

RESOLUTION NO. 2020-277

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT CASE NO. 190-254, ARCHITECTURAL REVIEW CASE NO. 2019-004 AND TENTATIVE PARCEL MAP CASE NO. 2019-002, SUBMITTED BY JERRY RAVA II, FRESH FOODS, INC.

WHEREAS, on **May 24, 2011**, the City Council ("Council") certified a Full-Environmental Impact Report ("FEIR") (State Clearinghouse No. 2006041150), adopted Statements of Overriding Consideration, approved a Mitigation Monitoring Program (Resolution No. 2011-4355), and conducted the first reading of the ordinance approving the Downtown Addition Specific Plan ("DTA-SP"), including expanding the property along Jayne Street ("Jayne Street Block") submitted by Smith-Monterey KC, LLC; and

WHEREAS, on **June 14, 2011** the Council conducted the second reading of the ordinance approving the DTA-SP (Ordinance No. 2011-697); and

WHEREAS, on **January 28, 2014**, the Council amended the DTA-SP and on February 19, 2014 the Council approved a Vesting Tentative Map ("VTM") allowing 376 lots; and

WHEREAS, in **2019**, Jerry Rava. II, Fresh Foods ("Applicant") submitted DTA-SP Amendment Case No. 2019-002, Zoning Amendment Case No. 2019-002, Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004, and Tentative Parcel Map Case No. 2019-002, ("Project"); and

WHEREAS, a Supplemental Environmental Impact Report ("S-EIR") was prepared in accordance with the California Environmental Quality Act ("CEQA") Guidelines Section 15163, received by the State Clearinghouse on November 20, 2019 (State Clearinghouse No. 2006041150) with a public review period from **November 20, 2019** to **January 3, 2020**; and

WHEREAS, the City's Project Review Committee ("PRC") met several times to review the Project, S-EIR and prepare conditions of approval ("COA") and mitigation measures ("MM"); and

WHEREAS, on **February 4, 2020, February 18, 2020 and March 3, 2020** the Planning Commission met at the duly noticed public hearing as prescribed by law to review and consider the information provided in the staff report, S-EIR, and all relevant information and testimony provided during the public hearing; and

WHEREAS, on **March 3, 2020** the Planning Commission met at the duly noticed public hearing for Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004 and Tentative Parcel Map Case No. 2019-002; and

WHEREAS, after conducting a public hearing and consideration of all items, the Planning Commission now desires to adopt this Resolution approving Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004 and Tentative Parcel Map Case No. 2019-002; and

WHEREAS, the Planning Commission recommended i) the City Council certify S-EIR; and i) adopt an ordinance approving DTA-SP Amendment Case No. 2019-002 and Zoning Amendment Case No. 2019-002; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, be it resolved by the Planning Commission of the City of King as follows:

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared a supplemental environmental impact report ("S-EIR") to evaluate the environmental effects of the Project. The Planning Commission has fully considered the EIR, and has previously recommended it for certification by the City Council. The Planning Commission finds that Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004, and Tentative Parcel Map Case No. 2019-002 are consistent with, and have been fully assessed by, the S-EIR, and that the entitlements are anticipated for the proposed Project in the S-EIR, and are consistent with the purpose and intent of the S-EIR.
3. The City Council has concurrently certified a supplemental EIR and adopted a Mitigation Monitoring Report for the Project, consistent with the California Environmental Quality Act (CEQA). As such, the requirements of CEQA have been satisfied for this Project.
4. General Plan Consistency: The Planning Commission finds and determines that the proposed Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004, and Tentative Parcel Map Case No. 2019-002 ("Entitlements") are consistent with the adopted General Plan's objectives, policies and programs, for reasons including:
 - a. The Project implements the goal of the Planned Development General Plan Designation established for the property through the use of a Specific Plan. The Downtown Addition Specific Plan Amendment carefully balances the density and mix of land uses in relationship to the existing Historic Downtown while maintaining an appropriate balance of housing types, commercial development and open space.
 - b. The Project addresses the need for additional housing for a variety of incomes, while promoting strong urban design standards.
 - c. The Project will create an economic anchor consistent with the General Plan.
 - d. There is no evidence the Entitlements are inconsistent with the intent of General Plan or the Specific Plan as amended.
 - e. The Project will locate high-density employee housing near the future Multimodal Transit Center ("MMTC") and anchor the eastern end of the historic downtown core of the City of King with higher density housing, which is consistent with the intent of the General Plan.
 - f. The subject property consists of undeveloped/underdeveloped parcels and industrial uses. The Project would transform an area that is underutilized, separated and fragmented from the rest of the City into an addition to the historic downtown which is cohesive, compatible, and that provides an attractive environment for the enjoyment of the public and future residents.

