA 95730 - 1743 FAX (831)-385-0688

NO.	DATE	DESCRIPTION
3		

EXHIBIT 2

AR Case No. 2018-016

FINDINGS OF FACTS

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

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

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines, section 15332 which exempts the mixed-use project because it is infill and is consistent with the General Plan policies and applicable zoning designation. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Architectural Review Findings of Fact

1. The proposed project is consistent with the requirements and policies of the City of King General Plan Neighborhood Commercial designation and Zoning Ordinance. The subject property is zoned Neighborhood Commercial, which is consistent with the General Plan's Neighborhood Commercial land use designation. Policy 3.2.1 of the Land Use Element encourages mixed-use development and the CN zoning also includes mixed-use as an allowable use.
2. The general appearance of the proposed buildings is in keeping with the character of the CN district and its surrounding properties. Specifically, the design is consistent with the San Miguel apartments to the west which features centered front gables, rectangular windows, and similar roof lines.
3. The proposed buildings will not be detrimental to the harmonious and orderly growth of the City. The subject project proposes multi-family residential uses, and it is noted that surrounding properties (to the north, south, and west) are developed with large apartment complexes. The proposed housing and commercial uses are compatible with the adjacent high-density residential uses.
4. The proposed buildings will not impair the desirability of investment or occupation in the CN Zone District because the buildings, proposed landscaping and other improvements are attractively designed and provided amenities that add to the value of the area. The two rows of structures are separated by an approximately 30-foot wide common space

area that features a pedestrian walkway lined by trees and groundcover landscaping, and two interior trellises for residents. The ground floor commercial lease spaces sit right along the public sidewalk, featuring large storefront windows that provide for a welcoming pedestrian experience along Amherst Drive.

Also, 14 parking spaces will be covered which will provide shading during the summer months and protection from inclement weather during the winter.

5. The master use permit allows the following potential uses to occupy the commercial spaces: professional offices; medical offices; grocery stores; coffee shop; bakery; beauty or barber shop; dry cleaning. All other uses will require a CUP.
6. The COA as shown on Exhibit 4 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. Because the primary proposed use is residential, and the subject property is located in an area currently developed with high-density apartments, the proposed project will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. While the project also proposes a commercial component, the list of approved uses are compatible with residential uses (and some the uses will even serve as important amenities to the neighborhood). Uses not on the master use list will require a new CUP.
7. The property is currently undeveloped and void of vegetation, and therefore does not provide a benefit to the neighborhood. The proposed mixed-use buildings will complete the streetscape by providing continuity along Amherst Drive and on the west side of San Antonio Drive. As detailed in the findings above, the design of the buildings are compatible with existing development in the area and provide attractive features such as stone veneer accent walls, a mix of siding materials including stucco and vertical siding, large windows and awnings along storefronts, and architectural articulation featuring extruded front gables. Furthermore, the commercial spaces will create new neighborhood amenities and employment opportunities for residents.

**EXHIBIT 3
RESOLUTION NO. 2019-255**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
ADOPTING A CATEGORICAL EXEMPTION, AND APPROVING
ARCHITECTURAL REVIEW CASE NO. AR2018-016 FOR THE
CONSTRUCTION OF A MIXED USE RESIDENTIAL DEVELOPMENT WITH 12
RESIDENTIAL UNITS AND 6,584 SF OF COMMERCIAL AND MASTER USE
PERMIT ALLOWING CERTAIN USES WITHOUT A CONDITIONAL USE
PERMIT TO OCCUPY THE COMMERCIAL SPACE AT 1195 AMHERST
DRIVE, ASSESSOR'S PARCEL NUMBER: APN 026-561-001, KING CITY,
CALIFORNIA.**

WHEREAS, On **August 7, 2018**, Chris Madson filed applications for Cases No. CUP2018-004, AR2018-016, VAR2018-001, and LDR2018-002 for the construction of a the construction of a mixed use residential development with twelve (12) residential units and 6,584 sf of commercial and master use permit to allow the following potential uses to occupy the commercial spaces: professional offices; medical offices; grocery stores; bakery; beauty or barber shop; laundry service; off-sale liquor sales; coin operated cleaning, laundry shop; restaurants including delicatessens; at 1195 Amherst Drive, King City, CA; and

WHEREAS, on **October 9, 2018**, the application was found to be complete; and

WHEREAS, pursuant to the California Environmental Quality Act ("**CEQA**") Guidelines (14 Cal. Code Regs. §15000 et. seq.) and in accordance with the California Environmental Quality Act of 1970, the proposed project does not have the potential to result in significant adverse environmental impacts. The project does not require approval of an agency other the City of King; and

WHEREAS, on **October 30, 2018**, the Project Review Committee ("**PRC**") met to discuss the CUP, AR, VAR applications and determined that the elimination of the garages could be processed as a variance, pursuant to Municipal Code Chapter 17; and

WHEREAS, on **April 24, 2019**, a Notice of Public Hearing was published in the South County Newspaper *The Rustler* and Notice of Public Hearing was sent to all property owners within three-hundred feet (300') of the Project; and

WHEREAS, on **May 7, 2019**, the Planning Commission ("**Commission**") conducted a duly noticed public hearing as prescribed by law to consider the Project and give all interested persons the opportunity to be heard; and

WHEREAS, on **May 7, 2019**, the Planning Commission approved the CUP2018-004, VAR2018-001, and LDR2018-002 as amended; and

WHEREAS, at said public hearing, the Commission continued Architectural Review Case No. AR2018-016 to **May 21, 2019** to give the applicant the opportunity to address plan inconsistencies; and

WHEREAS, on **May 21, 2019**, at the request made by the applicant to allow more time for resubmittals the item was continued to **June 4, 2019**; and

WHEREAS, on **June 4, 2019**, the Commission conducted a duly noticed public hearing as prescribed by law to consider the Project and give all interested persons the opportunity to be heard; and

WHEREAS, on **June 4, 2019** the Planning Commission ("**Commission**") reopened the public hearing as prescribed by law to consider the Project and give all interested persons the opportunity to be heard; and

WHEREAS, at said public hearing, the Commission approved Architectural Review Case No. AR2018-016; and

WHEREAS, the Commission makes the followings Findings of Facts:

Findings of Fact

1. The proposed project is consistent with the requirements and policies of the City of King General Plan Neighborhood Commercial designation and Zoning Ordinance. The subject property is zoned Neighborhood Commercial, which is consistent with the General Plan's Neighborhood Commercial land use designation. Policy 3.2.1 of the Land Use Element encourages mixed-use development and the CN zoning also includes mixed-use as an allowable use.
2. The general appearance of the proposed buildings is in keeping with the character of the CN district and its surrounding properties. Specifically, the design is consistent with the San Miguel apartments to the west which features centered front gables, rectangular windows, and similar roof lines.
3. The proposed buildings will not be detrimental to the harmonious and orderly growth of the City. The subject project proposes multi-family residential uses, and it is noted that surrounding properties (to the north, south, and west) are developed with large apartment complexes. The proposed housing and commercial uses are compatible with the adjacent high-density residential uses.
4. The proposed buildings will not impair the desirability of investment or occupation in the CN Zone District because the buildings, proposed landscaping and other improvements are attractively designed and provided amenities that add to the value of the area. The two rows of structures are separated by an approximately 30-foot wide common space area that features a pedestrian walkway lined by trees and groundcover landscaping, and two interior trellises for residents. The ground floor

commercial lease spaces sit right along the public sidewalk, featuring large storefront windows that provide for a welcoming pedestrian experience along Amherst Drive.

