

**KING CITY**  
C A L I F O R N I A

Item No.

8(b)

**REPORT TO THE PLANNING COMMISSION**

**DATE:** FEBRUARY 4, 2020

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

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

**BY:** ERIK BERG-JOHANSEN, PLANNER

**RE:** CONSIDERATION OF DOWNTOWN ADDITION SPECIFIC PLAN AMENEDMENT AND BITTERWATER ROAD/CHESTNUT AVENUE EMPLOYEE HOUSING PROJECT (JERRY RAVA II, FRESH FOOD INC.)

**I. RECOMMENDATION**

Staff recommends the Planning Commission: 1) allow staff to make a presentation, 2) open the public hearing, 3) allow the Applicant to make a presentation, 4) provide comments regarding the project and propose new conditions of approval as recommended in the staff report, and 5) continue the public hearing to February 18, 2020.

**II. EXECUTIVE SUMMARY**

On **May 24, 2011**, the City Council certified a Full-Environmental Impact Report ("**F-EIR**") (State Clearinghouse No. 2006041150), adopted Statements of Overriding Consideration, approved a Mitigation Monitoring Program (Resolution No. 2011-4355), and conducted first reading of the ordinance approving the Downtown Addition Specific Plan ("**DTA-SP**"). On **June 14, 2011** the City Council conducted the second reading of the ordinance approving the DTA-SP (Ordinance No. 2011-697), submitted by Smith-Monterey KC, LLC. The area was expanded to include property along Jayne Street ("**Jayne Street Block**").

The DTA-SP, including associated entitlements, authorized the phased construction, use, occupancy and habitation of: (1) up to 650 dwelling units in various configurations of attached and detached forms; (2) up to 190,060 square feet of commercial space; (3) 23.99 acres of open space and parks; and (4)

associated public improvements and infrastructure. The entire DTA-SP area is approximately 110 acres and is located at the eastern edge of the existing historic downtown area.

In **May of 2013**, New Urban Reality Advisors (on behalf of Smith-Monterey) submitted a Vesting Tentative Map ("VTM") for four-hundred and seventeen (417) lots. The number of lots was eventually reduced to three-hundred and seventy-six (376) lots on approximately one-hundred acres (100). In **September 2013**, a Specific Plan Amendment application was submitted to address details identified during processing the VTM, and ensure the VTM was consistent with the Specific Plan. On **December 10, 2013** the City Council found that CEQA guidelines Section 15162 was applicable to the application (Resolution No. 2013-4428).

On **January 28, 2014**, the City Council amended the DTA-SP. On **February 19, 2014** the City Council approved a Vesting Tentative Map ("**VTM**") allowing 376 lots. An initial study was prepared to determine whether the 2014 amendment required a subsequent or supplemental EIR, and the City determined that none of the findings had occurred that would require preparation of a subsequent or supplemental EIR.

In **2019**, Jerry Rava II, Fresh Foods Inc., ("**Applicant**") submitted a number of applications, including a DTA-SP amendment, CUP and architectural review ("**AR**") with a proposal to build an employee housing project on the Bitterwater Road/Chestnut Avenue site, and remove the Jayne Street Block from the DTA-SP to eventually construct an H-2A employee housing project on a portion of the Jayne Street Block. On the corner of Pearl Street and the railroad tracks and within the Jayne Street Block is an existing auto repair shop owned by Sylvia Gregory. The Project includes rezoning this parcel to General Commercial District ("**C-2**"). (**Reference Exhibit 1.**)

The Project includes a:

1. Specific Plan Amendment to accommodate a 118-apartment-style employee housing project near Bitterwater Road/Chestnut Avenue, allow three stories within certain areas of the DTA-SP, increase the total number of DTA-SP dwelling units from 640 to 710, decrease the commercial square footage from 190,060 to 148,060, remove the Jayne Street Site from the DTA-SP, and various other changes. (**Reference Exhibits 5 and 6.**)
2. Zoning District Amendment to change the zoning of the area removed from the DTA-SP. Proposed zoning is primarily Multiple Family Residential and Professional Offices District ("**R-4**") with a Seasonal Employee Housing overlay. A small portion (lot with existing auto repair show) will be rezoned to General Commercial District ("**C-2**"). CUP and AR applications will be required when a specific project is proposed on the Jayne Street site.

*(Reference Exhibit 7.)*

3. CUP to allow 118 employee housing units in the NC Zone on the Bitterwater Road/Chestnut Avenue site (approximately 5.2 acres). The density is 22.7 dwelling units/acre. The DTA-SP allows residential uses in the NC zone if a CUP is approved. *(Reference DTA-SP Figure 3-1 Downtown Addition Regulating Plan.) (Reference Exhibit 2.)*
4. Architectural Review to determine proposed structures to accommodate 118 residential units on the Bitterwater Road/Chestnut Avenue Site meet the DTA-SP site and building design standards. *(Reference Exhibit 3.)*
5. Tentative Parcel Map to merge 18 lots into two (2) lots on the Bitterwater Road/Chestnut Avenue site. *(Reference Exhibit 4.)*

