

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, MAY 7, 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 April 2, 2019 Planning Commission Meeting  
Recommendation: Approve and file.

### 7. PUBLIC HEARINGS

- A. Project: King City in Bloom Mural Project #2  
Applicant: King City in Bloom  
Location: 315 Broadway Street, King City, CA 93930  
Consideration: A Public Mural Sign Permit for King City in Bloom to Paint a 520 Square Foot Historical Mural on the West Wall of 315 Broadway Street, King City, Ca 93930.  
Recommendation: Staff recommends the Planning Commission approve the Public Mural Sign Permit Case No. SN2019-004 for King City in Bloom, allowing a 40'x13' (520 square foot) historical mural painted on the exterior west wall of 315 Broadway Street, subject to the attached conditions of approval.

Environmental  
Determination:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 11 Categorical Exemption set forth in CEQA Guidelines, Class 11 "consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to (a) On-premise signs." This project involves painting of a mural on an existing wall and involves no expansion of use. Therefore, the Categorical Exemption Class 11 set forth in the CEQA Guidelines, Section 15311, is deemed to apply to this project.

- B. Project: Amherst Center
- Applicant: Chris Madson
- Location: 1195 Amherst Drive, King City, CA 93930
- Consideration: Conditional Use Permit Case No. CUP 2018-004 and Architectural Review Case No. AR 2018-016, Variance 2018-001, and Landscape Planning Review 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 for potential uses to occupy the commercial space.
- Recommendation: Staff recommends the Planning Commission conduct the public hearing and adopt Resolution No. 2019-252 which approves Cases No. CUP 2018-004 and AR 2018-016, VAR 2018-001 and LDR 2018-002 for the development and construction of twelve (12) residential units and 6,584 square foot commercial space, and approves a master use permit for potential uses to occupy the commercial space, based on the findings of fact and subject to the Conditions of Approval.

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.

**8. NON-PUBLIC HEARINGS**

- A. None

**9. PLANNING COMMISSIONER REPORTS**

**10. DIRECTOR'S REPORT –**

- A. None

**11. WRITTEN CORRESPONDENCE**

**12. ADJOURNMENT**

## UPCOMING REGULAR MEETINGS

### MAY

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

### June

June 4th	6:00 p.m.	Planning Commission
June 10 <sup>th</sup>	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

**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)

**LLA:** Landscaping and Lighting District

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

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

**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**

**April 02, 2019**

**1. Call to Order**

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

**2. Pledge of Allegiance**

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

**3. Roll Call**

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Chairperson David Nuck   X   Oscar Avalos   X  

David Mendez   X   Domingo Uribe   X  

**Staff present:** Community Development Director, Doreen Liberto; Principal Planner, Scott Bruce; Admin. Asst./Deputy City Clerk, Erica Sonne.

**4. Public Comments**

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None

**5. Presentations**

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**6. Consent Calendar**

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

**A. Approval of Minutes:** January 15, 2019

**Action:** Motion made by Commissioner Mendez to approve minutes of January 15, 2019. Seconded by Commissioner Avalos. Motion carried 4-0.

**7. PUBLIC HEARINGS**

- A. Project: Condominium Conversion and Construction of New Condominium Ordinance
- Applicant: City of King
- Location: The regulatory ordinance would be applicable citywide.
- Consideration: Regulations applicable to residential, commercial and mixed residential and commercial condominium conversion and creation.
- Recommendation: Staff recommends the Planning Commission approve the attached Resolution which recommends the City Council establish and regulate condominium conversions and construction of new condominiums.
- Environmental Determination: In accordance with the California Environmental Quality Act ("CEQA"), and pursuant to CEQA Guideline Sections 15378 and 15061 (b) (3), this activity is not a "project" subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment.

Community Development Liberto introduced this item.

Chair Nuck opened the public hearing, seeing no one come forward,

Chair Nuck closed the public hearing.

Commissioner Avalos made a motion to adopt the attached Resolution 2019-250 which recommends the City Council establish and regulate condominium conversions and construction of new condominiums. Commissioner Mendez seconded. Motion carried 4-0.

- B. Project:** Amendment of the City’s Zoning Ordinance Pertaining to Commercial Cannabis Activities and Associated CEQA Determination
- Applicant:** City of King
- Location:** The regulatory ordinance would apply to all M-1 and M-2 zone districts along with the East Ranch Business Park Specific Plan (ERBP-SP). As uses authorized in M-1 and M-2 zoned districts are also currently allowable in the M-3 zoned district, the ordinance would also have a similar effect for uses in the M-3 zoned district. The area affected (ERBP SP and M- Districts) are located in the northeast portion of the City, near the airport and bordered by Metz Road, Bitterwater Road, and the eastern boundary of the City.
- Consideration:** A regulatory ordinance that regulates commercial cannabis activities in the City of King, including the increasing the number of manufacturing permits authorized within the City of King, limiting the amount of zoned land which can be utilized for commercial cannabis activities, and removing the prohibition on cannabis deliveries within the City of King as required by the Bureau of Cannabis Control 2019 regulations. These amendments clarify and refines Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, Of Title 17 Of the King City Municipal Code. Personal cannabis activity, both recreational and medical, remains governed by the requirements of Chapter 7.55 of Title 7 of the King City Municipal Code.
- Recommendation:** Staff recommends the Planning Commission 1) adopt the Resolution recommending the adoption of the Ordinance Amending Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, Of Title 17 Of The King City Municipal Code Pertaining to Commercial Cannabis Activity Including Manufacturing Permits, Cannabis Activity Limitations, and Cannabis Deliveries within the City of King.
- Environmental Determination:** The Ordinances are exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines 15307, 15308.)

Principal Planner Bruce introduced this item.

Commissioner Uribe is concerned about King City being a Cannabis City. He is concerned that the Council will change the number to let more cannabis in. He feels that the % is too high. He wants King City to be known for something else.

Chair Nuck opened the public hearing, seeing no one come forward

Chair Nuck closed the public hearing.

Commissioner Avalos made a motion to 1) adopt the Resolution recommending the adoption of the Ordinance Amending Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, Of Title 17 Of The King City Municipal Code Pertaining to Commercial Cannabis Activity Including Manufacturing Permits, Cannabis Activity Limitations, and Cannabis Deliveries within the City of King. Commissioner Mendez seconded. Motion failed 2-2.

Commissioner Avalos made a motion to reconsider this item for discussion and Commissioner Mendez seconded the motion. Motion carried 4-0.

Chair Nuck opened the public hearing and seeing no one come forward closed the public hearing. Commissioner Uribe would like to see the % 45% and he is ok with 25 permits. Chair Nuck is looking at it from the stand point of being out there in the business park from 1992 and seeing no growth. He asked Commissioner Uribe if he would consider 50%. Commissioner Uribe reluctantly agreed to the 50%.

Commissioner Avalos made a motion to change the % from 60% to 50% and to recommend to council. Seconded by Commissioner Uribe. Motion carried 4-0.

## **8. NON- PUBLIC HEARINGS –**

A. None

## **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 7:22p.m.

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David Nuck  
Planning Commission Chairperson  
City of King

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Erica Sonne  
Planning Commission Secretary  
City of King

**REPORT TO THE PLANNING COMMISSION**

**DATE:** MAY 7, 2018

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

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

**BY:** MARICRUZ AGUILAR, ASSISTANT PLANNER

**RE:** CONSIDERATION OF A PUBLIC MURAL SIGN PERMIT FOR KING CITY IN BLOOM TO PAINT A 520 SQUARE FOOT HISTORICAL MURAL ON THE WEST WALL OF 315 BROADWAY STREET, KING CITY, CA 93930.

**RECOMMENDATION:**

It is recommended Planning Commission adopt the Resolution and approve the Public Mural Sign Permit Case No. SN2019-004 for King City in Bloom to paint a 40'x13' (520 square foot) historical mural on the exterior west wall of 315 Broadway Street.

**PROJECT SUMMARY:**

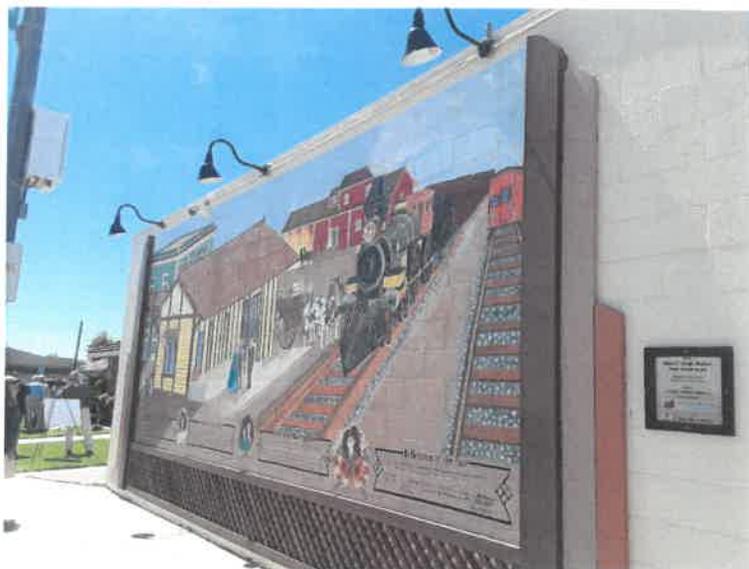
Laurie Slaten, King City in Bloom (**"Applicant"**) submitted a sign permit application on **March 28, 2019**. This is King City in Bloom's second mural request. The first Mural was approved by Planning Commission on **February 20, 2017**. King City in Bloom plans on having a series of Historic Murals throughout the city.



The proposed mural features an agricultural scene of shipping produce crates from the 1920's and 1930's. The artwork will depict a flatbed truck, with loaded crates and crates being loaded. The mural will showcase agricultural companies that help create King City's history and appear on the historic S&P Milling Company location, now known as the Meyers Tomatoes building. The mural will illustrate agricultural business owners from the King City area. This scene was chosen by the King City in Bloom Mural Committee at a marketplace location to pay tribute to the many agricultural businesses that have contributed to the history and commerce of the city.

The size of the proposed mural is 40' long x 13' high (520 square feet). The location is the west exterior side of El Pueblo Market (along the driveway closest proximity to Broadway Street). (Reference Figure 2.) The proposal also includes installation of four (4) farmhouse style lamps for lighting of the mural and accentuate the viewing of the mural. A wooden style framing is proposed for the mural. The framing will be made to carry out the frontal architectural features and complement the building. Reference Figure 1 below to see the wooden lattice framework of Mural #1. The mural will be coated with anti-graffiti sealant to protect the artwork. The owner of El Pueblo Market has existing surveillance camera pointing in the direction of the mural.

**Figure 1 – Wooden Framework of Mural #1**



**Figure 2 – Proposed Location of Mural #2**



King City in Bloom is a volunteer group that is dedicated in implementing beatification projects in King City and is part of a national group called America in Bloom. King City in Bloom is known for their worked on a number of projects throughout the city such as a town-wide clean up event, new landscaping area for the King City Library and City Hall, historical preservation efforts and streetscape projects. They just celebrated the dedication of Mural #1 on **April 23, 2019**.