- g. The Project would facilitate redevelopment according to principles of transit-oriented development and urban design identified in the DTA-SP and King City Historic Corridor Revitalization Plan.
 - h. The State of California, through the Housing and Community Development Department ("HCD"), issues the Regional Housing Needs Allocation ("RHNA") to regions within the state. The Regional Housing Needs Plan ("RHNP") allocates to AMBAG cities and counties their "fair share" of the region's projected housing needs. In July 2016, HCD certified the City's Housing Element noting that the Project would contribute to the RHNA. Approval of the Entitlements would assist in meeting the General Plan's RHNA requirements for housing.
 - i. The City Council adopted the Housing Element on March 29, 2016. The Housing Element identifies policies to provide housing for Special Housing Needs populations, including housing for agricultural workers. The Bitterwater Road/Chestnut Avenue housing project is designed to accommodate employee housing, and the Jayne Street property will support future H-2A Visa Housing.
5. Public Health, Safety and Welfare: The Planning Commission finds and determines that the Project and the associated Entitlements will not adversely affect public health, safety or welfare, for reasons including:
- a. There is no substantial evidence in the record that the design of the Project will cause serious public health problems. The Project will efficiently extend governmental services to the Project Area. Every new lot will be connected to City water, sewer and storm drainage systems which will minimize public health concerns. Mitigation has been imposed on the project to address potential environmental impacts, including those related to hazardous wastes, etc. As such, design of the subdivision maps or the type of improvements is not likely to cause serious public health problems.
 - b. The Project will create new housing opportunities for employees and residents of the City of King.
 - c. The Project would provide the infusion of new investment needed to stimulate the local economy.
 - d. The Project would establish housing projects in close proximity to a proposed King City MMTC. Locating more residential and commercial near the new transit center would increase transit ridership and reduce automobile dependence. The result is reduced gasoline consumption, greenhouse gas ("GHG") emissions and emissions of other pollutants associated with automobile use, which can pollute creeks and the Salinas River. Fewer automobile trips as a result of increased transit ridership also reduces noise pollution and improves congestion on local roadways.
 - e. Land use patterns influence transportation needs, and motor vehicles are the primary source of air pollution. California is a substantial contributor of global greenhouse gases, emitting over 400 million tons of carbon dioxide ("CO₂") a year. The transit-oriented design of the Project would help achieve reductions in greenhouse gas emissions set by the State of California in AB 32.
 - f. The Project site is one of the remaining in-fill areas to build in the City of King and has

been designed as Planned Development for a number of years. The site has eighteen (18) legal non-conforming lots (i.e., antiquated subdivision) that will be merged and re-subdivided into two (2) parcels.

- g. The Project includes dedicated and improved public roads. SB 375 was adopted to reduce GHG by decreasing the amount of CO₂ that spews into the air from vehicles and other emissions. The primary goal of SB 375 is to significantly reduce vehicle miles traveled ("VMT") by implementing a series of Sustainable Community Strategies. SB 375 places considerable emphasis on tying new housing development with access to public transit, and has caused an increased focus on transit-oriented development ("TOD") as a key method for reducing daily use of private vehicles. Additionally, it emphasizes infill development to take the development stress off of land (e.g., agricultural land) miles from existing services and infrastructure.
6. Additional Conditional Use Permit Findings: In addition to the findings previously made, the Planning Commission finds and determines, based on the information contained in the staff report and other items in the record, that all findings for approval of Conditional Use Permit Case No. 190-254 ("CUP") can be made for reasons including as follows:
 - a. The Project, including the CUP, is consistent with the goals, policies and objectives of the City of King General Plan because the project proposes an affordable housing option for employees working in and around King City.
 - b. The Project, including the CUP, is consistent with Housing Element, including the following Policies:
 - i. Policy 1.1: "Encourage the development of a range of housing types and prices to facilitate housing production commensurate with the city's regional share and address the city's job-based housing demand."
 - ii. Policy 1.6: "Encourage the construction of housing on underutilized lots to assist in revitalizing the historic downtown and older neighborhoods."
 - iii. Policy 3.1: "The City shall encourage the development of housing for farmworkers, seniors, congregate care facilities, and similar special housing needs population."
 - c. The Entitlements, including the CUP, are consistent with the Specific Plan as amended by DTA-SP Amendment Case No. 2019-002.
 - d. As amended by Zoning Amendment Case No. 2019-002, the Entitlements, including the CUP, are consistent with the use permitted in the zoned districts per the King City Municipal Code, including the proposed uses of the Project.
 - e. The design location, operating characteristics and size of the use proposed by the CUP would be compatible with the existing and future land uses in the vicinity in terms of aesthetics, value, character, scale and view protection. The proposed structures are compatible in size, style and scale of the DTA-SP.
 - f. The design is functional, allowing for ease and safety of pedestrian and bicycle traffic, and provides for architectural elements that support the building's necessary operation (e.g., parking lot close to apartment units).