Also, 14 parking spaces will be covered which will provide shading during the summer months and protection from inclement weather during the winter.

5. The master use permit allows the following potential uses to occupy the commercial spaces: professional offices; medical offices; grocery stores; coffee shop; bakery; beauty or barber shop; dry cleaning. All other uses will require a CUP.
6. The COA as shown on Exhibit 4 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. Because the primary proposed use is residential, and the subject property is located in an area currently developed with high-density apartments, the proposed project will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. While the project also proposes a commercial component, the list of approved uses are compatible with residential uses (and some the uses will even serve as important amenities to the neighborhood). Uses not on the master use list will require a new CUP.
7. The property is currently undeveloped and void of vegetation, and therefore does not provide a benefit to the neighborhood. The proposed mixed-use buildings will complete the streetscape by providing continuity along Amherst Drive and on the west side of San Antonio Drive. As detailed in the findings above, the design of the buildings are compatible with existing development in the area and provide attractive features such as stone veneer accent walls, a mix of siding materials including stucco and vertical siding, large windows and awnings along storefronts, and architectural articulation featuring extruded front gables. Furthermore, the commercial spaces will create new neighborhood amenities and employment opportunities for residents.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approved Architectural Review Permit Case No. AR2018-016 as presented on **Exhibit 1**, with the findings of fact outlined in **Exhibit 2**.

This resolution was passed and adopted this 4th day of June 2019, by the following vote:

AYES:

**PLANNING COMMISSION
AMHERST CENTER
AR 2018-016
JUNE 4, 2019
PAGE 15 OF 18**

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 4
CONDITIONS OF APPROVAL
PROJECT CASE NUMBER AR2018-016

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

1. Project Description: Architectural Review Case No. AR2018-016, is a request for approval of the elevation drawings for the construction of a mixed-use residential development with 12 residential units and 6,584 sf of commercial at 1195 Amherst Drive, King City, with a master use permit to allow the following potential uses to occupy the commercial spaces: professional offices; medical offices; grocery stores; coffee shop; bakery; beauty or barber shop; dry cleaning. The property is within the Neighborhood Commercial ("**NC**") General Plan Land Use Designation and Neighborhood Commercial Zoning District on the Zoning Map.
 - a) The project shall be developed in conformance with the elevation drawings and renderings submitted **May 23, 2019**, and shown on **Exhibit 1**. The commercial space restrooms and solid wall between buildings shall not be included in the final design.
 - b) Original Conditions of Approval of Case Numbers CUP 2018-004, VAR 2018-001, and LDR 2018-002, **as amended and approved on May 7, 2019** will continue to apply to the project.
 - c) The exteriors of the buildings will include stucco on the first floor and wood siding/trim on the second floors. A stone veneer exterior accent wall is located on the north side of the first floor. The roofs will have composition shingles. The color elevations to include a mixture of grey/white tones as shown on **Exhibit 1**.
2. Approval Period: The approval period for this permit 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. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. Municipal Code Section 17.64.030 prohibits any time extensions of the CUP beyond one year from the date of approval. No extension shall be permitted for the CUP as required by Municipal Code Section 17.64.030.
3. Hold Harmless Clause: To the furthest extent allowed by law, the applicant shall indemnify, hold harmless and defend City and each of its

officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these conditions of approval or any approval associated with entitlements associated with the project (including AR2018-016) (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all approvals. The applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

The nature and extent of the applicant's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in the preceding paragraph shall be governed by this paragraph. To the furthest extent allowed by law, the applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, the applicant or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance authorized or required by the approvals, requirements (including any mitigation measures) related to CEQA, or the performance of any or all work to be done by the applicant or its contractors, agents, successors and assigns pursuant to the approvals (including, but not limited to any design, construction and/or ongoing operation and maintenance of off-site improvements, if any, unless and until such off-site improvements are dedicated to and officially accepted by the City). The applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, consultants or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the

active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, consultants agents or volunteers. If the applicant should subcontract all or any portion of the services to be performed pursuant to the approvals, the applicant shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers in accordance with the terms of this paragraph. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

4. **Architectural Features:** The proposed building materials is a combination of wood siding, stucco and wood trim with a stone veneer accent wall. The project shall utilize the proposed grey tone pallet with brick/burgundy awnings as show on **Exhibit 1**. Minor variations will be subject to review and approval by the Community Development Department. All surfaces visible from the adjacent streets will be finished according to these standards.

5. **Plan Sheet Consistency:** **As part of the building permit submittal, all plans shall be made consistent with the elevation drawings and color renderings submitted by the applicant on May 23rd, 2019.**

Architectural Review Agreement

The Architectural Review 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 Architectural Review 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 5

EXHIBIT-4 2
CONDITIONS OF APPROVAL
As Amended by Planning Commission May 7, 2019
PROJECT CASE NUMBERS

CUP2018-004, AR2018-016 AND VAR2018-001, AND LDR2018-002

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

1. **Project Description:** Conditional Use Permit Case No. CUP2018-004, ~~Architectural Review Case No. AR2018-016, VAR2018-001, and LDR2018-002~~ is a request to and LDR 2018-002 for the construction of a mixed-use residential development with 12 residential units and 6,584 sf of commercial at 1195 Amherst Drive, King City, and a master use permit to allow the following potential uses to occupy the commercial spaces: professional offices; medical offices; grocery stores; coffee shop; bakery; beauty or barber shop; dry cleaning; ~~laundry service; off-sale liquor sales; coin operated cleaning, laundry shop; restaurants including delicatessens.~~ The property is within the Neighborhood Commercial ("**NC**") General Plan Land Use Designation and Neighborhood Commercial Zoning District on the Zoning Map. The mixed-use project shall be constructed in accordance with **Exhibit 1 - Site Plan 6 and Figures 1 through 22 contained in the staff report (as Figure 1)**, and as Conditioned below, as approved by the Planning Commission on **May 7, 2019**.
2. **Approval Period:** The approval period for this permit 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. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. Municipal Code Section 17.64.030 prohibits any time extensions of the CUP beyond one year from the date of approval. No extension shall be permitted for the CUP as required by Municipal Code Section 17.64.030.
3. **Hold Harmless Clause:** To the furthest extent allowed by law, the applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these conditions of approval or any approval associated with entitlements associated with the project (including **CUP2018-004, AR2018-016 AND VAR2018-001, LDRCASE NO. 2018-002**) (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all approvals. The applicant's obligations under this paragraph shall