A Supplemental EIR ("**S-EIR**") has been prepared which was received by the State Clearinghouse on November 20, 2019. (State Clearinghouse No. 2006041150.) The public review period was from **November 20, 2019 to January 3, 2020**. Comments were received from the following interested parties:

- County of Monterey Health Department
- Monterey Bay Air Resources District (MBARD)
- Transportation Agency for Monterey County (TAMC)
- Central Coast Regional Water Quality Control Board

The comments have been addressed in the Final S-EIR. *(Reference Exhibit 10.)*

The proposed Project was brought before the King City Airport Advisory Committee ("**Committee**") on **December 9, 2019**. The Committee had no notable concerns and granted their approval of the project. The Project was also brought before the Monterey County Airport Land Use Commission ("**ALUC**") on **December 16, 2019**. The ALUC found that the project was consistent with the Comprehensive Land Use Plan for the Mesa del Rey Airport. The ALUC imposed two standard conditions (ALUC-1 and ALUC-6) on the project, which are incorporated in the recommended COA for the Bitterwater Road/Chestnut Avenue project and eventual Jayne Street project.

Since this is a fairly complex project due to the number of changes to the DTA-SP, proposed projects and history, the purpose for the first public hearing is to provide the Planning Commission and public with information and gain input. Staff will return on **February 18, 2020** with appropriate Resolutions and Ordinances for a Planning Commission to the City Council. Throughout the staff report, questions are posed to the Planning Commission for direction.

III. BACKGROUND

The DTA-SP area is adjacent to the eastern edge of the existing historic downtown area and is separated from it by First Street and the Union Pacific ("**UPRR**") railroad tracks. The site boundaries are roughly Bitterwater Road to the north, the UPRR right-of-way to the west, a portion of San Lorenzo Creek to the south and southeast, and the City's municipal boundary to the east. The DTA-SP included property owned by other property owners in addition to Smith-Monterey KC, LLC. All property owners were contacted to gain their consent to be part of the DTA-SP prior to its adoption. No property owner contested being part of the DTA-SP.

The DTA-SP was adopted by the City Council in **June 2011** and amended in **January 2014**. The **January 2014** Specific Plan Amendment includes clarification and better definition of standards. A VTM was subsequently approved in **February of 2014**.

The Bitterwater Road/Chestnut Avenue Employee Housing project site is location in the northwest corner of the DTA-SP area. The site is bounded by Bitterwater Road to the north, and the UPRR railroad tracks to the west.

The Jayne Street site that is expected to support a future farmworker housing project (e.g., H2-A Housing) is located in the southwest corner of the DTA-SP area. The proposal is to remove this site from the DTA-SP. (**Reference Exhibit 1.**)

Table 1 General Plan Designation/ Zoning/Land Uses		
	Bitterwater Road/Chestnut Avenue Site:	Jayne Street Block:
Existing General Plan Designation	Planned Development (PD)	Planned Development (PD)
Proposed General Plan Designation	No Change	No Change
Existing Zoning	PD/SP 2010-001 (Base Zone) NC (DTA-SP Zone)	PD/SP 2010-001 (Base Zone) NG-3 & NC (DTA-SP Zone)
Proposed Zoning	No Change	R-4 with Employee Housing Overlay (remove DTA-SP Zones) and C-2 where the auto repair shop is located
Existing Land Use	Warehouses, houses and vacant lands	Primarily vacant lands with auto repair shop
Proposed Land Use	118-unit employee housing units	No changes at this time, but plans for future farmworker housing

\*\* R-4 = Multiple Family Residential and Professional Offices District; C-2 = General Commercial District; NC = Neighborhood Commercial; NG-3 = Neighborhood General 3

2011 Approval

The DTA-SP process was initiated in **2005** with community outreach efforts, including a number of charettes, followed by official application submission in **2006**. In addition to the Specific Plan application, the project included a General Plan and Zoning Amendment, and a F-EIR. The DTA-SP was approved and adopted on **June 14, 2011**. The DTA-SP specifies appropriate land uses, circulation and other infrastructure, and site/building design standards within the Specific Plan area. The goal of the DTA-SP is to provide a mix of commercial, residential, and recreational uses in a central location near existing amenities, schools, and City services. **(Reference Exhibit 9.)**

2014 Approval

In **May 2013**, on behalf of Smith-Monterey KC, LLC, property owners, New Urban Reality Advisors submitted a VTM. In **September 2013**, a Specific Plan Amendment application was submitted to address details identified during processing the VTM, and ensure the VTM was consistent with the Specific Plan. On **January 28, 2014**, the City Council conducted the second reading of the Ordinance approving the Specific Plan Amendment. On **February 19, 2014**, the City Council approved the VTM. **(Reference Exhibit 9.)**

**IV. DISCUSSION**

2020 DTA-SP Amendment

The applicant determined that amendments to the DTA-SP were necessary in order to accommodate the development of an employee housing project on the Bitterwater Road/Chestnut Avenue site. **Table 2** below summarizes some of the notable proposed amendments. More minor proposed amendments are not summarized in the table, but are detailed in the “Summary of Changes” included as **Exhibit 5. (Reference Exhibit 8 for proposed COA/MM.)**