#### DISCUSSION:

The property is situated within the boundary of the Historic Corridor Revitalization Plan ("**HCRP**"). The property is within the Village Core ("**VC**") Zoning District and within the Retail Commercial ("**RC**") General Plan Land Use Designation. Section 3: Preferred Plan of the HCRP states murals shall not be part of a sign and shall reflect the historical nature of the area. The proposed mural is not part of a sign and does reflect the historical nature of the agricultural community and the produce that has been grown in this area for many years. The location of a market place is fitting to the scene as it reflects the availability of produce grown in the area.

Signs and Murals are regulated by Chapter 17.55 of the King City Municipal Code. Chapter 17.55 requires the Planning Commission conduct a public hearing, review and approval murals over twenty (20') square feet in area. The proposed mural is approximately 520 square feet in area. A public hearing notice was published on **April 24, 2019** in the South County Newspaper *The Rustler* and notices were sent to property owners within three-hundred (300') feet of the project site.

For approval of a public mural sign permit the Planning Commission must make the following findings:

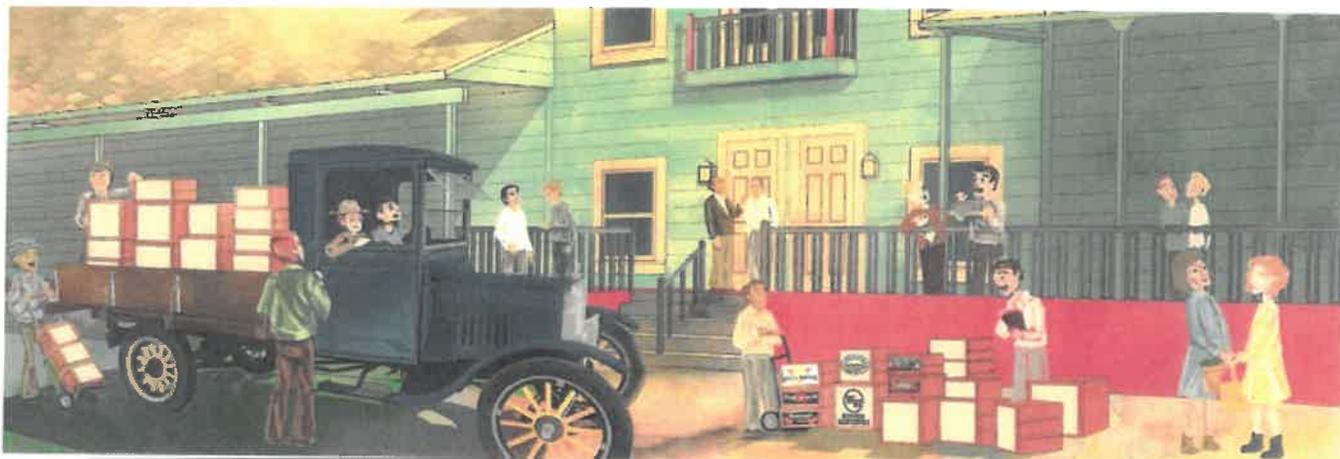
- 1) The approval of a sign permit or Master Sign Program shall require that the review authority make the following findings, as applicable: (A) the proposed sign(s) comply with the city sign regulations and do not exceed the standards set forth within Municipal Code Sections 17.55.090 (**Table 1**) and 17.55.100 (Standards for specific sign types); and (B) are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
- 2) That the colors, design and placement of the sign on the site is appropriate for the location and architectural style of the building;
- 3) That signs do not unreasonably impair the visibility of existing signs on adjacent properties;
- 4) The placement and size of the sign(s) will not impair pedestrian, bicyclist or vehicular safety;
- 5) The sign is constructed of durable materials and shall be required to be maintained in good condition by the sign applicant or landowner;

- 6) For signs located in the Historic Downtown area, the director and/or commission must find that the sign is compatible with the character of the subject and surrounding buildings;
- 7) For freestanding freeway-oriented pole signs the approval of a freestanding pole sign permit for a freeway-oriented sign shall require that the commission find that the use or site cannot be adequately identified by other signs allowed within the site;
- 8) Mural's size, colors, and placement are visually compatible with the structure architecture;
- 9) Mural serves to enhance the aesthetics of the city; and
- 10) Mural illustrates the local history or natural resources or assets of the city and region.

### ANALYSIS:

The applicant has presented a draft rendering of the mural with the application. **(Reference Figure 3.)** The people on this illustration are just placeholders. The mural will showcase images of agricultural business owners from over the years. Figure 3 has illustration figures for placement only. A list of people to be showcased will be presented during the Planning Commission hearing by King City in Bloom.

Figure 3



Staff has reviewed the draft renderings to meet the required findings of fact as outlined below:

- 1) The approval of a sign permit or Master Sign Program shall require that the review authority make the following findings, as applicable: (A) the proposed sign(s) comply with the city sign regulations and do not exceed the standards set forth within Municipal Code Sections 17.55.090 (**Table 1**) and 17.55.100 (Standards for specific sign types); and (B) are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.

**Staff Comment:** The proposed mural preserves and protects the historical integrity of the downtown area. The proposed mural will be depicting a scene from the 1920's and 1930's from when crates were picked up at the S&P Milling Company location South on First Street.

- 2) That the colors, design and placement of the sign on the site is appropriate for the location and architectural style of the building.

**Staff Comment:** The location is a market place, a search of city business license records show this location as a market place since 1968. The mural design is appropriate for the location as it showcases the packaging of produce that has been grown and shipped from this area for many years.

- 3) That signs do not unreasonably impair the visibility of existing signs on adjacent properties.

**Staff Comment:** The proposed mural will cover most of the west exterior wall of El Pueblo Market with approximately 520 square feet and the addition of a wooden lattice boarder. The mural will be placed on the west wall as you enter the driveway from Broadway Street you will be able to see the mural. There are no other signs on the western wall of the building. The 300 Block of Broadway has been going through façade grant improvements and the incorporation of a mural in this block will connect with the Historic Downtown Area. The business currently has a non-conforming sign along the frontage of the building. There are no signage along this exterior west side wall and will not impair the visibility of existing signs.

- 4) The placement and size of the sign(s) will not impair pedestrian, bicyclist or vehicular safety.

**Staff Comment:** The proposed mural will incorporate the installation of four (4) farmhouse style lamps. The lamps will add to the viewing of the mural and create a more pedestrian friendly atmosphere. The proposed will not impair pedestrians, bicyclists or vehicular safety.

- 5) The sign is constructed of durable materials and shall be required to be maintained in good condition by the sign applicant or landowner.

**Staff Comment:** The mural will be using acrylics and latex paints to paint the mural. The applicant and property owner have agreement to maintain the mural in good condition. The mural finish will contain a protective coating to protect from any graffiti or vandalism. The property owner also has existing security camera and King City in Bloom plans on adding four farmhouse lamps. .

- 6) For signs located in the Historic Downtown area, the director and/or commission must find that the sign is compatible with the character of the subject and surrounding buildings.

**Staff Comment:** The proposed mural is compatible with the character of the Historic Downtown Area. The design brings back a historic scene of King City during the 1920's and 1930's. The mural encompasses local historic people from the agricultural business community in the area.

- 7) For freestanding freeway-oriented pole signs the approval of a freestanding pole sign permit for a freeway-oriented sign shall require that the commission find that the use or site cannot be adequately identified by other signs allowed within the site.

**Staff Comment:** The proposed mural is not within proximity of the freeway.

- 8) Mural's size, colors, and placement are visually compatible with the structure architecture.  
**Staff Comment:** The proposed mural will be visually compatible with the structure and the neighboring properties.
- 9) Mural serves to enhance the aesthetics of the city.  
**Staff Comment:** The proposed mural reflects the historic agricultural nature of the area. The mural will be painted by artists and volunteers.
- 10) Mural illustrates the local history or natural resources or assets of the city and region.  
**Staff Comment:** The mural illustrates the local history and the natural resources of the city during the 1920's and 1930's era.

**ENVIRONMENTAL DETERMINATION:**

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 11 Categorical Exemption set forth in CEQA Guidelines, Class 11 "consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs." This project involves painting of a mural on an existing wall and involves no expansion of use. Therefore, the Categorical Exemption Class 11 set forth in the CEQA Guidelines, Section 15311, is deemed to apply to this project.

**COST ANALYSIS:**

The fees for this sign permit have been waived as this is a community benefit project.

**ALTERNATIVES:**

The following alternatives are provided for Planning Commission consideration:

1. Approve the Mural Permit for SN 2019-004;
2. Make recommendations for modification as deemed appropriate by the Planning Commission; or
3. Provide other direction to staff.

**Exhibits:**

1. Findings of Fact
2. Resolution No. 2019-253
3. Mural Renderings

Prepared by: Maricruz Aguilar  
Maricruz Aguilar, Assistant Planner

Approved by: Doreen Liberto-Blanck  
Doreen Liberto-Blanck, AICP, Community Development Director

**EXHIBIT 1**  
**Findings of Fact**

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.

**Sign Permit Findings**

Municipal Code §17.55.040(A) allows the Commission to review request for all murals that exceed twenty (20') square feet in area.

- 1) The approval of a sign permit or Master Sign Program shall require that the review authority make the following findings, as applicable: (A) the proposed sign(s) comply with the city sign regulations and do not exceed the standards set forth within Municipal Code Sections 17.55.090 (**Table 1**) and 17.55.100 (Standards for specific sign types); and (B) are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.

*The proposed mural preserves and protects the historical integrity of the downtown area. The proposed mural will be depicting a scene of packaging produce as it was in 1920's and 1930's.*

- 2) That the colors, design and placement of the sign on the site is appropriate for the location and architectural style of the building.

*The proposed location of the mural is near proximate of where the historic S&P Milling Company was located, known as the Meyer's building. The location is fitting as a market place is a place where the produce will end up after they are shipped.*

- 3) That signs do not unreasonably impair the visibility of existing signs on adjacent properties.

*The proposed mural will cover most of the western exterior wall of El Pueblo Market approximately 520 square feet with new lighting farmhouse style fixtures to ad visibility and security.*

- 4) The placement and size of the sign(s) will not impair pedestrian, bicyclist or vehicular safety.

*The proposed mural will enhance the area and create a more pedestrian friendly atmosphere. The proposed will not impair pedestrians, bicyclists or vehicular safety.*

- 5) The sign is constructed of durable materials and shall be required to be maintained in good condition by the sign applicant or landowner.

*The mural will be using acrylics and latex paints to paint the mural. The applicant and property owner have agreement to maintain the mural in good condition. The mural finish will contain a protective coating to protect from any graffiti or vandalism. The property owner has an existing security camera that will be directed to the mural.*

- 6) For signs located in the Historic Downtown area, the director and/or commission must find that the sign is compatible with the character of the subject and surrounding buildings.