**CONDITIONS OF APPROVAL
AS AMENDED BY PLANNING COMMISSION MAY 7, 2019
PROJECT CASE NUMBERS
CUP2018-004,, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002
PAGE 2 OF 13**

apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

The nature and extent of the applicant's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in the preceding paragraph shall be governed by this paragraph. To the furthest extent allowed by law, the applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, the applicant or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance authorized or required by the approvals, requirements (including any mitigation measures) related to CEQA, or the performance of any or all work to be done by the applicant or its contractors, agents, successors and assigns pursuant to the approvals (including, but not limited to any design, construction and/or ongoing operation and maintenance of off-site improvements, if any, unless and until such off-site improvements are dedicated to and officially accepted by the City). The applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, consultants or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, consultants agents or volunteers. If the applicant should subcontract all or any portion of the services to be performed pursuant to the approvals, the applicant shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers in accordance with the terms of this paragraph. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

4. **Private Open Space:** Before to building permit issuance, as part of the building permit submittal, the plans shall show two (2) open space areas with approximately 18'x14' trellises for the residential use within the development for review by the Building and Safety Department, Community Development Department.
5. **Pedestrian and Visual Linkage:** As part of the building permit submittal, the project shall include an internal walkway connecting to the residential uses. Amherst Street will provide access for pedestrian linkage to the commercial uses. A walkway will be placed between Building A and Building B for residential access to the units in

CONDITIONS OF APPROVAL

AS AMENDED BY PLANNING COMMISSION MAY 7, 2019

PROJECT CASE NUMBERS

CUP2018-004, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002

PAGE 3 OF 13

the back. The pedestrian and visual linkage to be reviewed by the Building and Safety Department, Community Development Department and City Engineer.

6. **ADA Parking Requirement:** As part of the building permit submittal, the project shall provide two (2) ADA parking compliant spaces with one parking space ADA van accessible for review by the Building and Safety Department, Community Development Department.
7. **Mixed Use Parking Reduction and Shared Use:** The project shall be permitted to provide a reduced number of parking spaces. As part of the building permit submittal, the project shall provide a minimum of forty-one (41) parking spaces which includes a combination of standards parking spaces, carports and 2 ADA compliant spaces for review by the Building and Safety Department, Community Development Department and Fire Department.
8. **Carport:** As part of the building permit submittal, the project shall designate the onsite carports for the residential uses for review by the Community Development Department.
9. **Addressing of Units:** As part of the building permit submittal, the project shall identify the commercial units with the alphabet (A-D) and the residential units shall use numerical units. for review by the Building and Safety Department, Community Development Department and Fire Department.
10. **Building Entrance Orientation:** As part of the building permit submittal, the buildings located along the street shall have the entrances orientated towards the street for review by the Building and Safety Department, Community Development Department.
11. **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.
12. **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, colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable. The Community Development Director ("**Director**") or her/his representative shall review plans for substantial conformance with the plans approved by the Planning Commission. Any major modifications shall require approval of the Planning Commission.

City of King Building and Safety Department (The applicant should discuss the building permit submittal process with Mark McClain, Contract City Building Official,

**CONDITIONS OF APPROVAL
AS AMENDED BY PLANNING COMMISSION MAY 7, 2019**

PROJECT CASE NUMBERS

CUP2018-004, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002

PAGE 4 OF 13

Building and Safety Department at (831) 386-5915.)

13. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. Building plans shall comply with the current Title 24 California Building Standards Codes. Also, due to the proposed second floor area, Plans shall be certified by California Accessibilities Specialist.
14. **Soils Report:** As part of the building permit submittal, the applicant shall submit a Soils Report prepared by a State of California-Registered Engineer or State of California-Registered Geotechnical Engineer. The Soils Report shall be reviewed and approved by the Chief Building Official. A soils report and/or percolation tests may also be required by the City Engineer and/or Regional Water Quality Control Board ("**RWQCB**") to determine measures to meet erosion and sediment control requirements for the project and final improvements.
15. **Pad Elevation Certification:** The pad elevation certification may be submitted upon foundation inspection.
16. **Lighting:** Adequate security lighting shall be provided. The lighting shall meet all standards contained in the Municipal Code Section, 17.20.120. Outdoor lighting fixtures, either wall mounted or light standards, should be in keeping with the architectural theme of the buildings. They should provide enhanced pedestrian safety, in addition to street light fixtures, and accentuate, but not dominate architectural features. **As part of the building permit submittal**, a lighting plan shall be submitted for review by the Building and Safety Department, Community Development Department and Police Department and identify in the design how to prevent glare into the public areas. All outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties. Where appropriate, light-emitting diode ("**LED**") lighting should be used for external lighting to reduce the site's electricity consumption. Pole light fixtures in parking areas shall not exceed thirty feet (30') in height.
17. **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.

Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.

Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.

PROJECT CASE NUMBERS

CUP2018-004, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002

PAGE 5 OF 13

Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.

Public Works Department (The applicant should contact City Engineer, Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com, regarding the following COA, if there are any questions.)

18. **Improvement Plans:** Project Drainage, Grading, Utilities, and Site Plans shall be prepared and signed by a Licensed Civil Engineer. Onsite signage (stop signs, etc. at driveways shall be included in plan submittal). All Plan Review and Construction Observation/Inspection costs shall be paid by the applicant. A deposit to cover said costs will be required. Improvements in Public Right of Way or Easements shall conform to the City of King design standards (latest edition). All improvements shall be these standards, unless noted otherwise. The applicant shall provide vehicle sight and stopping distance for any/all obstructions including but not limited to landscaping, signs, or other items are placed in/near intersections. All construction shall be to and provide ADA (Americans with Disabilities Act) access. Improvements in public right-of-way or easements shall conform to the City of King design standards (latest edition). All improvements shall be to these standards, unless noted otherwise. All work/improvements in shall be inspected by and be from Improvement Plans reviewed and Approved by City Engineer.

19. **Grading and Drainage Plans:** Before issuance of any building permit, the applicant shall submit grading and drainage plans for the City Engineer review and approval. The grading and drainage plans shall be folded accordion style and no larger than 8.5' x 14". The grading and drainage Plans shall include:

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

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

20. **Infrastructure and Underground Utilities:** Before issuance of a building permit, an Infrastructure and Utility Plan for the entire site shall be submitted to and approved by the City Engineer. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards.

CONDITIONS OF APPROVAL

AS AMENDED BY PLANNING COMMISSION MAY 7, 2019

PROJECT CASE NUMBERS

CUP2018-004,, AR2018-016 AND VAR2018-001, AND LDR2018-002

PAGE 6 OF 13

21. **Encroachment Permit and Public Improvements:** Before starting street frontage improvements, the applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley). The applicant is required to provide plans and improvements for all required improvements within the right-of-way, including sidewalks, curbs, gutters and landscaping within the right-of-way consistent with the improvements required for Amherst Drive and San Antonio Drive.
22. **Infrastructure and Underground Utilities:** Before issuance of a building permit, an Infrastructure and Utility Plan for the entire site shall be submitted to and approved by the City Engineer. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards. The applicant shall obtain and pay all associated permits/fees/costs for any/all Utility Companies (including but not limited to PG&E, Telephone, TV, California Water System) and any/all governmental agencies.
23. **Utilities:** The applicant shall obtain and pay all associated permits/fees/costs for any/all utility companies and any/all government agencies as applicable.
24. **City & Regional Traffic Impact Fee:** Before issuance of any building permit, the applicant shall participate in the City's development impact fee program as a condition of approval of the building permit. The applicant shall consult with the Transportation Agency for Monterey County ("**TAMC**") to determine the project should pay the regional traffic mitigation fee pursuant to the TAMC Nexus Study to the City of King Building and Safety Department. Participation in the City's development impact fee program shall be as a COA of the building permit. Development impact fees offset the costs of increased demand resulting from new development to public facilities and to streets, traffic signals and bridges. The proposed project would be subject to compliance with this provision of the municipal code as a standard COA.
25. **Submittal of Erosion and Sediment Control Measures and SWPPP:** Before any construction, erosion and sediment control measures for grading and construction as well as for the permanent project shall be prepared and approved by the City Engineer. In addition, if required by State and Federal Law, a Stormwater Pollution Prevention Plan ("**SWPPP**") may be required to be submitted to the City Engineer for review and approval, depending on size of project. To prevent silt and debris from entering the existing storm drain system during construction, the developer shall utilize storm drain inlet interceptors or filters to protect the existing storm drain. Soils and/or percolation test(s) may be required by the City Engineer and/or RWQCB to identify measures necessary to maintain and reduce stormwater on-site and other measures to provide erosion, sediment and pollution control at the site.