<b>Table 2 Summary of Notable DTA-SP Changes</b>		
<b>Feature</b>	<b>Current</b>	<b>Proposed</b>
No. of Dwelling Units	650	710
Max. SF Commercial Space	190,060	148,060
Total Area (acres)	110.18	101.1
Area of Street ROW (acres)	30.70	29.72
Street Connection	Includes Metz – Ellis Extension	Removes Metz – Ellis Extension
Building Height	Two Stories Max (41')	Three Stories Max (51')
Project Fiscal Neutrality	Required	Not Required
Jayne Street Site	Within DASP	Removed from DASP

Sound Attenuation Wall	Not explicitly permitted	Permitted on properties adjacent to railroad
Implementation Schedule	Specific time periods	Conceptual, according to market demand

**Building Height.** The existing DTA-SP allows a building height of forty-one (41') feet in the NC zone. The allowed maximum height of a building is based on the architectural style of the building. The amendment proposes an increase to the maximum height in the NC zone to fifty-one (51') feet.

The proposed amendments would allow three (3) story buildings where buildings are currently limited to two stories (however the existing DTA-SP allowed for three-story "architectural elements"). The City finds that allowing three-story buildings will promote construction of both affordable and market rate housing within the DTA-SP (this is the first development project proposed since adoption of the DTA-SP in 2011).

The primary reason for the current limit of two stories city-wide was the potential impact on the City's Fire ISO rating due to the absence of a ladder apparatus. The City Council recently approved a development impact fee on any buildings higher than two-story, which will help fund the differential cost required to add a ladder attachment when the Fire Department replaces its next engine. Therefore, a strategy is in place to mitigate the cause for this restriction. Staff is currently assessing where else in the City three-story buildings may be appropriate. At this time, it is recommended to limit them only to hotels, and within the DTA-SP as part of this proposed amendment. On **May 14, 2019**, the City Council adopted a fire truck fee (Ordinance No. 2019-774). A COA is included which requires the Applicant to pay the fee.

Staff believes that allowing three-story buildings in the DTA-SP area (subject to a CUP) will increase design flexibility and economic feasibility for all future projects. This is consistent with purpose of the DTA-SP and General Plan because it will provide more opportunity for very-low to low income housing projects, mixed use developments, and commercial projects that will work to improve the economic vitality of the downtown and surrounding area.

**Increase in Total DTA-SP Residential Units.** Due to the fact the proposed Bitterwater Road/Chestnut Avenue housing project is located in a zone that originally contemplated a mix of commercial and residential development, the implementation of this project alters the overall residential projections for the entire DTA-SP from 650 to 710 units. In turn, this reduces the projected commercial square footage from 190,060 SF to 148,060 SF. The State of California has been encouraging local jurisdictions to increase the number of units to address the housing crisis. An increase in the number of units is in alignment with State direction regarding providing more housing.

Staff finds that this change is consistent with the purpose and goals of the DTA-SP. In fact, bringing additional residents into the neighborhood will work to stimulate commercial growth in the DTA-SP. Creating dwelling units on the site, which is close to the existing downtown core, will also benefit the economic health of the downtown.

**Fiscal Neutrality.** The applicant has requested that a requirement requiring fiscal neutrality for all projects be eliminated from the DTA-SP. The City understands that this requirement may create an undue barrier to development within the DTA-SP area. In an effort to support the current proposed Bitterwater Road/Chestnut Avenue Employee Housing project, and incentivize other future projects within the DTA-SP, staff supports the removal of the requirement for fiscal neutrality. Accordingly, COA No. 28, which was readopted in 2014, will be removed.

**Development Agreement.** On **August 8, 2014**, the City entered into a Development Agreement with Smith-Monterey, KC, LLC. on portions of the area included in the DTA-SP. Cal Government Code §65864 *et. seq.* allows a local jurisdiction and developer to enter into an agreement whereby the developer is insulated from future land use actions by the city that might otherwise prevent the developer from completing the approval. The Project has no impact on the Development Agreement.

### **Inclusionary Housing**

The DTA-SP was conditioned to provide ninety-eight (98) affordable housing unit, or pay an in-lieu fee, based on the Inclusionary Housing Ordinance in place at the time. (The increase in the total number of units from 640 to 710 will proportionately increase the number of inclusionary housing units.)

The proposed Project has an independent requirement to provide inclusionary housing. Since the adoption of the DTA-SP in 2011, the City updated the Inclusionary Housing Ordinance. Municipal Code Chapter 17.19 (Inclusionary Housing) now requires private developers of housing of twenty or more units, including division of property for residential purposes, to contribute to the city's housing goal by constructing housing for very low income and low-income households. Alternatively, developers can pay a fee in-lieu of developing all or some of the required affordable units.

COA No. 8 requires the applicant to meet the inclusionary housing requirement prior to finalizing the first occupancy permit.

### Zoning District Amendment – Jayne Street Site

No zoning change is proposed on the Bitterwater Road/Chestnut Avenue site. However, a zone change is proposed on the Jayne Street Block. As indicated in **Table 1** above, the existing zoning consists of PD/SP 2010-001 (Base Zone) and

NG-3 & NC (DTA-SP Zone). The proposed zoning is R-4 with Employee Housing Overlay (remove DTA-SP Zones).