*The proposed mural is compatible with the character of the Historic Downtown Area. The design brings back a historic scene of King City during the 1920's and 1930's era. The mural encompasses local historic people of the agricultural business that were key in King City's history.*

- 7) For freestanding freeway-oriented pole signs the approval of a freestanding pole sign permit for a freeway-oriented sign shall require that the commission find that the use or site cannot be adequately identified by other signs allowed within the site.

*The proposed mural is not within proximity of the freeway.*

- 8) Mural's size, colors, and placement are visually compatible with the structure architecture.

*The proposed mural will be visually compatible with the structure and the neighboring properties.*

- 9) Mural serves to enhance the aesthetics of the city.

*The proposed mural reflects the historic agricultural occupation of the area. The mural will connect to the recent improvements in the 300 Block of Broadway and connect to the rest of the downtown area. The mural will be painted by artists and volunteers.*

- 10) Mural illustrates the local history or natural resources or assets of the city and region.

*The mural illustrates the local history and the natural resources of the city during the 1920's and 1930's era.*

EXHIBIT 2

RESOLUTION NO. 2019-253

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,  
APPROVING A PUBLIC MURAL SIGN PERMIT CASE NO. SN2019-004 FOR KING  
CITY IN BLOOM TO PAINT A 520 SQUARE FOOT MURAL ON THE EXTERIOR  
WEST WALL OF 315 BROADWAY STREET, KING CITY, CA 93930**

**WHEREAS**, on **March 28, 2019**, King City in Bloom filed an application for a sign permit to paint a mural on the exterior wall of 315 Broadway Street, King City, CA 93930; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("**CEQA**") Guidelines Section 15311, Class 11, exempts on-premises signs and the project involves painting a mural on an existing wall with no expansion of use; and

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

**WHEREAS**, on **May 7, 2019**, the Planning Commission ("**Commission**") held the public hearing for the project; and

**WHEREAS**, the proposed mural has been reviewed and all information, whether written or oral, presented during the public review period, has been considered by the Commission; and

**WHEREAS**, the Commission of the City of King, California, met at the duly noticed public hearing on **May 7, 2019**, at which time all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Commission makes the followings Findings of Facts:

1. *The proposed mural preserves and protects the historical integrity of the downtown area. The proposed mural will be depicting a scene of packaging produce as it was in 1920's and 1930's.*
2. *The proposed location of the mural is near proximate of where the historic S&P Milling Company was located, known as the Meyer's building. The location is fitting as a market place is a place where the produce will end up after they are shipped.*
3. *The proposed mural will cover most of the western exterior wall of El Pueblo Market approximately 520 square feet with new lighting farmhouse style fixtures to ad visibility and security.*

4. *The proposed mural will enhance the area and create a more pedestrian friendly atmosphere. The proposed will not impair pedestrians, bicyclists or vehicular safety.*
5. *The mural will be using acrylics and latex paints to paint the mural. The applicant and property owner have agreement to maintain the mural in good condition. The mural finish will contain a protective coating to protect from any graffiti or vandalism. The property owner has an existing security camera that will be directed to the mural.*
6. *The proposed mural is compatible with the character of the Historic Downtown Area. The design brings back a historic scene of King City during the 1920's and 1930's era. The mural encompasses local historic people of the agricultural business that were key in King City's history.*
7. *The proposed mural is not within proximity of the freeway.*
8. *The proposed mural will be visually compatible with the structure and the neighboring properties.*
9. *The proposed mural reflects the historic agricultural occupation of the area. The mural will connect to the recent improvements in the 300 Block of Broadway and connect to the rest of the downtown area. The mural will be painted by artists and volunteers.*
10. *The mural illustrates the local history and the natural resources of the city during the 1920's and 1930's era.*

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King approves Mural Permit Case No. SN2019-004, attached as **Attachment 1**, for the public mural sign permit on the exterior wall of 315 Broadway Street, King City, CA 93930 as presented on **May 7, 2019**.

This resolution was passed and adopted this 7th day of May 2019, by the following vote:

AYES:

NAYS:

ABSENT:

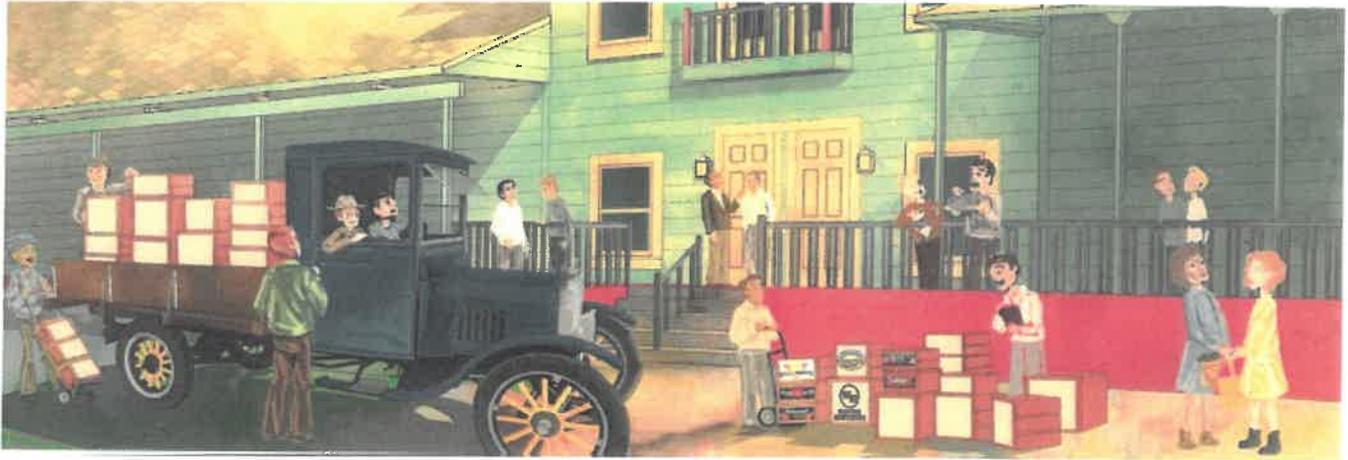
ABSTAIN:

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

ATTEST:

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

EXHIBIT 3  
Illustration of Proposed Mural #2



## Project Description

### Mural Application

#### City of King

March 27, 2019

#### Description Narrative:

The creation of King City in Bloom's Mural #2, in the series of Historic Murals for the City of King, will portray a Muralist's rendering that features an agricultural scene from the 1920's and '30's. It will depict that of a flatbed truck, with loaded & to be loaded crates, at the historic S & P Milling Company location (old Meyer's Tomato Building) that is to showcase iconic Ag Company labels from the King City area that will appear on the crates, flatbed truck siding & the building—one sign only—most likely "Meyers Tomatoes" or "Meyers". Mural will also have people illustrations of well-known Agricultural Business owners from the King City area.

The Mural is to:

- Be 40' long x 13' high.
- Be located on West exterior side of El Pueblo Market building and placed in the closest proximity to the Broadway street visual viewpoint.
- Feature 4 Farmhouse style lamps (consistent with Mural #1) that are to provide adequate lighting to showcase and accentuate the viewing of this mural.
- Have wooden and lattice billboard style framing installed on the bottom and sides of the mural that will be painted and sealed to ascetically complete the mural artwork pictorial (consistent with Mural #1).
- Apply anti-graffiti sealant to mural artwork so as to properly protect it from any possibility of potential problems in the future. (Owner also has a surveillance camera pointing in the mural's frontal vicinity.)

The King City in Bloom Mural Committee's choice to feature this type of scene at a marketplace location is to pay tribute to the many agricultural businesses that have contributed to and make up the vast history, tremendous commerce and diverse culture of our hometown community throughout the years—both past and present.



Item No. 7(B)

**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.**

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**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**

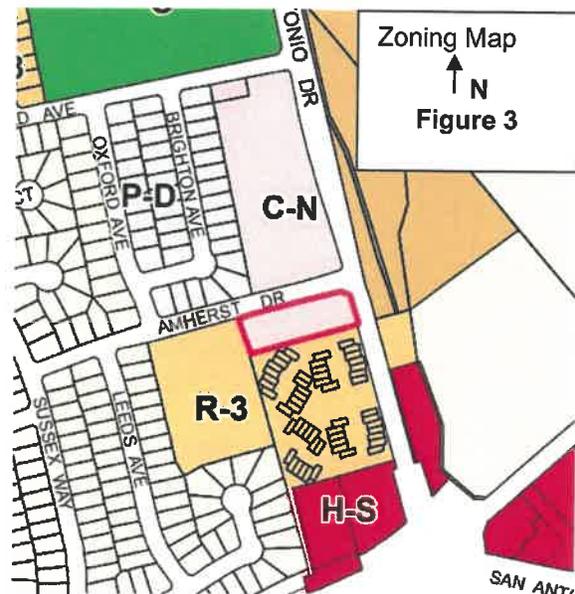
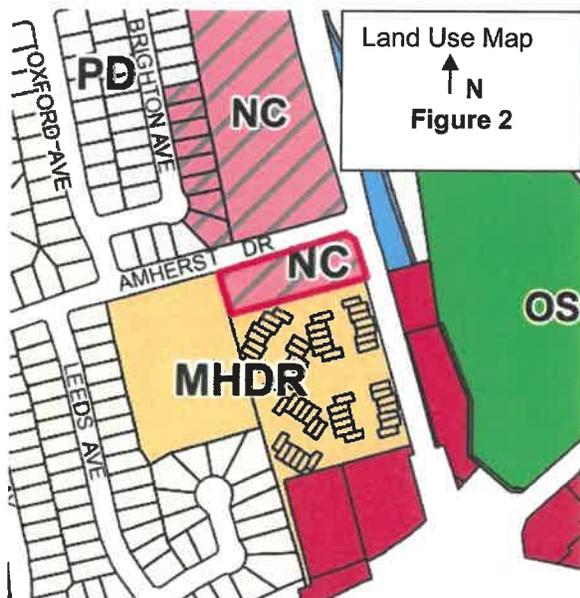
The variance request is to eliminate the requirement for one (1) garage per three (3) or more bedroom apartments.



**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 use<sup>1</sup>. 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**

<sup>1</sup> 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.

#### Carport

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

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**



**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.

***(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**

**Surrounding Uses**

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

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

**MUNICIPAL CODE REQUIREMENTS**

**Table 2** Development Standards for proposed Project

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

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

	<b>of building frontage Indirect lighting.</b>	<b>A Master Sign Program shall be submitted for the commercial spaces.</b>
--	--	--

**GENERAL PLAN/POLICIES AND REQUIREMENTS:**

Table 3 provides the land use designations for the project.

<b>Table 3</b>	
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 1<sup>st</sup>.