7. Additional Architectural Review Findings. In addition to the findings previously made, the Planning Commission finds and determines, based on the information contained in the staff report and other items in the record, that all findings required for approval of Architectural Review Case No. 2019-004 (“AR”) can be made for reasons including as follows:
- a. The design is consistent with the DTA-SP and Municipal Code requirements because it proposes high quality structures and a site plan consistent with “Courtyard Housing” standards, as amended, in a zone that supports high density residential uses.
 - b. The Project has a uniformed and coherent design that creates an internal sense of order and desirable environment for the occupants, visitors and general community.
 - c. The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques with incorporation of textures, colors and other details that are compatible with the DTA-SP.
 - d. The landscape design complements and enhances the building design and its surroundings, is appropriate to the site’s functions, and utilizes regional drought-resistant plant materials capable of providing desirable habitat and that can be appropriately maintained consistent with Municipal Code Chapter 15.50, subject to the COA/MM.
 - e. The Project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation and site planning.
8. Additional Tentative Parcel Map Findings. In addition to the findings previously made the Planning Commission finds and determines, based on the information contained in the staff report and other attached materials, that all the findings for approval of Tentative Parcel Map Case No. 2019-002 (“TPM”) can be made for reasons including as follows:
- a. The TPM is in conformity with the provisions of the Subdivision Map Act (“SMA”) and Municipal Code Chapter 16.36, as to design, public improvements, drainage, utilities, and road improvements because the Project will make all necessary improvements to provide for the health, safety and welfare of the community. This includes improvements to Chestnut Avenue, Bitterwater Road, and installation of needed drainage improvements.
 - b. The TPM is consistent with the goals, policies and objectives of the General Plan as noted above, including because the Housing Element includes a goal to promote affordable housing for agricultural workers and employees, and is consistent with the adopted Specific Plan of the City as amended by DTA-SP Amendment Case No. 2019-002.
 - c. The design and improvement of the TPM are consistent with the SMA because the design of the map provides for the needed street alignment, grades and widths, drainage and sanitary facilities and utilities, including the required easements, fire roads, free breaks and other specific physical requirements required by the General Plan.
 - d. The design and layout is consistent with the design standards established in the DTA-

SP. City departments have reviewed the TPM and their conditions of approval (“COA”) are attached to the TPM.

- e. The Project site is physically suitable for this type and density of development. The property is not in a flood zone or earthquake fault zone and is relatively flat. Project construction would involve minimal site grading and alteration of existing topography.
 - f. The design of the TPM will not cause substantial environmental damage and avoidable injury to fish and/or wildlife or their habitat because a S-EIR has been prepared which has determined that subject to certain mitigation measures, there will be no significant adverse impacts to the environment.
 - g. The design of the TPM and related improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the Project area. The TPM provides for easements, as shown on the tentative map and addressed in the COA.
 - h. The proposed project is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare.
9. Approval of Entitlements. Given the forgoing findings and determinations, the Planning Commission approves Conditional Use Permit Case No. 190-254 and Architectural Review Case No. 2019-004 as set forth in Exhibit A; and ii) approves Tentative Parcel Map Case No. 2019-002 as set forth in Exhibit B. Said approvals are contingent upon the following:
- a. The approval of Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004 and Tentative Parcel Map Case No. 2019-002 (collectively “Entitlements”) shall become final and effective immediately only after the City Council of the City of King i) certifies the S-EIR; ii) adopts DTA-SP Amendment Case No. 2019-002; and iii) adopts Zoning Amendment Case No. 2019-002 (collectively “Council Approvals”). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then the Entitlements shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission herein, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then the Entitlements shall be returned to the Planning Commission for further consideration and a final decision.
10. Effective Date. This Resolution shall become effective concurrently with both i) the Council's adoption of a separate resolution certifying the S-EIR and adopting a Mitigation Monitoring Report for the Project; and ii) the Council's adoption of a separate ordinance approving DTA-SP Amendment Case No. 2019-002 and Zoning Amendment Case No. 2019-002.