The following General Plan sections detail the purpose of the proposed High Density Residential and General Commercial Zones.

- ***High Density Residential:*** *The high-density residential designation applies to a mixture of uses. Residential uses range from single-family residential units to multiple-family dwellings, including boarding houses. Certain commercial uses are permitted, including professional offices, hotel services, convalescent hospitals, and child nurseries. The land use density for this designation is  $\leq 24$  du/gross acre.*
- ***General Commercial:*** *The General Commercial designation applies to low-scale commercial, service, and office uses located along the City's arterials and collector streets. Some of these areas were developed as auto-oriented "strip" shopping centers while others are freestanding offices, commercial uses, or clusters of businesses meeting the day-to-day needs of the city's residents. Multiple zoning designations apply within this category to distinguish their different physical characteristics and uses. Typical retail commercial uses might include supermarkets, drug stores, restaurants, and miscellaneous small local-serving stores and services. Typical office commercial uses might include banks, finance, real estate, medical and dental offices, and professional services. Typical service commercial uses might include hotels, gas stations, fast food restaurants, used car sales, and minor auto repair businesses. In some zones, mixed uses are allowed, along with agricultural employee housing and affordable housing.*

*(LUE, Chapter 7)*

The Land Use Element also includes an Objective related to the dual land use designation for employee housing. The Objective is as follows:

- ***Objective/Dual Land Use Designation:*** *Allow employee housing construction along portions of First Street to help support the needs of the agricultural community.*

Policy 7.1.1 supports this Objective:

- ***The City shall allow a broad range of housing types for seasonal employee housing, including group living quarters, such as barracks and bunkhouses, multiply family units, such as apartments and multi-generational housing, and single-family units, that are the same architectural and design standards as for regular housing projects.***

The proposal to remove the Jayne Street Area from the DTA-SP and rezone the properties in preparation for a seasonal employee housing project is consistent with the above General Plan objective and policy. In summary, the current proposal will work to promote development of needed farmworker/employee housing within King City in an area that is close to existing schools, shops, and transportation options.

Conditional Use Permit – Bitterwater Road/Chestnut Avenue Employee Housing Project

**Residential Use.** The DTA-SP requires a CUP for residential projects within the NC zone to determine the appropriateness. The proposed employee housing project is the first project proposed within the DTA-SP area. Staff finds the location to be suitable because it would be visible from a main thoroughfare (First Street), which will draw positive attention to the DTA-SP and encourage other developers to see it as an attractive site for future commercial and residential growth. The project will also bring new residents to the downtown area, which will be an economic driver for the existing historic downtown and future commercial development within the DTA-SP.

Based on the above, staff finds that allowing a residential project at the Bitterwater Road/Chestnut Avenue site is appropriate.

**Landscaping.** 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.

**Trash Enclosures.** Two trash enclosures are proposed; one on Lot 1 (Phase 1) and one on proposed Lot 2 (Phase 2). This ensures each phase of the project contains its own independent trash facility. The applicant worked with Waste Management to ensure adequate access for trucks and that the correct type of trash and recycling facilities are implemented.

Architectural Review – Bitterwater Road/Chestnut Avenue Employee Housing Project

The proposed housing project includes eight (8) apartment buildings spread across a 5.2-acre site. The applicant proposes to construct the project in two phases. Phase 1 (on proposed Lot 1) is located on the north side of the site along Bitterwater Road. Phase 2 (on Lot 2) is located on the south side of the site along Lynn Street. As required by recommended COA #54, each phase shall remain capable of operating independently in regard to access, utilities, and services. The

architectural style is “Craftsman” which is signified by exposed structural elements, horizontal wood siding, and other features.

The application proposes development of a Courtyard Housing project within the DTA-SP. Section 3.6.2.10 outlines standards that shall be applied to this type of housing project. The following section details each standard, followed with a discussion as to how the standard is met, or would be met with a condition of approval.

### **Chapter 3 DTA-SP Regulating Code**

#### *3.6.2.10 Courtyard Housing*

##### *B. Building size and massing.*

- 1. Buildings shall be principally composed of two-and three-story volumes. ~~Three-story architectural elements may be~~ buildings are allowed for architectural accentuation in the NC zone with design review approval pursuant to KCMC 17.50 (see Section 3.4). A Conditional Use Permit (CUP) may still be required if the building contains a residential use.*

The proposed structures are three stories, which is consistent with the proposed text amendments for Courtyard Housing.

- 2. Building facades shall have an identifiable base, middle and top.*

The use of different colors and siding materials between stories, and the presence of outdoor balconies, provides for an identifiable base, middle, and top on each building. The design also utilizes ample windows on each story which further defines different stories and negates the presence of large blank facades.

- 3. Buildings on corner lots shall be designed with two facades of equal architectural expression.*

The facades on the building at the corner of Bitterwater and Chestnut are designed with equal architectural elements. This standard is met.