**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

**EXHIBIT 1**

**Project Plans and Additional Figures**

**List of Figures:**

**Figure 1 – Proposed Site Plan**

**Figure 2 -Lower floor Plan A and B**

**Figure 3- Upper floor Plan A and B**

**Figure 4 - Lower floor Plan C and D**

**Figure 5 - Upper floor Plan C and D**

**Figure 6 - North and south elevation A and B**

**Figure 7 - East and West elevation A and B**

**Figure 8 - North and south elevation C and D**

**Figure 9 - East and West elevation C and D**

**Figure 10 - Landscape Plan**

**Figure 11 - Planting Plan**

**Figure 12 - Irrigation Plan**

**Figure13 - Site Grading and Plan**

**Figure 14 - Utility Plan**

**Figure 15 a-Stormwater Collection System Plan**

**Figure 15 b -Stormwater Chamber System Plan**

**Figure 16 - Water Pollution Control Plan**

**Figure 17 – Artist concept aerial showing the exterior elevations of the proposed project site.**

**Figure 18 - Artist concept showing the exterior elevations of the proposed buildings and interior courtyard area**

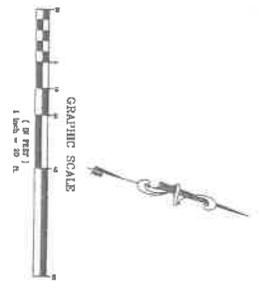
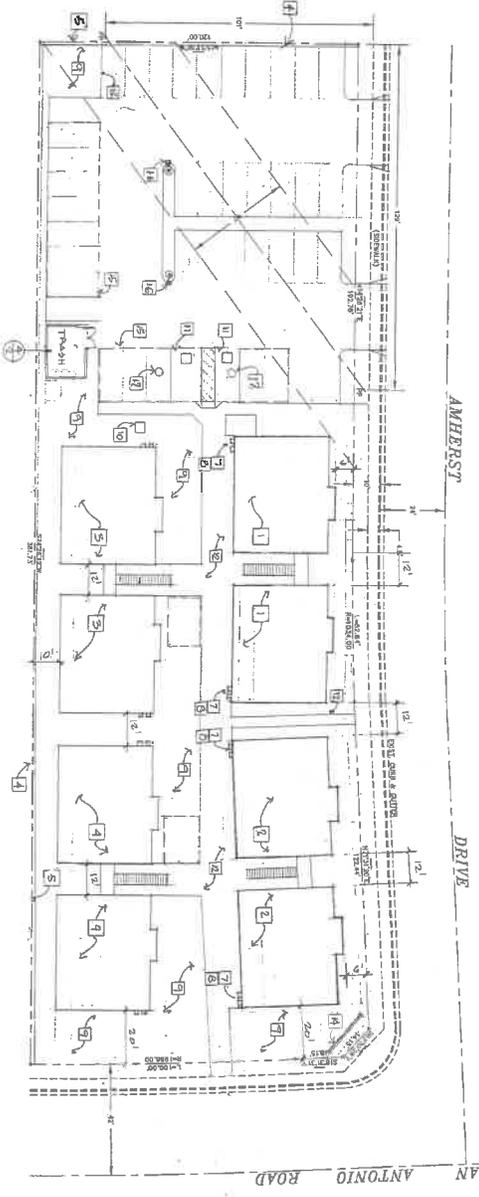
**Figure 19– Artist concept showing the exterior elevations of the proposed building and Parking Lot**

**Figure 20 – Artist concept showing the façade elevations of proposed project.**

**Figure 21 – Color sign elevations**

**Figure 22 – Carport and Interior Trellis Details**

**FIGURE 1**



**SITE PLAN NOTES**

- 1. BUILDING A PROJECT AREA
- 2. BUILDING B PROJECT AREA
- 3. BUILDING C PROJECT AREA
- 4. BUILDING D PROJECT AREA
- 5. EXISTING PAVEMENT DRIVE
- 6. EXISTING PAVEMENT DRIVE
- 7. ELECTRICAL LINTERS
- 8. GAS LINTERS
- 9. LANDSCAPE PLANTING AREA
- 10. LANDSCAPE PLANTING AREA
- 11. LANDSCAPE PLANTING AREA
- 12. CONCRETE WALKWAY
- 13. PROJECT DRIVE
- 14. PROJECT DRIVE
- 15. PROJECT DRIVE
- 16. 8" RIBBED FURNISHED LIGHT FIBER PAVEMENT
- 17. CONCRETE FURNISHED LIGHT FIBER PAVEMENT

**LANDSCAPE NOTE**

1. LANDSCAPE PLANS TO BE SUBMITTED TO CITY OF IRVINE PRIOR TO ISSUANCE OF BUILDING PERMIT. LANDSCAPE TO BE DESIGNED BY A LICENSED LANDSCAPE ARCHITECT IN ACCORDANCE WITH THE CITY OF IRVINE ORDINANCES.

**AMHERST DEVELOPMENT**  
**PARCEL "C" - TR. 1192**

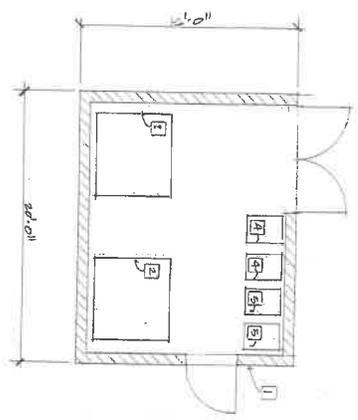
UNDERGROUND SERVICE ALERT  
 DIAL 811  
 TWO WORKING DAYS  
 BEFORE YOU DIG

REV.	DESCRIPTION	DATE	APP.	DATE	BY	DATE
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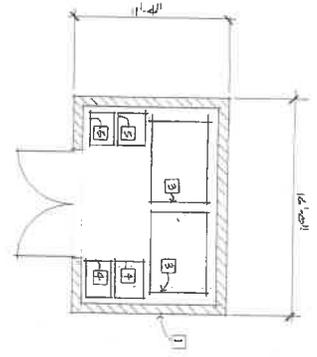
**T. TARDAGLIA ENGINEERING**  
 CIVIL ENGINEERS  
 1400 S. GARDEN AVENUE, SUITE 200  
 ANAHEIM, CALIFORNIA 92805  
 C. MADSON

NO.	DATE	BY	CHKD.
1	01/15/18		
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100	01/15/18		

TRASH ENCLOSURE - AMHERST

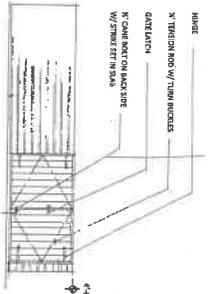


TRASH ENCLOSURE - SAN ANTONIO

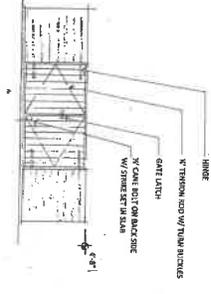


- SITE PLAN NOTES**
1. TRASH ENCLOSURE
  2. COLUMNS
  3. GREENWASTE CONTAINERS
  4. GREENWASTE CONTAINERS

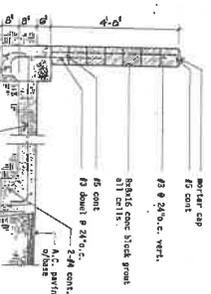
4 TRASH ENCLOSURE ELEVATION  
AMHERST SITE



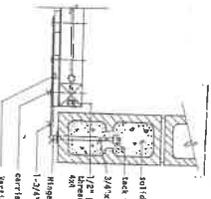
3 TRASH ENCLOSURE ELEVATION  
SAN ANTONIO SITE



2 TRASH ENCLOSURE  
1/2" = 1'-0"



1 GATE DTL



MAN

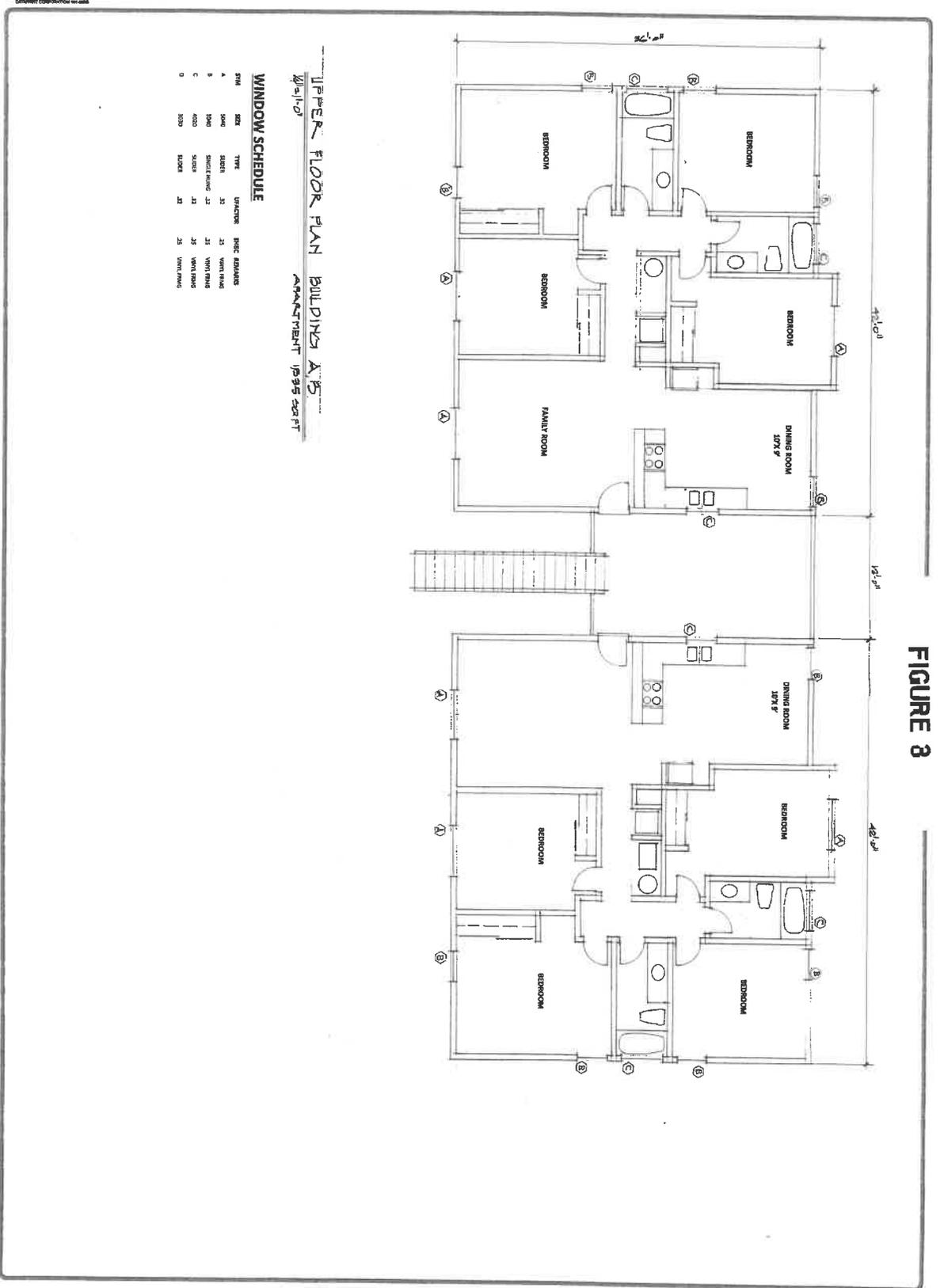
**WESLEY JAY BEEBE - ARCHITECT**  
P.O. BOX 1743  
KING CITY CA 95700-1743 831-385-081C  
95700-1743 FAX (831) 385-0686