This resolution was passed and adopted this **3rd day of March 2020**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE,
PLANNING COMMISSION SECRETARY

Exhibit A: Conditional Use Permit Case No. 190-254 and Architectural Review Case No. 2019-004
Exhibit B: Tentative Parcel Map Case No. 2019-002

Exhibit A
Conditional Use Permit Case No. 190-254 and
Architectural Review Case No. 2019-004

Exhibit B
Tentative Parcel Map Case No. 2019-002

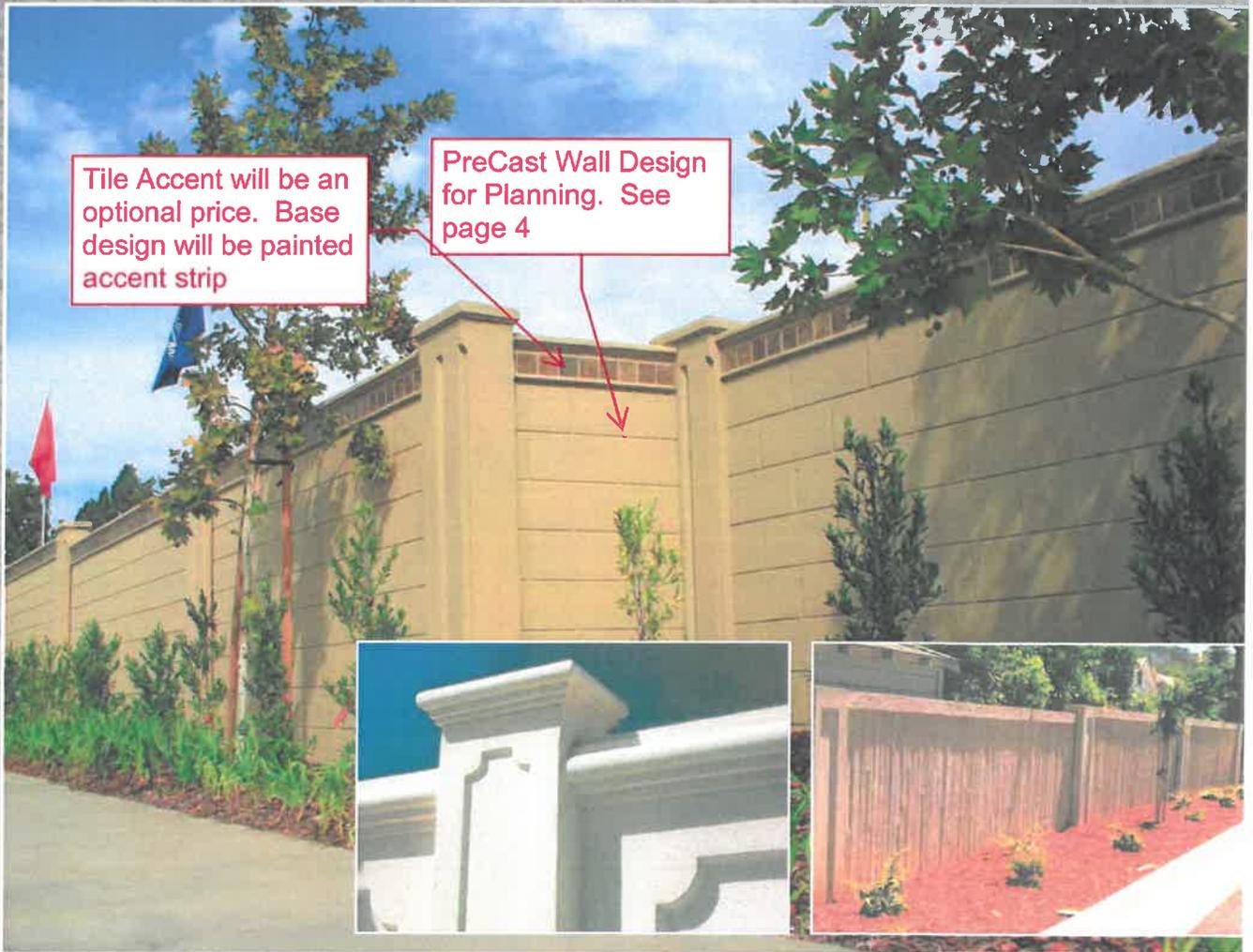
Proposed Roof Color





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