- 4. Building elevations exceeding 25 feet in length shall be designed to provide at least one vertical break created through projecting or recessing wall surfaces, changes in the roofline, and/or placement of piers, pilasters or chimneys.*

The proposed buildings feature vertical breaks such as stone columns, projecting decks, and projecting wall surfaces above door entries.

- 5. Building facade lengths shall not exceed 100 feet without a vertical setback from the base of the building to the roof line of at least 18 inches*

*in width and depth, giving the building an appearance of multiple attached buildings.*

The proposed buildings exceed 100 feet in length, but feature a setback at the center that provides a break in the façade, giving the appearance of multiple attached buildings.

**C. Frontage.**

- 1. For dwelling units facing the street the transition from public to private, indoor to outdoor at the main entrance to the building shall be created by Frontage Types appropriate for the Zone (see Section 3.5).*
- 2. Appropriate Frontage Types for units facing the courtyard are Stoop and Dooryard.*

Appropriate frontage types in the NC zone are: Dooryard, Stoop, Forecourt, Shopfront and Awning, Gallery, and Arcade. Section 3.5.2 states that “The actual design and configuration of a building’s frontage may vary depending on the building’s architecture.” This gives flexibility to these standards.

The applicant’s architect makes the following relevant findings:

*“All ground floor units in walk-up apartment buildings are required to be accessible or adaptable. As such, a porch elevated 18 inches would require a ramp a minimum of 18 feet long from the average adjacent grade. Rather than cluttering the site and neighborhood (both physically and visually) with multiple ramps (two per building, times six buildings), a taller, two-story porch element with its own roof and pilasters marking it as ‘entry’ was determined to be the better approach.*

*Further, all entrances face internally to the site, either along the main vehicular way running from Bitterwater to Lynn, or along the two pedestrian mews. The entrance element, however, was projected through the building to the street elevations, and a raised porch-like stair landing can be seen through the aperture, including a decorative rail. These mark the two entrances on each building from the site perimeter, serving as a porch substitute, providing eyes on the street, reorienting residents and guests to the wider context, and providing a sense of security.”*

Staff believes that while “Stoops and Dooryards” may be easily implemented for single-family homes or duplexes, they may not be practical for a multi-family apartment project due to accessibility requirements (both of these frontage types require stairs).

**Planning Commission Question No. 1:** *Should a COA be imposed to require a “Stoop” or “Dooryard” with ramps, or should a finding be made that these Frontage Types are not practical based on accessibility requirements? Or alternatively, should the DTA-SP be amended to allow flexibility to the Frontage Type standards when applied to projects proposing large apartment buildings?*

**Staff Recommendation:** *Make a finding that the prescribed Frontage Types for Courtyard Housing are not practical due to accessibility requirements, and that the currently proposed design meets the overall intent of the standards while complying with Federal ADA requirements.*

3. *First floor living areas shall be oriented toward the front of each dwelling unit rather than sleeping and service rooms.*

The floorplans show that living areas are oriented toward the front of each dwelling.

*D. Primary pedestrian access.*

1. *The main entrance to each Courtyard Housing unit shall be accessed directly from the street or the common courtyard(s) through a permitted Frontage Type.*

Buildings #2, #3, #4 and #5 feature main building entrances along the common pedestrian courtyards. Buildings #1 and #6 feature main entrances along pedestrian paths that border parking areas (and not from streets or courtyards, as required). While there's an option to require entrances to Buildings #1 and #6 be accessed solely from the adjacent Street (Chestnut Avenue), this would make the unit entrances relatively far away from onsite parking and create a potential security issue. Staff believes that the design consistent with the requirement because the internal access way and parking area serve as an internal courtyard.

2. *Common stairs may provide access from the courtyard to up to four ~~no more than three~~ second and third-floor units. Stairs may be open or roofed, but not enclosed.*

The floor plans are consistent with this amended standard.

3. *Each courtyard shall be directly accessed from the street.*

All open space areas can be accessed via walkways that connect to adjacent streets, which is consistent with this standard.

*E. Vehicle access, parking and services.*

1. *Vehicular access shall be provided through an alley.*

No alley is available to provide access to the subject site. Therefore, staff finds it is reasonable to add additional flexibility to the standard to account for sites that may not have alley access.

***Planning Commission Question No. 2: Should the DTA-SP be amended to only require alley access where it is readily available to a development site?***

***Staff Recommendation: Impose the following SPA COA:***

***COA: The DTA-SP shall be amended to revise Section 3.6.2.10(E)1 as follows: "Where an alley is available, vehicular access shall be provided through an alley." The project would be consistent with the amended standard.***

2. *Parking may be provided in a garage, subterranean garage, parking structure, carport, uncovered, or a combination of any of the above. Required parking spaces shall be located in compliance with the Urban Standards for the applicable Zone (see Section 3.4).*

The site is within the Neighborhood Center Parking Lot Overlay area; therefore, the DTA-SP parking lot setback standards do not apply.

Sheet L1 also appears to show stamped concrete at the driveway entrances, consistent with the requirement at DTA-SP Section 3.10.5. However, this does not appear to be confirmed on the site plan.