CONDITIONS OF APPROVAL

AS AMENDED BY PLANNING COMMISSION MAY 7, 2019

PROJECT CASE NUMBERS

CUP2018-004,, AR2018-016 AND VAR2018-001, AND LDR2018-002

PAGE 7 OF 13

26. **Submittal of soils report:** Before to any construction, a percolation test will need to be submitted to determine the design parameters for the onsite stormwater basins.

Miscellaneous Conditions:

27. **Sign Permit:** This CUP Permit does not constitute a Sign Permit. Before installing any signs on the property, the applicant shall make a separate application and obtain an approved sign permit by the Community Development Department. Contact the Community Development Department regarding application procedures for Sign Permit(s). All signs should be compatible with the structure and site design relative to color, material, and placement. The signs shall conform to the requirements of Municipal Code Section 17.55. Window coverage should be limited to the standards as described in Municipal Code Section 17.55. A Master Sign Program will be required for commercial development with four or more tenants.
28. **Landscaping Documentation Package:** Before to issuance of a building permit, if landscaping is proposed as part of a drainage and erosion control plan or required by the RWQCB for drainage control, in accordance with State law, the applicant shall submit to the Community Development Department ("**Department**") for review and approval a Landscape Document Package consistent with the State of California Water Efficiency Landscape Ordinance Model ("**Model**"), dated **September 10, 2009**. Before to issuance of a certificate of compliance, the applicant shall submit to the Department the certificate of completion in accordance with the Model. With the exception of landscaping for bioretention basins and other similar pollution control measures, no additional landscaping is deemed to be required. All existing landscaping will be maintained.
29. **Landscape and Irrigation Plans:** At the time of building permit submittal, if required as part of any drainage and erosion control plan, the applicant shall submit a Final landscape and irrigation system design to the Community Development Department for final sign-off by the Director and City Engineer. Landscaping will utilize water-conserving drought resistant plants that will function as screening and enhance the building appearance and include a water conserving automatic irrigation system to be approved by the Director, consistent with **Figures 1, 2, 3 and 4**. Plans shall indicate methods of planting, sizes of initial landscape materials, ground covers, durable mulch cover and other details of landscaping. Irrigation water shall not overthrow onto walks, common areas, or onto any architectural walls.
- a. **Runoff:** The site plan shall address all runoff in conformance with current storm water regulations. All runoff shall be directed to approved new landscaping areas and shall be designed to properly address pollution control. Landscape areas shall be designed by both the project engineer and landscape designer to incorporate bioremediation measures that will ensure that one-hundred (100%) percent of the runoff from the building and paved areas will infiltrate through a

**CONDITIONS OF APPROVAL
AS AMENDED BY PLANNING COMMISSION MAY 7, 2019
PROJECT CASE NUMBERS
CUP2018-004,, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002
PAGE 8 OF 13**

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

- b. **Street Trees:** The site plan shall include street trees along Amherst Drive that are similar to the street trees across King Station Apartments and consistent with the City's Master Street Tree list.
 - c. **Planting Areas along Amherst Street:** The final landscape plan shall not include any planters along the frontage of Amherst Street along the public right-of-way. Landscape shall not extend beyond property line.
30. **Trash Enclosure and Electrical Boxes and Transformers:** At the time of building permit submittal, the applicant shall submit plans showing the relocation of the proposed decorative block wall trash enclosure behind the required twenty (20') foot front setback. The trash enclosure to be approximately 320 square feet. All electric boxes and transformers shall be screened in a manner to be approved by the Director.
31. **Screening of Roof and Ground Equipment:** At the time of building permit submittal, the applicant shall submit plans showing the methods of screening of roof-mounted and ground mounted equipment such as, but not limited to air conditioning and other equipment. Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. Well maintained satellite dishes may be left unpainted (e.g., dish antennas). These details must appear on elevations submitted for architectural review. Ground mounted equipment should be screened by walls or effectively by landscaping.
32. **Windows and Energy Conservation:** At the time of building permit submittal, the building plans shall indicate windows for commercial uses located at street level. The height of the windows are 6'x5' and located 1.5 feet from the ground surface for pedestrian visual access.
33. **Other Electrical and Mechanical Equipment and Fixtures:** At the time of building permit submittal, the building plans shall show and the Building Official shall ensure that all electrical and mechanical apparatus and fixtures located on exterior walls shall be concealed from street visibility in a manner consistent with the architectural design of the building.
- City of King Fire Department** (The applicant should contact the Fire Chief and the Chief Building Official for any Fire Life Safety questions at (831) 386-5915.)
34. **Automated Fire Suppression System:** Concurrent with the building permit application, the applicant shall submit automated fire suppression system plans to the Building and Safety Department. The fire suppression system plans shall be

CONDITIONS OF APPROVAL

AS AMENDED BY PLANNING COMMISSION MAY 7, 2019

PROJECT CASE NUMBERS

CUP2018-004, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002

PAGE 9 OF 13

reviewed and approved by the City Engineer and Fire Department, before final of final occupancy permit. The fire sprinkler plans will also need to be routed to the city contracted fire plans examiner Art Black, Carmel Fire for Fire Plan Review.

35. **Fire Sprinkler Systems:** Fire Sprinkler Systems will be required in all structures in this proposed complex. Fire sprinkler systems are to meet NFPA 13. Fire sprinkler plans are to be submitted by a California licensed c-16 contractor to the Fire Marshal's office for review and approval prior to any work done on the fire sprinklers. This submittal can be considered as a deferred submittal.
36. **Underground Fire Service Mains:** **At the time of building permit submittal,** will be required to be documented separately from the normal civil drawings and be submitted by the general engineering contractor to the Fire Marshal's Office for review and approval, **before a work being done on the underground fire service mains.** This submittal can be considered as a deferred submittal.
37. **Fire Alarm System:** A fire alarm system will be required in all structures in this proposed complex. The fire alarm system is to be submitted by a California licensed C-10 contractor to the Fire Marshal's Office for review and approval, **before to any work being done on the fire alarm system.**
38. **Portable Fire Extinguishers:** Portable fire extinguishers are required to be installed in accordance with NFPA 10 and in consultation with field fire inspector.
39. **Cultural Resources: Mitigation Measure No. 1: Prior to and during construction of each phase or individual construction activity** undertaken as part of the project and to mitigate potential impacts to cultural resources, the following steps shall be taken:
Prior to excavation and construction on the project site, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying historic or prehistoric cultural resources or removing artifacts such as, but not limited to, prehistoric groundstone, projectile points, shell middens, or debitage, human remains, historic materials such as, but not limited to, bottles or cans and other cultural materials from the project site.