DATE	2-1
BY	
CHECKED	
SCALE	
JOB NO.	
PROJECT	

REVISION	BY



FIGURE 3



DATE	1/10
SCALE	1/4" = 1'-0"
PROJECT	UPPER FLOOR PLAN
ARCHITECT	WESLEY JAY BEEBE - ARCHITECT

**WESLEY JAY BEEBE - ARCHITECT**  
P.O. BOX 1743  
KING CITY CA 95750 - 1743 (831) 385-0810 FAX (831) 385-0688

NO.	DESCRIPTION
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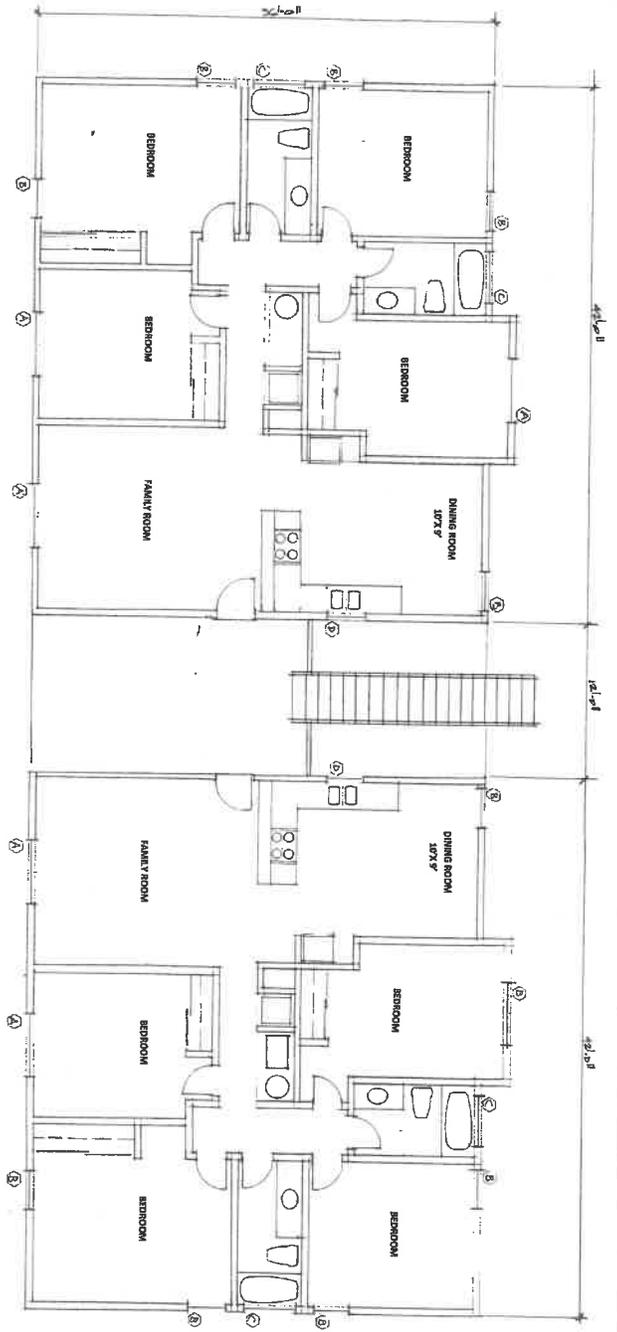


FIGURE 5

UPPER FLOOR PLAN BUILDING C.D.  
APARTMENT 1,036 S.A.T.T.

WINDOW SCHEDULE

SYM	SIZE	TYPE	LOCATION	NOTE
1	36"0	SLIDING	23	VENT. TRANS.
2	36"0	SLIDING	22	VENT. TRANS.
3	48"0	SLIDING	21	VENT. TRANS.
4	36"0	SLIDING	20	VENT. TRANS.

DATE	10/10/00
BY	JAY BEEBE
CHECKED	
SCALE	
PROJECT	UPPER FLOOR PLAN
NO.	5

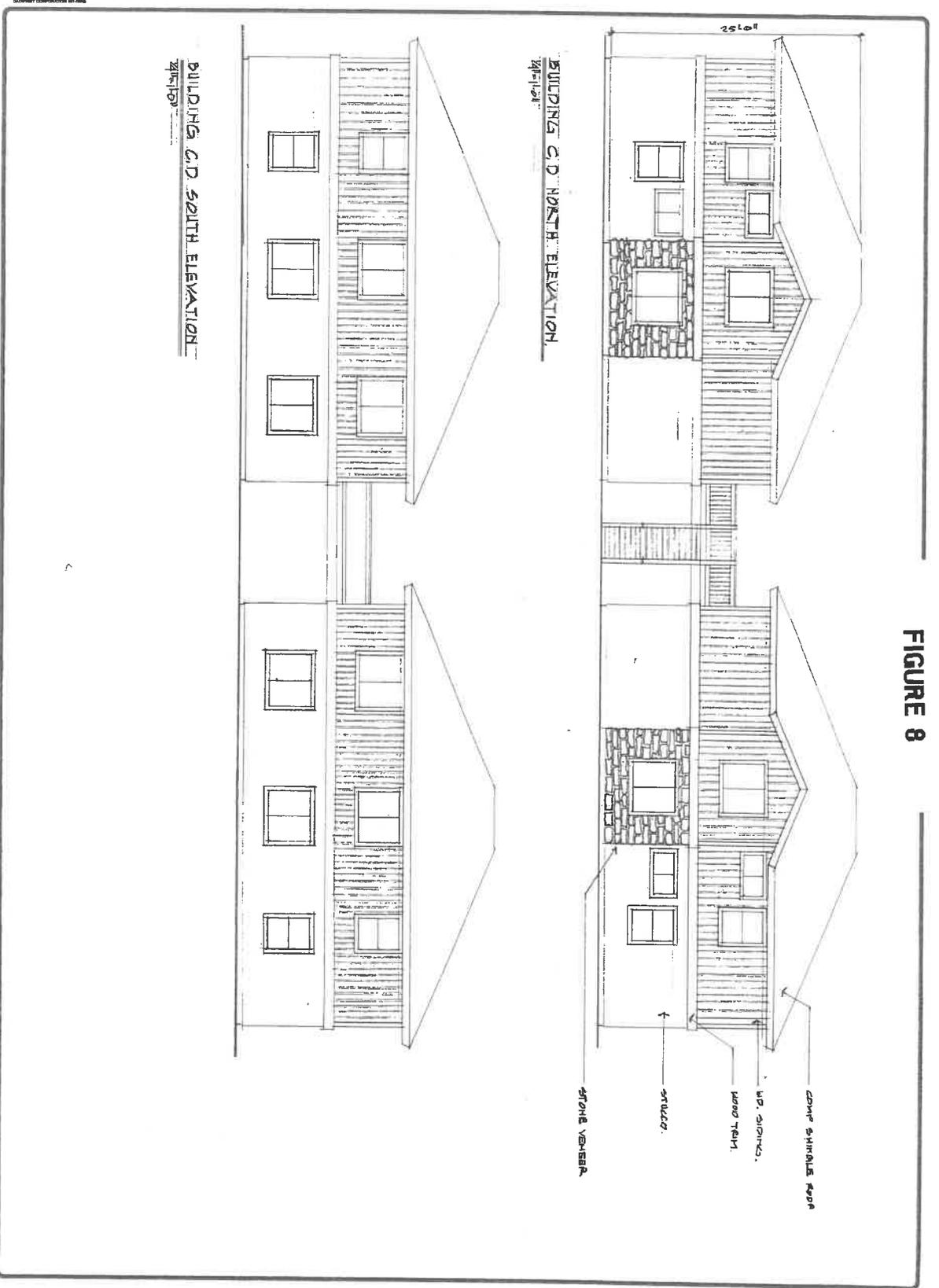
WESLEY JAY BEEBE - ARCHITECT  
 P.O. BOX 1743  
 NEW CITY, CA 95959  
 (831) 365-0810  
 (831) 365-0688

NO.	DATE	REVISION





**FIGURE 8**



NO.	REVISION	DATE

**WESLEY JAY BEEBE - ARCHITECT**  
 P.O. BOX 1743  
 KING CITY, CA 95930 - 1743 FAX (831) 386-0688

NO.	REVISION	DATE



FIGURE 10



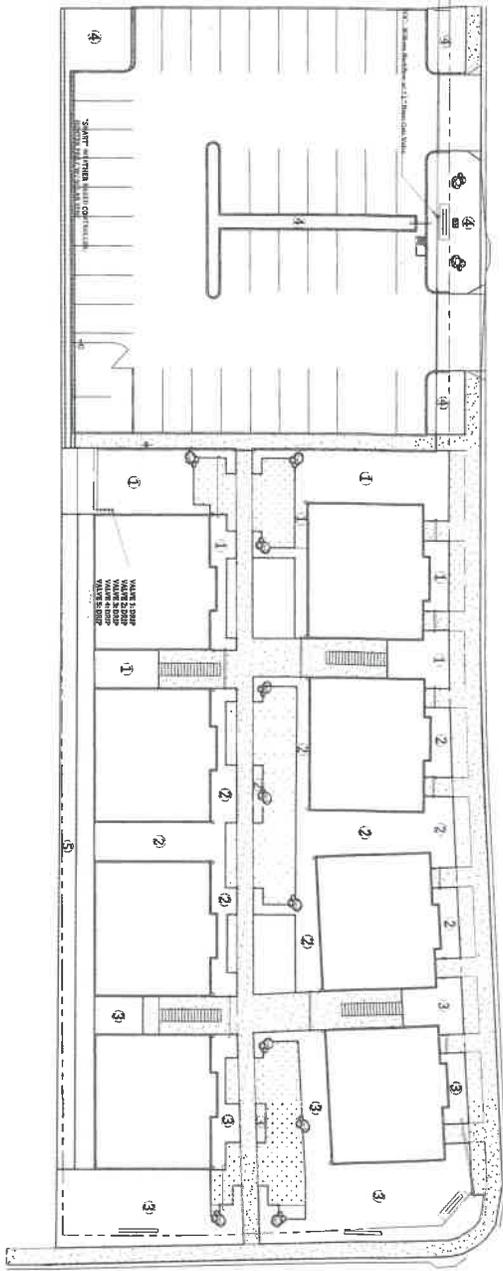
KEY	DESCRIPTION
(Symbol)	EXISTING
(Symbol)	PROPOSED
(Symbol)	CONSTRUCTION
(Symbol)	CONCRETE WALK

SITE COVERAGE	
EXISTING	4,512 SF
PROPOSED	3,412 SF
TOTAL	7,924 SF
TOTAL IMPERVIOUS	
EXISTING	12,157 SF
PROPOSED	12,288 SF
TOTAL	24,445 SF
TOTAL PERMEABLE	
EXISTING	17,981 SF

	<p>Landscape Plan Prepared For:</p> <p>The Amherst Development Parcel "C" - TR. 1192 King City, Ca 93930</p>	<p>CLAY TULLY LANDSCAPE ARCHITECTURE</p> <p>P. 401.343.1010 E. clay@ctla.com www.ctla.com</p>
	<p>Project Title: Layout Plan</p> <p>Scale: 1/8" = 1'-0"</p> <p>Date: 7/27/2018</p> <p>Drawn By: CT</p> <p>Checked By: CT</p> <p>Project: 1602/018</p> <p>Sheet: L1 of 3</p>	



FIGURE 12



**Proposed Irrigation System**

System: 100% Recycled Water

System: 100% Recycled Water

Station	Valve	Riser	Emitter	Flow Rate (GPM)	Area (sq ft)
1	1.1	1.1	1.1	1.1	1.1
2	2.1	2.1	2.1	2.1	2.1
3	3.1	3.1	3.1	3.1	3.1
4	4.1	4.1	4.1	4.1	4.1
5	5.1	5.1	5.1	5.1	5.1

**LANDSCAPE VALVE DETAILS**

STATION #	TYPE	LOCATION
1	DWP	Water Control Valve
2	DWP	Water Control Valve
3	DWP	Water Control Valve
4	DWP	Water Control Valve
5	DWP	Water Control Valve

**NOTES:**

1. Irrigation shall be 100% recycled water.
2. Irrigation shall be 100% recycled water.
3. Irrigation shall be 100% recycled water.
4. Irrigation shall be 100% recycled water.
5. Irrigation shall be 100% recycled water.