***Planning Commission Question No. 3: Should a COA be imposed to ensure driveway entrances are detailed with pavers or stamped concrete?***

***Staff Recommendation: Impose the following CUP COA:***

***Pavers/Stamped Concrete: Concrete pavers or 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.***

3. *Where present, entrances to subterranean or structured parking shall be located to the side or rear of the lot.*

This does not apply as no subterranean or structured parking is proposed.

4. *The number of required off-street parking spaces is as defined in Section 3.10.*

The parking space requirement for multi-family housing projects is 1.5 spaces per each two-bedroom unit, and space per each one-bedroom unit. The project proposes 117 two-bedroom units and one (1) one-bedroom unit. The calculation results in a parking requirement of 176.5 spaces. The number of provided parking spaces is 177, which meets the requirement.

On Sheet A101, the applicant details the following parking provided onsite: 116 full size, 52 compact, and 9 accessible (3 van accessible). Staff notes that the reported number of compact spaces provided in the summary table on Sheet A101 differs from what is shown on the plan. Regardless, the parking standards require that a maximum of 30% are compact spaces; the number of compact spaces provided equals 29.4% of parking spaces. Therefore, the plans comply with this standard.

Section 3.10.5 requires standard parking spaces to be nine (9') feet in width by nineteen (19') feet in depth. Compact spaces shall be eight (8') feet in width by sixteen (16') feet in depth. While the proposed compact spaces meet the minimum dimensions, the proposed standard spaces have a depth of eighteen (18') feet, which is one (1') foot shorter than required. Further, the DTA-SP requires that "Pedestrian walkways shall be paved and have a minimum unobstructed width of five feet. Vehicle overhangs shall not encroach into this width."

However, seven (7') foot internal walkways are proposed, which would allow for a two (2') foot vehicle overhang. This essentially makes the standard parking spaces twenty (20') in depth. Staff finds that allowing wider pedestrian sidewalks with some vehicle overhang is preferable to requiring deeper parking stalls.

***Planning Commission Question No. 4: Should a finding be made that parking spaces with eighteen (18') foot depth are in substantial compliance with the DTA-SP?***

***Staff Recommendation: Make a finding that due to the availability of parking space overhang, regular parking spaces with a depth of eighteen (18') are adequate for the Bitterwater Road/Chestnut Avenue housing project.***

The site plan also appears to show bicycle racks that would support thirty-two (32) bicycle parking spaces. This exceeds the number of spaces provided by other recently approved multi-family housing projects; therefore, staff finds that the proposed bicycle parking is adequate. COA No. 20 outlines the requirements for onsite bicycle parking.

- 5. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley. See Section 3.11 for detailed requirements.*

This standard does not apply because no alley is within or adjacent to the subject site.

*F. Open space and landscaping.*

- 1. At minimum 15 percent of the lot area shall be pervious open space; on lots with subterranean parking a minimum of 10 percent of the lot area shall be pervious open space.*

This is met as over thirty (30%) percent of the site is reserved for pervious open space.

- 2. Impervious surfaces, accessory buildings or structures shall not be added after initial construction without obtaining a Plot Plan Review permit and a Building Permit (if required).*

This standard is an informational item; a CUP COA has been recommended to ensure this requirement is satisfied.

- 3. The size of the front yard is determined by the setbacks and frontage type requirements of the applicable zone.*

DTA-SP **Table 3-3** outlines the following setbacks for the NC Zone:

- Primary street setback: 0 ft. build-to-line for buildings with non-residential ground floor uses; 10 ft. max. for buildings with residential ground floor uses; 15 ft. max. for Forecourt frontages.
- Side street setback: Same as primary street setback.
- Side yard setback: 5 ft. min. if detached 1; 0 ft. min. if attached.
- Rear setback: 5 ft. min.

The rear setback minimum along the railroad right-of-way is five (5') feet. This setback is met. Primary and side street setbacks appear to be in the range of twelve (12') to eighteen (18') feet. This exceed the prescribed maximum setback of ten (10') feet. Due to potential visual and noise impacts associated with the site's proximity to a major thoroughway (Bitterwater Road), the Planning Commission could consider a COA that would increase the allowable setback on any site adjacent to this street.

**Planning Commission Question No. 5:** *Should the DTA-SP be amended to facilitate an increased setback for residential buildings in the NC Zone along Bitterwater Road?*

**Staff Recommendation:** *Impose the following SPA COA:*

**COA:** *The DTA-SP shall be amended to add the following “Note” under Section 3.4.7(B)1: “2. Setbacks for residential buildings on sites adjacent to Bitterwater Road may be altered if the Planning Commission makes a finding that the proposed setbacks achieve a superior design that would reduce noise and visual impacts to residents.”*

*If this COA is recommended by the Planning Commission, the Planning Commission shall also make findings required by the amended standard.*

4. *One or more separated or interconnected courtyards shall be provided, with a cumulative total area equal to at least 15 percent of the lot area and a minimum width of 30 feet.*

While there are some areas in between buildings that are less than thirty (30') feet wide, the majority of courtyard and open space areas exceed thirty (30') feet in width. In summary, staff finds that there is sufficient open space courtyard areas meeting the width standard. Total landscaped areas compose over thirty (30%) percent of the site (and most landscaped areas are within courtyard areas between and adjacent to buildings). Therefore, staff finds that the fifteen (15%) percent minimum area would be met.