Responsibility: Project Applicant, Prime Construction Contractor, Subcontractors

Timing: Prior to excavation and construction

Funding: Project Applicant

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

**CONDITIONS OF APPROVAL
AS AMENDED BY PLANNING COMMISSION MAY 7, 2019
PROJECT CASE NUMBERS
CUP2018-004,, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002
PAGE 10 OF 13**

Responsibility: Project Applicant, City
Timing: Prior to any demolition, excavation or construction.
Funding: Project Applicant

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

Responsibility: Project Archaeologist, City
Timing: Prior to soil disturbing activities to search for surface evidence of historic or prehistoric cultural resources.
Funding: Project Applicant

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

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

Responsibility: Project Archaeologist, Project Applicant, Construction Contractor, City
Timing: Prior to any work within a 50-meter radius, or approximately 164-feet, of the find
Funding: Project Applicant

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

**CONDITIONS OF APPROVAL
AS AMENDED BY PLANNING COMMISSION MAY 7, 2019**

PROJECT CASE NUMBERS

CUP2018-004, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002

PAGE 11 OF 13

Northwest Information Center for recordation.

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

Mitigation Measure No 2: In accordance with *State CEQA Guidelines*, Section 15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the project site during development, the following steps shall be taken: There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the Monterey County coroner is contacted to determine that no investigation of the cause of death is required. Possible indications of burials could include a layer of shells placed over the burial.

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

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

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

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

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

**CONDITIONS OF APPROVAL
AS AMENDED BY PLANNING COMMISSION MAY 7, 2019
PROJECT CASE NUMBERS
CUP2018-004, AR2018-016 AND VAR2018-001, AND LDR2018-002
PAGE 12 OF 13**

Implementation Responsibility: Cost and materials are responsibility of the applicant.

- ~~40. **Architectural Features:** The proposed building materials is a combination of wood siding, stucco and wood trim with a stone veneer accent wall. The project shall utilize the proposed grey tone pallet with brick/burgundy awnings as show on **Exhibit 1**. Minor variations will be subject to review and approval by the Community Development Department. All surfaces visible from the adjacent streets will be finished according to these standards.~~
41. **Stamped Concrete:** A strip of stamped and stained concrete shall be installed on the property in front of the entrances. **Before issuance of a building permit**, a design for the driveway entrances shall be submitted for review and approval by the Community Development Department and Public Works Department.
42. **Unless approved by Conditional Use Permit Case No. CUP 2018-004, all future commercial uses shall be required a Conditional Use Permit. (Reference COA No. 1.)**

CONDITIONS OF APPROVAL
AS AMENDED BY PLANNING COMMISSION MAY 7, 2019
PROJECT CASE NUMBERS
CUP2018-004, ~~AR2018-016~~ AND VAR2018-001, AND LDR2018-002
PAGE 13 OF 13

Conditional Use Condition, Variance Permit, and Landscaping Plan Review and Architectural Review Agreement

The Conditional Use Permit, Variance Permit and Landscape Design Review ~~Architectural Review~~ are **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, Variance and Architectural Review 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: _____

5-14-19



REPORT TO THE PLANNING COMMISSION

DATE: MAY 7, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

RE: CONSIDERATION OF CONDITIONAL USE PERMIT CASE NO. CUP 2018-004 AND ARCHITECTURAL REVIEW CASE NO. AR 2018-016, VARIANCE 2018-001, AND LDR 2018-002 FOR THE CONSTRUCTION OF A MIXED-USE RESIDENTIAL DEVELOPMENT WITH 12 RESIDENTIAL UNITS AND 6,584 SF OF COMMERCIAL, AND A MASTER USE PERMIT FOR POTENTIAL USES TO OCCUPY THE COMMERCIAL SPACE AT 1195 AMHERST DRIVE, KING CITY.

RECOMMENDATION:

It is recommended Planning Commission conduct the public hearing and adopt Resolution No. 2019-252 which approves Cases No. CUP 2018-004, AR 2018-016, VAR 2018-001 and LDR 2018-002 for:

1. the development and construction of twelve (12) residential units and 6,584 square foot commercial space, based on the findings of fact and subject to the Conditions of Approval. *(Reference Exhibit 2 and 3.)*; and;
2. the master use permit to allow the following potential uses to occupy the commercial spaces without processing future conditional use permits:
 - a. professional offices;
 - b. medical offices;
 - c. grocery stores;
 - d. bakery;
 - e. beauty or barber shop;
 - f. laundry service;
 - g. off-sale liquor sales;
 - h. coin operated cleaning, laundry shop; and
 - i. restaurants including delicatessens.

BACKGROUND:

On **August 7, 2018**, Chris Madison (*"Applicant"*) submitted an application for the construction of twelve (12) new residential units and 6,000 square feet of commercial uses at 1195 Amherst Drive with the following permits: Conditional Use Permit (Case No. CUP 2018-004), Architectural Review (Case No. AR 2018-016), Variance request (Case No. VAR 2018-001), and Landscape Design Review (Case No. LDR 2018-002).

**PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 2 OF 35**

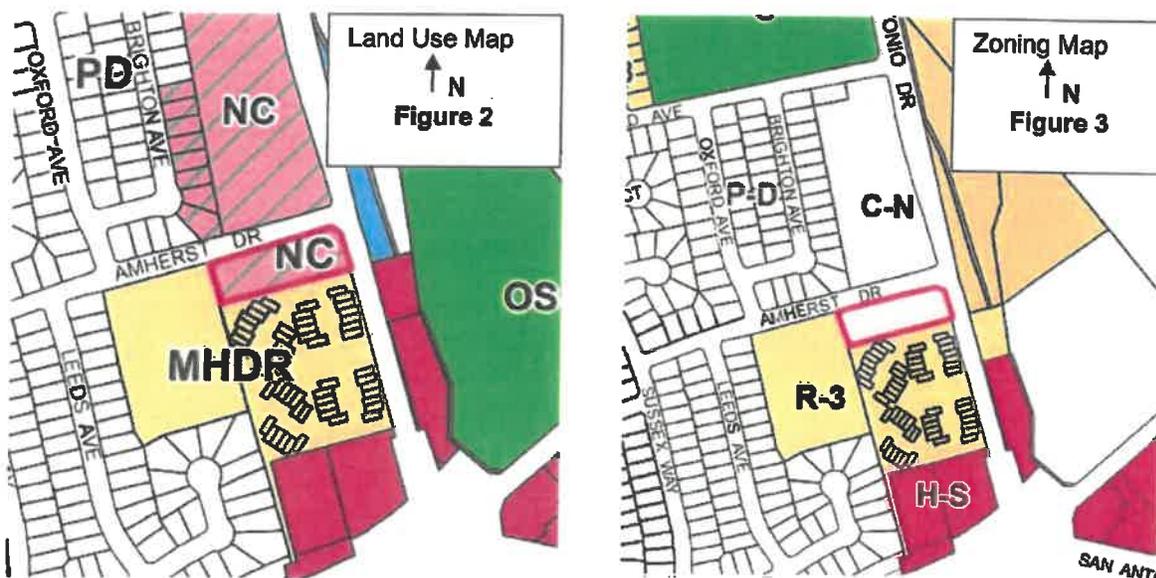
The variance request is to eliminate the requirement for one (1) garage per three (3) or more bedroom apartments.