**IRRIGATION SCHEDULE**

Zone	Frequency	Duration
1	3x/week	15 min
2	3x/week	15 min
3	3x/week	15 min
4	3x/week	15 min
5	3x/week	15 min

**IRRIGATION TREATMENT**

Zone	Treatment
1, 2, 3, 4, 5	NWP
1, 2, 3, 4, 5	NWP
1, 2, 3, 4, 5	NWP
1, 2, 3, 4, 5	NWP
1, 2, 3, 4, 5	NWP

**Intigation Plan**

Scale: 1/4" = 1'-0"

Date: 7/27/2016

Drawn By: CT

Checked By: CT

Project: 1809016

Sheet: L3 of 3

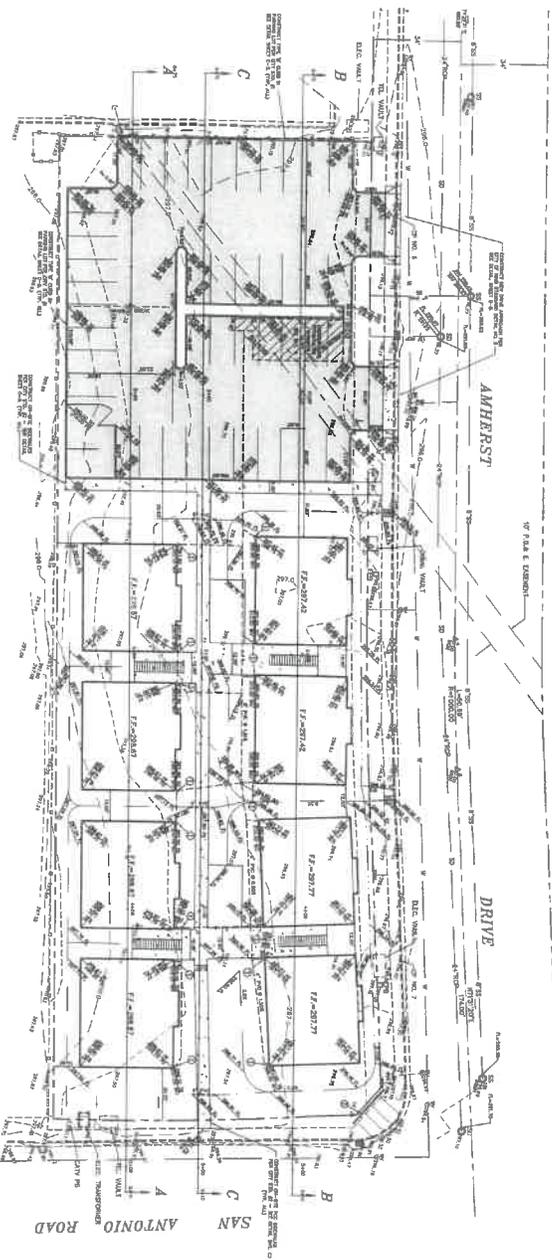
Landscape Plan Prepared For:

The Amherst Development  
Parcel "C" - TR. 1192  
King City, Ca 93930

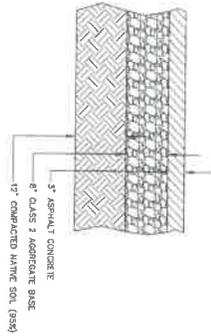
CLAY TULLY  
LANDSCAPE  
ARCHITECTURE

2020 Tyler Road #107  
P.O. Box 742404  
San Jose, CA 95174  
www.claytullylandscape.com

FIGURE 13



- CONSTRUCTION NOTES:**
1. INSTALL P4 DRAIN-DRAWN AT BASE OF DOWNSPOUTS, 4" IN DIA. 4" DIA., PER MANUFACTURER'S SPECIFICATIONS. CONNECT SPALL BEG. TO DOWNSPOUT SYSTEM DRAIN SYSTEM. THERE SHALL BE A MINIMUM DOWNSPOUT 2' DIA.
  2. INSTALL MONUMENT SIGN.



PARKING LOT STRUCTURAL SECTION  
N.T.S.

- LEGEND**
- 322.80 IC PROPOSED TOP OF CURB
  - 322.80 CS PROPOSED FINISH SURFACE (L.C. NO.)
  - 322.80 CS PROPOSED FINISH DRIVE (L.C. NO.)
  - 322.80 LK PROPOSED TOLPANE
  - 322.80 HY PROPOSED HPE FINISH
  - 322.80 EXT PROPOSED SPOT ELEVATION
  - 322.80 EXG EXISTING GROUND CONTOUR
  - 322.80 SNT SAVORARY SIGNET MARKING
  - 322.80 STB STORM DRAIN MANHOLE
  - 322.80 CFB CABLE TV FALL BOX
  - 322.80 PHL PHE HIDEWAY
  - 322.80 SFL STREET LIGHT
  - 322.80 PWR POWER POLE
  - 322.80 SWL STREET WALL MONUMENT
  - 322.80 WTK WATER WALK
  - 322.80 WDF WOOD FENCE
  - 322.80 DAY DAY ANCHOR
  - 322.80 EFB ELECTRICAL FALL BOX
  - 322.80 STR STREET SIGN