5. *Courtyards located atop subterranean garages shall be designed to avoid the sensation of forced podium hardscape through the use of ample landscaping.*

This does not apply because no subterranean garages are proposed.

6. *Courtyard landscaping shall not be used to visually separate a courtyard. Shrubs and hedges shall not exceed 36 inches at maturity.*

To ensure shrubs and hedges bordering courtyard areas do not exceed thirty-six (36") inches at maturity, a CUP COA regarding shrubs and hedges has been recommended.

7. *Front yard landscaping is determined by the appropriate Frontage Type.*

Frontage Types are addressed above under Section 3.6.2.10(C).

8. See Section 3.9 (Landscape Standards) for additional landscape requirements.

Section 3.9 includes landscape standards that work to "...preserve and promote the aesthetic character and value of the King City Downtown Addition." Of note, the standards require screening of parking/loading/service areas, protection from northerly winds, and solar shading/warming. The proposed deciduous trees on the proposed Landscape Plan (Sheet L1) are sited around parking areas, adjacent to living units, and along the northern border of the property. These proposed trees will work to accomplish the above objectives. Trees are also proposed along the public sidewalk and internal walkways, which will improve pedestrian shading during the summer.

The DTA-SP Street Tree Plan calls for *Pyrus calleryana* 'Aristocrat' / Callery Pear (spacing 25' on center) along Chestnut Avenue, and *Populus nigra* 'Italica' / Lombardy Poplars (spacing 25' on center) along Bitterwater Road. The proposed street trees are different than those specified in the DTA-SP. The COA requires the project to install street trees consistent with DTA-SP. **Figure 3-46: Street Tree Plan.**

In summary, staff finds the proposed landscaping is in substantial compliance with DTA-SP Section 3.9.

**Per the Municipal Code,** A drought tolerant landscape plan is required, 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 (see COA No. 16).

### 3.7 Architectural Standards

Section 3.7.1 *Purpose and Applicability* of the DTA-SP Regulating Code states the following:

*"The Architectural Standards in this section provide direction for the design of buildings, appurtenances and site elements within the Downtown Addition Specific Plan area. The materials, methods, and forms herein are standard. All other materials, methods, and forms are prohibited, unless explicitly approved in writing through Design Review, based on a finding that they conform to the design intent of this Code or are otherwise required by law."*

Staff has reviewed the architectural standards and compared the proposed design to these recommendations. The proposed "Craftsman" design of the apartment buildings substantially conform to these architectural standards. Of note, the design utilizes the following elements recommended in the architectural standards:

walls clad in board and batten and stone, walls trimmed with stone, and balconies visibly supported by decorative posts.

Staff recommends the Planning Commission consider the following additional architectural features recommend by the DTA-SP architectural standards:

***Planning Commission Question No. 6:*** *Should the design feature exterior chimneys finished in brick, stone, or stucco?*

***Planning Commission Question No. 7:*** *Should exterior equipment such as utility boxes and above-ground pipes screened with landscaping?*

***Planning Commission Question No. 8:*** *Should there be variation in the color palette for individual buildings? The current proposal indicates that all buildings have the same color scheme.*

***Staff Recommendation:*** *Staff recommends the Commission review these considerations and provide direction to Staff.*

**Fences and Walls.** A solid masonry wall is proposed along the railroad tracks to attenuate noise below levels stipulated in the F-EIR. According to the project architect, "The wall is solid, from ten (10') to twelve (12') feet high on the apartment side, depending on grade variances. A solid wall with some inherent mass serves best to deaden sound from the train tracks, especially from train car wheels."

Fences are also proposed around the site's perimeter. The majority of proposed fencing would be considered a "Front Yard Fence" (DTA-SP Section 3.12.1). The DTA-SP stipulates a maximum height of three and ½ (3.5') feet. Proposed fences are six feet, eight (6'8") inches. Staff notes that the DTA-SP allows front yard fences to be within one (1') foot of the sidewalk; the proposed fences are set back further than the minimum which will reduce their impact on the streetscape. Regardless, the Planning Commission should consider the design of proposed fences and ensure they would be compatible with the project and future development within the DTA-SP.

**Planning Commission Question No. 9:** *Does the Commission find the proposed sound attenuation wall attractive and suitable for the project (see Plan Sheet A101).*

**Planning Commission Question No. 10:** *Does the Commission find the proposed fencing suitable for the project?*

**Staff Recommendation:** *Staff recommends the Commission review these considerations and provide direction to Staff.*

**Outdoor Equipment.** The Architectural Perspectives (Plan Sheet A401) show the roof mounted equipment screened and camouflaged by the roof lines. Section 3.11.3 (Standards for Properties without Alley Access) and **Figure 3-81** of the DTA-SP provide requirements related to the location of utilities and to ensure above ground utilities are screened from the public right-of-way. A COA is recommended to require that utilities be placed and screened in accordance with **Section 3.11.3** and **Figure 3-81**.

**Future Buildings.** The Site Plans show a “Future Resident Common Building.” Per a COA, Planning Commission review shall be required at the time a specific design is proposed for this structure.