Figure 1 Site Location Map

The applications were deemed completed for processing on **October 9, 2018**. Revised plans were submitted on **October 5th** and **October 10th**. The project was reviewed at PRC on **October 30th**, and **November 27th**.

The project site is 1195 Amherst Drive and is located within the Neighborhood Commercial ("NC") General Plan Land Use Designation and Neighborhood Commercial Zoning District. *(Reference see Figures 2 and 3.)*



**PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 3 OF 35**

According to Municipal Code Sections 17.20.030 (b) and (e), commercial uses and mixed uses projects with commercial on first floor and residential on second floor are permitted subject to obtaining a Conditional Use Permit ("CUP"), along with architectural review ("AR").

DISCUSSION:

The proposal includes CUP, AR, VAR and LDR applications for the construction of twelve (12) residential apartments and 6,584 square foot commercial space within the NC zone. Two (2) of the buildings fronting Amherst Drive contain ground floor commercial units with residential units above. (Reference Figure 4.)

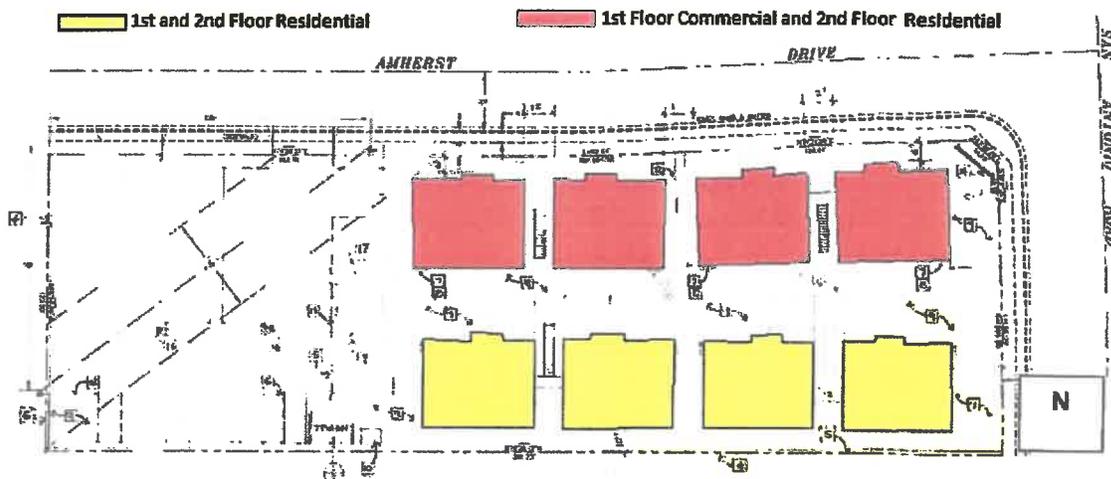


Figure 4 Proposed Land Uses

The property is currently vacant and there are existing apartments to the south and the Villa of San Miguel apartments to the west and King Station apartments to the north across the Amherst Drive. An existing six (6') foot wood fence is located along the southerly and westerly property lines.

The two (2) mixed uses structures will have commercial on the first floor and residential apartments on the second floor. The buildings are situated that pedestrian access will enter from Amherst Drive. The First floor of the commercial spaces will be open floor plan with an area dedicated for future restrooms. The mixed-use residential units (Units A & B) will include four (4) bedrooms, a family room, dining room, kitchen and two (2) full baths. The two (2) residential structures (Units C & D) will include four (4) bedrooms, a family room, dining, kitchen and two (2) full baths on each floor. The two (2) residential structures at the southerly side will be two (2) story and access will be from the interior courtyard.

PLANNING COMMISSION

AMHERST CENTER

CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002

MAY 7, 2019

PAGE 4 OF 35

Parking is located at the westerly portion of the property with access to Amherst Drive. The proposal includes a total of forty-one (41) spaces and 1 including one handicap accessible and (1) handicap van accessible space. The parking is proposed to be shared among the commercial and residential users. Drainage is proposed to be directed to an underground detention basin located underneath the parking lot.

Variance (Chapter 17): The applicant requests a Variance to the City's parking pursuant to Municipal Code Section 17.52.010 which requires apartments with three (3) or more bedrooms apartments to provide one (1) garage per unit plus one (1) covered space. The applicant is proposing to eliminate the requirement for a garage. There are several factors to the project site that justify the need for a variance. The site is physically constrained due to an existing forty (40') foot wide PG&E easement that impacts a third of property and limits the uses within the easement. The proposed parking lot is in this area of the development. The two (2) developments in the vicinity of the project Villa of San Miguel Apartments to the west and King Station Apartments use carports and uncovered parking and do not provide garages. King Station Apartments are also located in neighborhood commercial. The elimination of garages would not be a grant of special privileges to the project site because the uses are like the surrounding vicinity and zoning district (NC) and other properties in the vicinity has a similar use of parking standards.

DEVELOPMENT STANDARDS ANALYSIS:

Per the Municipal Code Section 17.20.030 (e), mixed use projects are permitted subject to obtaining a CUP. The Planning Commission will determine if the proposed project complies with the regulations of the Municipal Code and if the proposed uses are consistent with the location, neighboring uses and vicinity.

The applicant is proposing a functional and pleasing design for the site that will fit in with neighboring uses.

Inclusionary Housing Ordinance

The amended Inclusionary Housing Ordinance ("**Ordinance**") became effective the end of **March 2019**. Prior to its amendment, residential projects with seven (7) or more units were required to include for low-income to moderate income households. The amended Ordinance requires residential projects with twenty (20) or more units provide for very-low income to low-income households. Although this development was submitted under the previous Ordinance, it now comes under the new Ordinance. Therefore, it does not have to provide affordable units.

Private Open Space

The development should provide a two (2) open space areas as shown on civil engineering plans (Sheets C9-10 and on the landscape plan (Sheets L1-3). The project proposes two open space areas for the residents within the development.

The open space areas are approximately 18'x14' and have a decorative trellis. The applicant's proposal includes two open space areas as shown in Figure 5 below. **(Reference Condition of Approval No. 4.)**



Figure 5 Landscape Plan Showing the two private open areas

Pedestrian and Visual Linkage

The project includes an internal walkway connecting to the residential uses. The project shall provide for pedestrian linkage to the commercial uses from Amherst Avenue only. The residential uses will have a pedestrian linkage between Building A & B to access the units in the back. **(Reference Condition of Approval No. 5.)**

Parking

The proposed project proposes forty-one (41) parking spaces included one (1) ADA compliant space. The municipal code does not provide a parking standard for mixed use projects that provide shared the parking spaces. The City's parking code does not have a separate calculation for mixed use projects and instead calculates the number of parking spaces based on each use¹. The parking standards for commercial uses vary from one parking space per 200 square feet of sales floor area, to one space per 400 square feet of sales floor area. The development plans do not provide a list of potential users instead uses the one space per 400 square feet of sales floor area. The proposed number of parking spaces for the commercial use is 1 per 400 square feet.