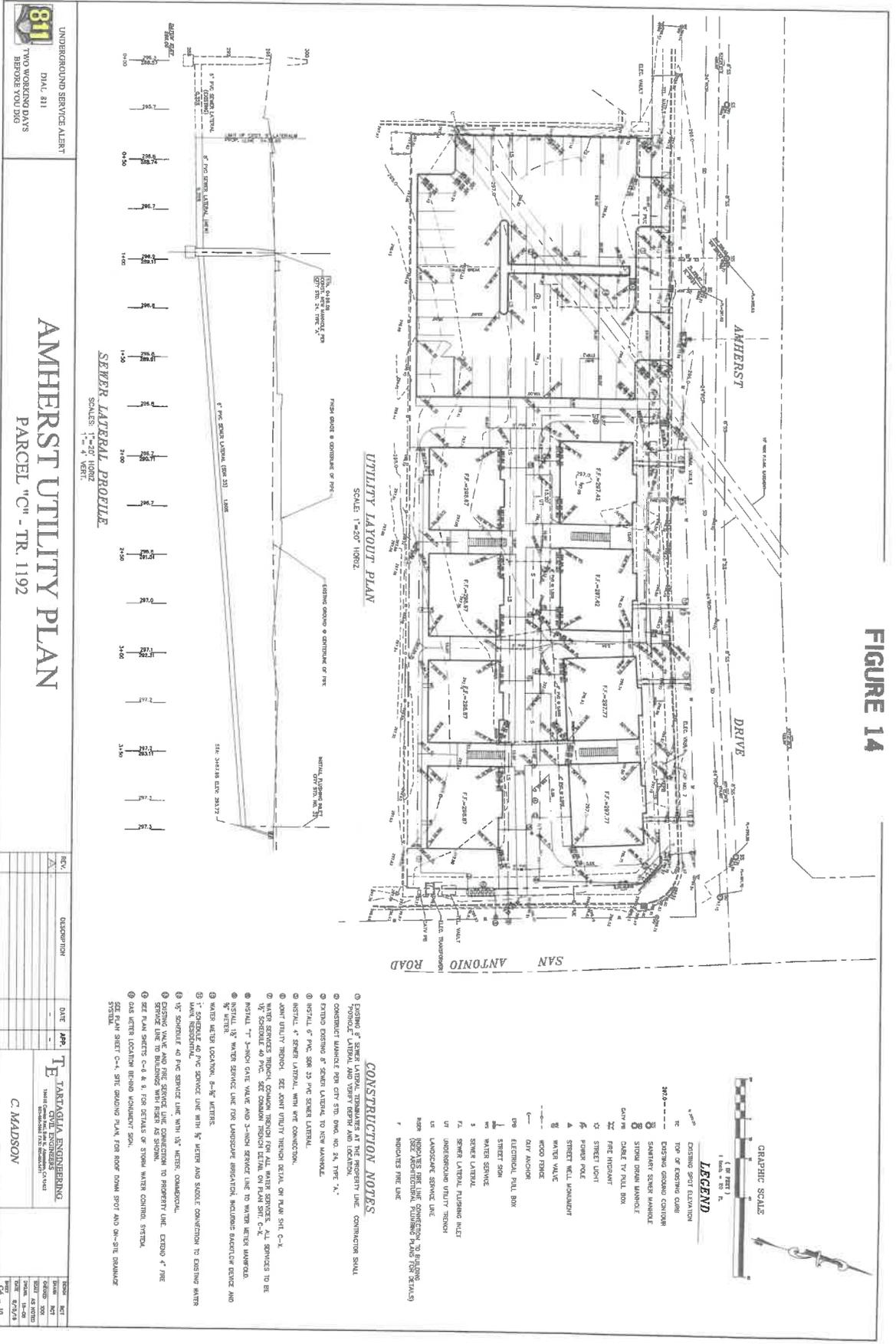


**811**  
UNDERGROUND SERVICE ALERT  
DIAL 811  
TWO WORKING DAYS  
BEFORE YOU DIG

**SITE GRADING & DRAINAGE PLAN**  
PARCEL "C" - TR. 1192

REV.	DESCRIPTION	DATE	APP.	DATE	SCALE	DATE
1	ISSUED FOR PERMITS	10/15/20	T.E. JANTAGLIA	10/15/20	AS SHOWN	10/15/20
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72	REVISED FOR COMMENTS	09/15/26	T.E. JANTAGLIA	09/15/26	AS SHOWN	09/15/26
73	REVISED FOR COMMENTS	10/15/26	T.E. JANTAGLIA	10/15/26	AS SHOWN	10/15/26
74	REVISED FOR COMMENTS	11/15/26	T.E. JANTAGLIA	11/15/26	AS SHOWN	11/15/26
75	REVISED FOR COMMENTS	12/15/26	T.E. JANTAGLIA	12/15/26	AS SHOWN	12/15/26
76	REVISED FOR COMMENTS	01/15/27	T.E. JANTAGLIA	01/15/27	AS SHOWN	01/15/27
77	REVISED FOR COMMENTS	02/15/27	T.E. JANTAGLIA	02/15/27	AS SHOWN	02/15/27
78	REVISED FOR COMMENTS	03/15/27	T.E. JANTAGLIA	03/15/27	AS SHOWN	03/15/27
79	REVISED FOR COMMENTS	04/15/27	T.E. JANTAGLIA	04/15/27	AS SHOWN	04/15/27
80	REVISED FOR COMMENTS	05/15/27	T.E. JANTAGLIA	05/15/27	AS SHOWN	05/15/27
81	REVISED FOR COMMENTS	06/15/27	T.E. JANTAGLIA	06/15/27	AS SHOWN	06/15/27
82	REVISED FOR COMMENTS	07/15/27	T.E. JANTAGLIA	07/15/27	AS SHOWN	07/15/27
83	REVISED FOR COMMENTS	08/15/27	T.E. JANTAGLIA	08/15/27	AS SHOWN	08/15/27
84	REVISED FOR COMMENTS	09/15/27	T.E. JANTAGLIA	09/15/27	AS SHOWN	09/15/27
85	REVISED FOR COMMENTS	10/15/27	T.E. JANTAGLIA	10/15/27	AS SHOWN	10/15/27
86	REVISED FOR COMMENTS	11/15/27	T.E. JANTAGLIA	11/15/27	AS SHOWN	11/15/27
87	REVISED FOR COMMENTS	12/15/27	T.E. JANTAGLIA	12/15/27	AS SHOWN	12/15/27
88	REVISED FOR COMMENTS	01/15/28	T.E. JANTAGLIA	01/15/28	AS SHOWN	01/15/28
89	REVISED FOR COMMENTS	02/15/28	T.E. JANTAGLIA	02/15/28	AS SHOWN	02/15/28
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95	REVISED FOR COMMENTS	08/15/28	T.E. JANTAGLIA	08/15/28	AS SHOWN	08/15/28
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97	REVISED FOR COMMENTS	10/15/28	T.E. JANTAGLIA	10/15/28	AS SHOWN	10/15/28
98	REVISED FOR COMMENTS	11/15/28	T.E. JANTAGLIA	11/15/28	AS SHOWN	11/15/28
99	REVISED FOR COMMENTS	12/15/28	T.E. JANTAGLIA	12/15/28	AS SHOWN	12/15/28
100	REVISED FOR COMMENTS	01/15/29	T.E. JANTAGLIA	01/15/29	AS SHOWN	01/15/29

FIGURE 14

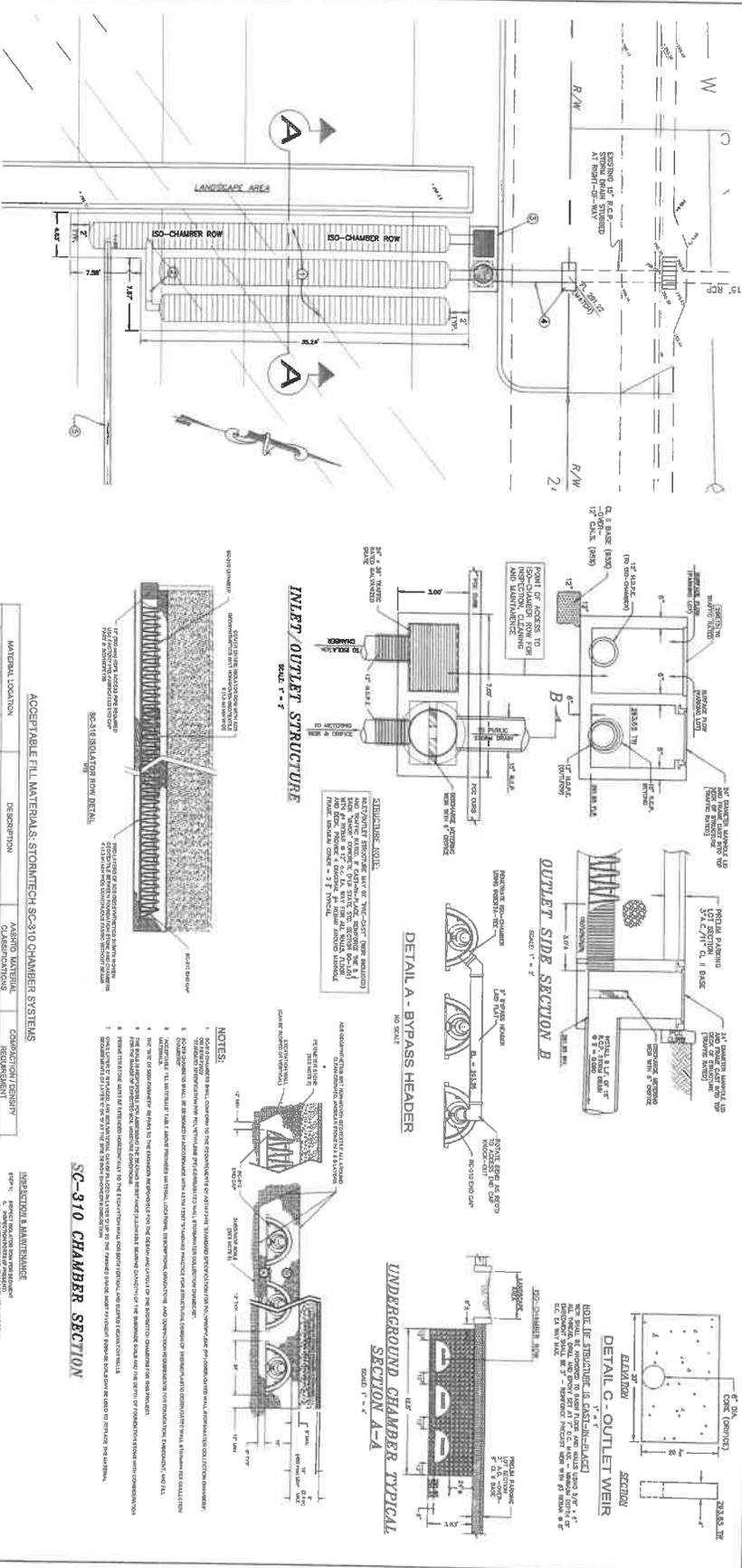


UNDERGROUND SERVICE ALERT  
DIAL 811  
TWO WORKING DAYS  
BEFORE YOU DIG

**AMHERST UTILITY PLAN**  
PARCEL 1192 - TR. 1192



FIGURE 15(B)



- UG CHAMBER PLAN**  
SCALE 1" = 5'
- LANDSCAPE CHAMBER SYSTEM NOTES**
1. METAL - 80 LB. OF SC-310 STORMCHAMBER UNDERGROUND CHAMBER UNITS SEE SECTION A-A AND TYPICAL CHAMBER INSTALLATION DETAILS THIS SHEET.
  2. INSTALL 4" P.V.C. BRASS HUBCAP, SEE DETAIL "A", THIS SHEET.
  3. CONSTRUCT/METAL DOMINATION INLET/OUTLET STRUCTURE, SEE CONSTRUCTION DETAILS THIS SHEET.
  4. METAL - 24 LB. OF 18" R.C. ON THE PERIS AND MAIN P.C.C. COLLAR.
  5. CHECK STORM WATER COLLECTION SYSTEM, SEE SHEET C-4 FOR PIPE LAYOUT, SIZE, INCHES AND ALIGNMENT.

**ACCEPTABLE FILL MATERIALS, STORMTECH SC-310 CHAMBER SYSTEMS**

MATERIAL LOCATION	DESCRIPTION	MAXIMUM MATERIAL CHARACTERISTICS	COMPLETION DENSITY
0. FILL TO THE TOP OF THE CHAMBER UNITS	4" P.V.C. BRASS HUBCAP	4" P.V.C. BRASS HUBCAP	AS PER MANUFACTURER'S SPECIFICATIONS
1. FILL TO THE TOP OF THE CHAMBER UNITS	18" R.C. ON THE PERIS AND MAIN P.C.C. COLLAR	18" R.C. ON THE PERIS AND MAIN P.C.C. COLLAR	AS PER MANUFACTURER'S SPECIFICATIONS
2. FILL TO THE TOP OF THE CHAMBER UNITS	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	AS PER MANUFACTURER'S SPECIFICATIONS
3. FILL TO THE TOP OF THE CHAMBER UNITS	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	AS PER MANUFACTURER'S SPECIFICATIONS
4. FILL TO THE TOP OF THE CHAMBER UNITS	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	AS PER MANUFACTURER'S SPECIFICATIONS
5. FILL TO THE TOP OF THE CHAMBER UNITS	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	CONCRETE/METAL DOMINATION INLET/OUTLET STRUCTURE	AS PER MANUFACTURER'S SPECIFICATIONS

- INSTALLATION MAINTENANCE**
1. ACCEPTABLE FILL MATERIALS SHALL BE USED TO FILL THE CHAMBER SYSTEMS.
  2. THE CHAMBER SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION AND MAINTENANCE MANUAL.
  3. THE CHAMBER SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION AND MAINTENANCE MANUAL.
  4. THE CHAMBER SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION AND MAINTENANCE MANUAL.
  5. THE CHAMBER SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION AND MAINTENANCE MANUAL.