The total square feet of commercial space is 6,584 SF the minimum number of spaces would be $6584/400 = 17$ spaces. The residential standard for a 3-bedroom apartments is 1 garage unit plus on space. The project contains 12 units x 2 spaces = 24 parking spaces. Apartments require 1 guest parking for every 5 units. The project requires $12/5 = 3$ guest parking spaces. The project must include two ADA compliant parking spaces and one of them must be van accessible. **(Reference**

¹ In any commercial zone where residential occupancy is permitted on the second story of a structure, the parking requirements for residential parking will apply in addition to the required number of parking spaces for the retail business over which it is located

Condition of Approval No. 6.) The total number of parking required would be 44 spaces. The project proposes forty-one (41) parking spaces which includes one (1) ADA compliant parking space.

Since the commercial uses will be utilized during normal business hours, typically between 7 AM and 6 PM for professional service uses or 7AM to 10 PM for grocery stores, laundromat and restaurants uses, the additional parking spaces will be available for the residents in the evening. A reduction of parking spaces is permitted with the approval of the community development director. **(Reference see Condition of Approval No. 7.)** Additionally, parking along Amherst Drive will be permitted according to new City standards.

Carpport

The project proposes shared use for the parking spaces area. The applicant is proposing fourteen (14) carport spaces to be designated for apartments. The project proposes carport for the residential units. The carports will have a corrugated steel roof and the beams will be encased with stucco similar in color and style of the proposed structures. The project will be conditioned to designate the carports for the residential units. **(Reference Condition of Approval No. 8.)**

Addressing

The project is a mixed-use development. The differentiating between the commercial and residential units is required when addressing the uses. The commercial units shall use the alphabet (A-D) and the residential units shall use numerical units. **(Reference Condition of Approval No. 9.)**

Building Entrance Orientation

The buildings located along the street shall have the entrances orientated towards the street. The project orientates the building towards Amherst Drive. Project will be conditioned to meet this requirement, **(Reference Condition of Approval No. 10.)**

Landscape

A drought tolerant landscape plan is designed including a variation of very-low to moderate water consumption plants. At the time of building permit submittal, a final landscape plan shall be submitted by the applicant and include water consumption calculations to comply with the Water Efficiency Ordinance Municipal Code Chapter 15.50. **(Reference Condition of Approval No. 29.)**

Landscaping fronting Amherst Drive as shown on **Figure 10 and 11** is extending beyond the property line. The final landscape plan shall be corrected to show the planting areas behind the property line. **(Reference Condition of Approval No. 29 c.)**

This proposed project has landscaping treatment proposed for the street frontage along Amherst Drive and San Antonio Drive and around the parking lot, including a twenty (20') foot strip of planting between the parking lot and the front property line facing Amherst Drive. The final landscape plan shall show street trees provided

**PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 7 OF 35**

along frontage abutting Amherst Drive. The street trees shall coincide with the other side of the street. (**Reference Condition of Approval No. 29b.**)

Trash enclosures

The Waste Management Agency will serve the project. A trash enclosure is proposed as required by municipal code. Trash enclosures shall be located in a manner that will result in the least impacts to residents from noise and odors. They shall be located so they are easily accessible for trash collection. The applicant's proposal provides an enclosure accessible by the pedestrians and by the trash company. Trash enclosures shall be screened from public view with walls, fences and landscaping, and designed with use of colors and material that are architecturally compatible with the buildings on the site. The applicant's proposal provides an enclosure with CMU exterior block wall construction and with a wood gate. The enclosure is approximately 320 square feet and has been reviewed by Waste Management, Inc. (**Reference Condition of Approval No. 30.**) (Waste Management provides solid waste pickup.)

Drainage Requirements:

The project will be required to meet State and Federal drainage and erosion standards, keeping drainage from the buildings on-site in a manner that will permit percolation into the ground water and reduction of stormwater flows. The site lends itself to use of bioretention basins or similar methods of maintaining drainage on-site. Since the site is greater than one (1) acre in area, construction and grading would follow normal Stormwater Pollution Prevention Plan ("**SWPPP**") protocols for grading and construction during rainfall events. As long as measures meet the SWPPP standards and maintain future rainfall on-site, there should be no significant negative impacts expected from the project. The applicant should discuss SWPPP standards with the Central Coast Regional Water Quality Control Board ("**RWQCB**") and with the City Engineer. The project is required to conform to City and RWQCB Standards, and be reviewed and approved by the City Engineer, (**Reference Condition of Approval No. 25.**)

Signage

The project proposes a sign monument sign. The colors, size and lettering are within the requirements of the City Municipal Code Section 17.55. (**Reference Condition of Approval No. 27.**) The applicant shall resubmit a master signage plans for the commercial uses.

ARCHITECTURAL REVIEW ANALYSIS

The Planning Commission will act as the architectural review committee ("**ARC**"), pursuant to Municipal Code Section 17.30.120.

Building Height

The project buildings cannot exceed two stories and shall not exceed thirty (30') feet in height. The proposed structures are two (2) stories and are twenty-seven (27') feet in height.

PLANNING COMMISSION

AMHERST CENTER

CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002

MAY 7, 2019

PAGE 8 OF 35

Building Site

Front yard: The project proposes twenty (20') feet setback from San Antonio Road. It is the front yard because it is the narrowest frontage of a corner lot facing the street is the front yard per Municipal Code Section 17.04.440.

Side Yard: The project proposes a ten (10') feet side yard. The minimum side yard setback is ten (10') feet because the property is adjacent to a residential district per Municipal Code Section 17.20.060 (b).

Rear Yard: The project proposes a 144 feet rear yard setback. The minimum requirement is fifteen (15') feet because the project is adjacent to a residential district per Municipal Code Section 17.020.060 (c).

Architectural Features

All the proposed structures exteriors will include stucco on the first floor and with wood siding and wood trim on the second floors. A stone veneer exterior accent relief wall is located on the north side of the first floor. The roofs will have composition shingles.