UNDERGROUND SERVICE ALBERT  
DIAL 811  
TWO WORKING DAYS BEFORE YOU DIG

AMHERST DRIVE - KING CITY  
UG CHAMBER SYSTEM AND DRAINAGE DETAILS  
APN 026-501-006; PARCEL C - TRACT 1192

NO.	DESCRIPTION	DATE	APP'D.	TITLE	SCALE
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DATE: 03/20/2018  
SCALE: 1" = 5'



FIGURE 17



**FIGURE 18**



FIGURE 19



FIGURE 20



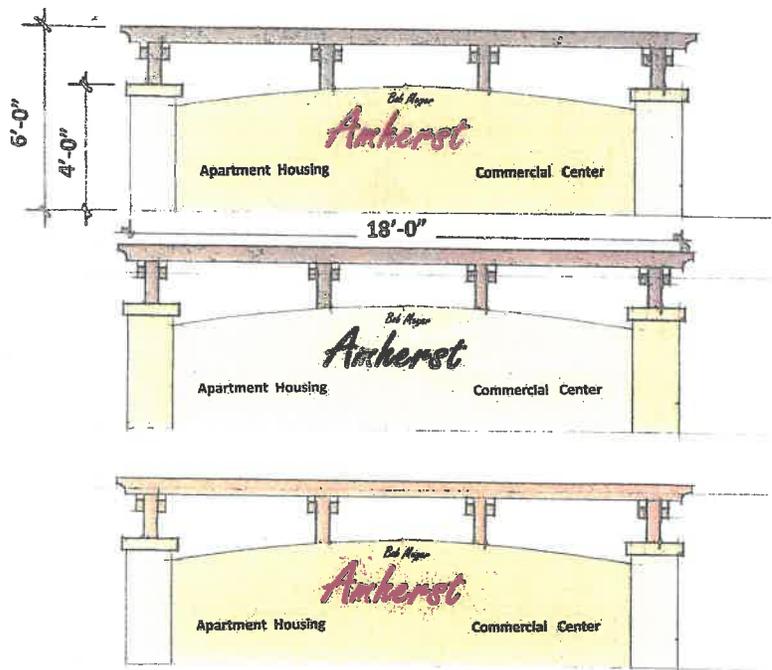
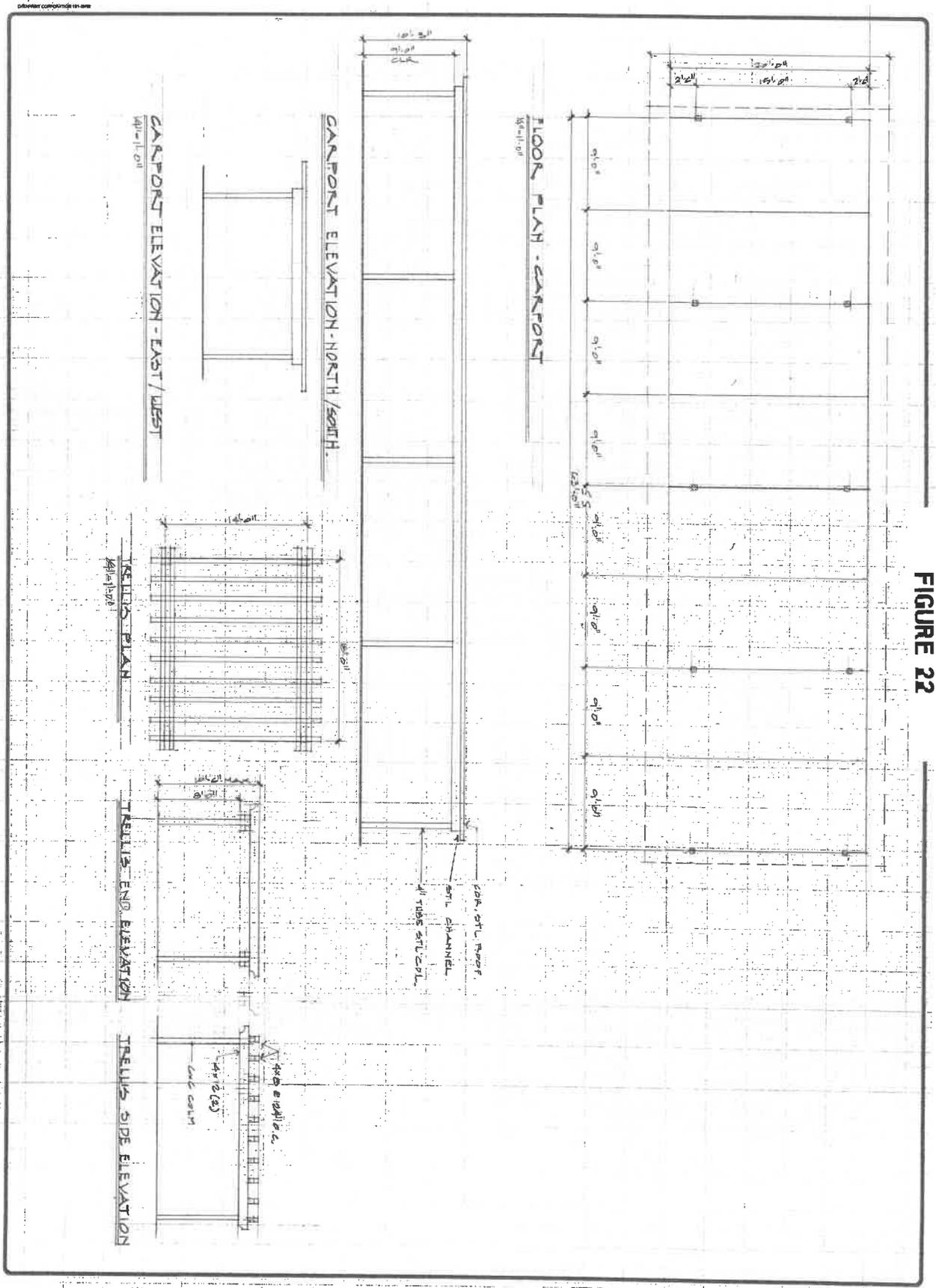


FIGURE 21

FIGURE 22



NO.	DATE	REVISION
10		

**WESLEY JAY BEEBE - ARCHITECT**  
 P.O. BOX 1743  
 KING CITY, CA 95050-0174  
 93930 - 1743 FAX (931) 395-0699

NO.	DATE	REVISION

EXHIBIT 2

CUP Case No. 2018-004, AR Case No. 2018-016, VAR Case No. 2018-001 and  
LDR Case No. 2018-002

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.

**Conditional Use Permit (CUP) and 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.
2. The general appearance of the proposed buildings is in keeping with the character of the CN district and its surrounding properties.
3. The proposed buildings will not be detrimental to the harmonious and orderly growth of the City.
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.
5. The proposed uses are uses listed as allowed subject to a conditional use permit.
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. The proposed uses will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
7. The proposed mixed buildings will enhance the appearance from the street and will provide commercial space for that will benefit the community and provide for employment of local residents.

**Municipal Code Section 17.52.010 allows staff to recommend a reduced number of parking spaces. Staff is recommending that the number of parking spaces is reduced from 44 to 41 based on the following findings of fact.**

1. Due to the mixed-use nature of the Project, the proposed use will generate a parking demand less than required by Municipal Code Section 17.52.010.
2. The reduced number of parking spaces will be sufficient for its safe, convenient, and efficient operation of the use.
3. Alternative transportation modes are located nearby, including a Monterey Salinas Transit stop within one block (approximately 430 feet) and bike lanes along San Antonio Street.

**Variance (in compliance with Cal. Government Code Section 65906 and Municipal Code Section 17.52.010)**

1. The granting of the variance will not constitute a grant of special privilege because Project is encumbered by an existing easement that reduces the developmental of the property to its fullest potential.
2. There are special circumstances applicable to the subject property, including the fact that there are other properties in close proximity zoned NC and do not have garages for the apartments and only provides carports and uncovered parking.
3. The granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel because the uses are consistent with the NC Zoning District.
4. The granting the variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located because the applicant will improve the property.

EXHIBIT 3

RESOLUTION NO. 2019-252

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, ADOPTING A CATEGORICAL EXEMPTION, AND APPROVING CONDITIONAL USE PERMIT CASE NO. CUP2018-004, ARCHITECTURAL REVIEW CASE NO. AR2018-016, VARIANCE CASE NO. 2018-001 AND LANDSCAPE DESIGN REVIEW CASE NO. LDR2018-002 FOR THE CONSTRUCTION OF A MIXED USE RESIDENTIAL DEVELOPMENT WITH 12 RESIDENTIAL UNITS AND 6,584 SF OF COMMERCIAL AND MASTER USE PERMIT FOR AND A MASTER USE PERMIT FOR POTENTIAL USES 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

**WHEREAS**, at said public hearing, the Commission reviewed and considered the information provided in the staff report, all relevant information and accepted all testimony during the public hearing.

**WHEREAS**, the Commission of the City of King, California, met at the duly noticed public hearing on **May 7, 2019**, at which time all interested persons were given the opportunity to be heard; 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.
2. The general appearance of the proposed buildings is in keeping with the character of the CN district and its surrounding properties.
3. The proposed buildings will not be detrimental to the harmonious and orderly growth of the City.
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.
5. 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. The proposed uses will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
6. The proposed mixed buildings will enhance the appearance from the street and will provide commercial space for that will benefit the community and provide for employment of local residents.
7. Due to the mixed-use nature of the Project, the proposed use will generate a parking demand less than required by Municipal Code Section 17.52.010.
8. The reduced number of parking spaces will be sufficient for its safe, convenient, and efficient operation of the use.
9. Alternative transportation modes are located nearby, including a Monterey Salinas Transit stop within one block (approximately 430 feet) and bike lanes along San Antonio Street.
10. The granting of the variance will not constitute a grant of special privilege because Project is encumbered by an existing easement that reduces the developmental of the property to its fullest potential.

**PLANNING COMMISSION  
AMHERST CENTER  
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002  
MAY 7, 2019  
PAGE 23 OF 35**

11. There are special circumstances applicable to the subject property, including the fact that there are other properties in close proximity zoned NC and do not have garages for the apartments and only provides carports and uncovered parking.
12. The granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel because the uses are consistent with the NC Zoning District.
13. The granting the variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located because the applicant will improve the property.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King approved Conditional Use Permit Case No. CUP2018-004, Architectural Review Permit Case No. AR2018-016, and Variance Case No. VAR2018-001, as presented on **Exhibit 1, Figures A and B** with the findings of fact outlined in **Exhibit 2**.

This resolution was passed and adopted this 7th day of May 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

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

EXHIBIT 4

CONDITIONS OF APPROVAL  
PROJECT CASE NUMBERS  
CUP2018-004, AR2018-016 AND VAR2018-001

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; bakery; beauty or barber shop; 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 6 and Figures 1 through 22 contained in the staff report**, 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**) (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. **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.

**PLANNING COMMISSION**

**AMHERST CENTER**

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

**MAY 7, 2019**

**PAGE 26 OF 35**

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 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,

**PLANNING COMMISSION  
AMHERST CENTER  
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002  
MAY 7, 2019  
PAGE 27 OF 35**

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.*

*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](mailto: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.

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.

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 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 our 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 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 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.

**Responsibility:** Project Applicant, City

**Timing:** Prior to any demolition, excavation or construction.

**Funding:** Project Applicant

**Prior to soil disturbing activities to search for surface evidence of historic or**

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

**Responsibility:** Project Archaeologist, City

**Timing:** Prior to soil disturbing activities to search for surface evidence of historic or prehistoric cultural resources.

**Funding:** Project Applicant

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

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

**Responsibility:** Project Archaeologist, Project Applicant, Construction Contractor, City

**Timing:** Prior to any work within a 50-meter radius, or approximately 164-feet, of the find

**Funding:** Project Applicant

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

**Responsibility:** Project Archaeologist, City

**Timing:** After Report and Analyses is completed

**Funding:** Project Applicant

**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.

**PLANNING COMMISSION  
AMHERST CENTER  
CUP 2018-004, AR 2018-016, VAR 2018-001, LDR 2018-002  
MAY 7, 2019  
PAGE 34 OF 35**

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

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.

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

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

The Conditional Use Permit, Variance Permit and 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: \_\_\_\_\_