The project proposal included color elevations of the proposed buildings. The color pallet includes a mixture of grey tones with brick/burgundy tone awnings. The proposed building materials is a combination of wood siding, stucco and wood trim with a stone veneer accent wall. The project shall utilize the proposed grey tone pallet show on **Exhibit 1. (Reference Condition of Approval No. 40.)**

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

Window Placement

Windows for the commercial uses shall be located at street level and along the public street. The windows for commercial uses along Amhurst Street are required to be 6 feet x 5 feet and are located 1.5 feet from the ground surface allowing pedestrians easy visual access. Project will be conditioned to meet this requirement. **(Reference Condition of Approval No. 32.)**

Outdoor and Building Lighting

The project proposes lighting within the parking and pedestrian pathways. Lighting fixtures either wall-mounted or light standards shall be in keeping with the architectural theme of the buildings. Project CUP Conditions shall contain this provision The Lighting should provide enhanced pedestrian safety and safety of parking. Project CUP Conditions shall contain this provision Pole light fixtures in parking areas shall not exceed thirty feet (30') in height. Project CUP Conditions shall contain this provision. **(Reference Condition of Approval No. 16.)**

Roof and Roof-mounted Equipment

Any mechanical equipment shall be screened from the public view using landscape, walls, fencing, parapets or other architectural elements or a combination thereof. Mansard roofs, parapets, overhangs, and awnings will be decorative and

PLANNING COMMISSION

AMHERST CENTER

CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002

MAY 7, 2019

PAGE 9 OF 35

coordinated with the architecture and colors of the building. Visible roofing materials on these features will be tile or architectural metal. Composition, tar and rock roofing materials are not acceptable for visible roofing. (**Reference Condition of Approval No. 31.**)

Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. Well maintained antenna towers and satellite dishes (e.g., dish antennas) may be left unpainted. These details must appear on elevations submitted for architectural review. (**Reference Condition of Approval No. 31.**)

Electrical and mechanical apparatus and fixtures located on exterior walls shall be concealed from street visibility in a manner consistent with the architectural design of the building. (**Reference COA No. 33.**)

Fences

Fences and walls are permitted. An existing six (6') foot-tall wood fence is located along the rear (westerly) property line and the side yard. All existing fence is proposed to remain. (**Reference Figure 6.**)



Figure 6 Existing Wood Fence Along Property Line

PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 10 OF 35



Figure 7 Existing Wood Fence Along Property Line

An existing decorative masonry block wall with metal railing exists near the easterly side yard near San Antonio Drive. *(Reference Figure 8.)* The existing wood fence will remain.



Figure 8 Existing Masonry Block Wall

There is an existing gap in the wood fence at the southerly property line. An existing chain-link fence enclosure is located in the location of wood fence.

PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 11 OF 35

(Reference Figure 9.) The chain-link fence enclosure is for an existing well. The fence material is proposed to remain.



Figure 9 Existing Chain-link Enclosure Structure

PLANNING COMMISSION
 AMHERST CENTER
 CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
 MAY 7, 2019
 PAGE 12 OF 35

Surrounding Uses

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

Table 1 Adjacent Zoning/Land Use			
North:	NC	East:	R-3
West:	R-3	South:	R-3

MUNICIPAL CODE REQUIREMENTS

Table 2 Development Standards for proposed Project

Table 2 Development Standards Met?			
		Development Standard	Requirements Met?
Maximum Height	Building	Two Stories (30 feet)	Requirement Met
Minimum (Buildings)	Setback	Front Yard: No less than 20 ft Side Yard: None or 10 ft Residential Rear Yard: None or 15 ft from residential	Front: 20 ft Side: 10 ft Rear: 144 ft
Landscaping		Minimum area is 10% of gross area of the building site.	Requirement Met
Parking (Off Street Parking)		No standard for mixed use.	41 parking spaces proposed
Parking (ADA parking)		2 ADA parking spaces with 1 van accessible	
Fence/Walls		Permitted but not required	Existing fences to remain.
Outdoor Lighting		Lighting should be in keeping with architectural theme of	UNKNOWN. A final lighting plan shall be submitted at the time of

PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 13 OF 35

	buildings and provide enhanced pedestrian safety.	building permit submittal.
Trash Enclosure	Trash should be screened and located away from residents 1 Enclosed trash area 12'x14'	Requirement Met
Scale and Portion	Buildings shall avoid monolithic building scale and proportions	Requirement Met
Colors/materials	Required to be authentic and keeping with the building architectural style and regional influences	Requirement Met
Screening	Any mechanical equipment shall be screened from public view	Requirement Met
Building Entrance Orientation	Primary building entrances to be located along public street	Requirement Met
Residential Privacy	Views into living quarters should be avoided.	Requirement Met
Window Placement	Street level business's windows to be located along public street frontages at height for pedestrian visible access	Requirement Me
Pedestrian and Visual Linkage with Public Space	Project shall incorporate pedestrian linkages to public realm	Requirement Met
Signage	6ft high freestanding monument sign. Building Signs are 1 sq. ft. per each 2 lineal feet	6ft high freestanding monument sign. Requirement is met.

EXHIBIT 6

PLANNING COMMISSION

AMHERST CENTER

CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002

MAY 7, 2019

PAGE 14 OF 35

	of building frontage Indirect lighting.	A Master Sign Program shall be submitted for the commercial spaces.
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PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 15 OF 35

GENERAL PLAN/POLICIES AND REQUIREMENTS:

Table 3 provides the land use designations for the project.

Table 3	
General Plan Designations	
General Plan Land Use Designation:	NC (Neighborhood Commercial)

Land Use Element

The proposal is consistent with the City General Plan designation. The proposed commercial and residential apartments use are permitted the Neighborhood Commercial areas of the City and will provide variety of commercial services that will benefit the nearby residential neighborhoods as well as provide employment for local residents. There are no issues with the Land Use Element of the General Plan.

Advantages

The development of this mixed-use project would be beneficial to the City. The nearby residential neighborhood would benefit having commercial uses within walking distance. The building will enhance the area aesthetically through its design and landscaping. The project will result in improved business, development in the City, additional needed neighborhood commercial services within the surrounding areas.

Disadvantages

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

ENVIRONMENTAL DETERMINATION:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines, section 15332 which exempts the mixed use project because it is infill and is consistent with the General Plan policies and applicable zoning designation. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

PROJECT REVIEW COMMITTEE COMMENTS AND REVIEW AND REVIEW BY AGENCIES:

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 applicant and conditions of approval ("**COA**") before a project goes to the

**PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 16 OF 35**

Planning Commission. No major issues regarding the project arose during the meeting of the PRC. Comments from PRC are incorporated throughout the staff report and their recommendations are incorporated in the attached COA. Comments in this Staff Report reflect comments made by City Staff.

As of the date of the preparation of this staff report, no written testimony has been received by the City.

PUBLIC NOTICE AND INPUT:

A public hearing notice was published in the King City Rustler South County Newspaper on **April 24, 2019** 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.

On April 26, 2019, Jonathan Bohorquez, CHISPA called and left a message for clarification on the project description. Staff called back and left a voicemail with clarifications on the project and staff followed up via email on May 1st.

COST ANALYSIS:

Development review application fees are based on actual time and materials per the City Fee Scheduled.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Adopt Resolution No. 2019-252 which approves CUP 2018-004 AND AR 2018-016 AND VAR2018-001;
2. Request modifications in the design and/or proposed use;
3. Deny Resolution No. 2019-252 which denies the project from construction. (If the Planning Commission wishes to deny the project, the reasons should be specified, and the item continued to a future hearing so the appropriate findings of fact and resolution can be prepared by staff.); or
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 – Project Plans and Additional Figures
2. Exhibit 2 – Findings of Fact
3. Exhibit 3 – Resolution No. 2019-252
4. Exhibit 4 – Conditions of Approval

Submitted by: MARICRUZ AGUILAR
Maricruz Aguilar, Assistant Planner

**PLANNING COMMISSION
AMHERST CENTER
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002
MAY 7, 2019
PAGE 17 OF 35**

Approved by:



Doreen Liberto, AICP, Community Development Director