**Stormwater Drainage.** In terms of biofiltration and retention areas, stormwater will be deposited in a temporary water quality basin. The long-term plan for the DTA-SP includes a large permanent water quality basin as shown on the VTM; when this basin is constructed, stormwater from the subject site will be sent to this facility. The project is in the Central Coast Region of the CA Regional Water Quality Control Board (“**CCWQCB**”) jurisdiction. Stormwater management shall adhere to CCWQCB Resolution No. R3-2013-0032 “Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region” dated July 12, 2013.

#### Tentative Parcel Map (TPM) – Bitterwater Road/Chestnut Avenue Employee Housing Project

The applicant submitted a Tentative Parcel Map (“**TPM**”) to consolidate the number of lots on the Bitterwater/Chestnut Housing Project site. As shown on Sheet 2 of the TPM plans, the site is currently composed of eighteen (18) lots. The applicant is proposing to consolidate these eighteen (18) lots into a total of two (2) lots, one for each phase of the project.

- Proposed Lot 1: Located on the northern half of the site and will include Phase 1 of the housing project; 2.85 acres.

- Proposed Lot 2: Located on the southern half of the site and will include Phase 2 of the housing project; 2.33 acres.

The existing 2014 conditions are hereby incorporated by reference and are included as **Exhibit 9**. New COA and MM for this 2020 TPM are included as **Exhibit 8**.

#### Advantages

The proposed Specific Plan Amendment would be beneficial to the City for a number of reasons. First, the revisions facilitate the proposed employee housing on the Bitterwater Road/Chestnut Avenue Site. Following construction, the nearby downtown businesses would benefit having new residential units within walking distance and the building and open space areas will enhance the area aesthetically through its design and landscaping. The proposal to remove the Jayne Street Site from the DTA-SP and rezoning it will also be beneficial for similar reasons because it will facilitate development of additional housing units near the downtown core.

In summary, the project will result in improved business development in the City and needed housing units to support farmworker employees.

#### 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.

#### Project Review Committee (“PRC”) Comments and Review by Agencies

Since the project was proposed, the PRC has been meeting on a regular basis to provide comments.

#### Public Notice and Input

Public notice was published in the local newspaper on **January 22, 2020**. Public notice was mailed to property owners within three-hundred (300') feet on **January 17, 2020**. No public comments have been received thus far.

#### Conditions of Approval/Mitigation Measures

Staff reviewed the COA and MM from the previous 2011 and 2014 DTA-SP amendments. These COA and MM continue to apply to the current proposal, however some are being revised as appropriate to accommodate the proposed DTA-SP amendments and to facilitate development of the Bitterwater Road/Chestnut Avenue site. All previously approved COA and MM and related applications are applicable unless otherwise modified.

## V. COST ANALYSIS

The applicant pays for the cost to process the project.

## VI. ENVIRONMENTAL REVIEW:

A Full Environmental Impact Report ("**F-EIR**"), prepared in accordance with the California Environmental Quality Act ("**CEQA**") was certified by the City Council on **May 24, 2011**. The F-EIR analyzed several aspects of the project, including submittal of a VTM. The City Council adopted Statements of Overriding Considerations, which acknowledged that although adverse impacts may result, specific project benefits outweighed the project's unavoidable, adverse environmental impacts on agriculture (conversion of Prime Farmland), noise, and traffic.

In 2013, an application for an amendment to the specific plan was filed with the City of King that affected approximately 100 acres of the specific plan area. Staff prepared an initial study on the amended DTA-SP and VTM and determined they would not have potential significant adverse environmental impacts. Therefore, the issues associated with the amended VTM were adequately addressed in the 2011 certified EIR. On **December 10, 2013** the City Council found that CEQA guidelines Section 15162 was applicable to the application. (Resolution No. 2013-4428.)

In 2019, the current project to amend the DTA-SP and construct a housing project on the Bitterwater Road/Chestnut Avenue Site was proposed. The City determined that the Project could result in significant adverse environmental impacts. Accordingly, the City directed the applicant to prepare a Supplemental EIR ("**SEIR**"), pursuant to the CEQA Guidelines Section 15163. According to CEQA, a SEIR should be prepared to evaluate these potential significant adverse environmental impacts, if conditions would require the preparation of a subsequent EIR, and if only minor additions or changes would be necessary to make the previous EIR adequate.

EMC Planning Group Inc., prepared the SEIR and worked with the City to accomplish the noticing requirements (an applicant can prepare the environmental document provided a jurisdiction provides independent review). The SEIR finds that while there are existing significant impacts identified in the 2011 EIR, the proposed DTA-SP amendments and the proposed housing projects will not create new significant impacts (after mitigation). The SEIR also proposes revisions to some of the existing MM to ensure they can be appropriately applied to the Bitterwater Road/Chestnut Avenue Employee Housing Project. (NOTE: Since Statements of Overriding Consideration were made on the 2011 approval, they do not need to be made on subsequent approvals.)

One significant "Hydrology and Water Quality" impact related to the Jayne Street site was identified; however, with a mitigation measure this impact can be reduced to a less than significant level. When a specific project is proposed on the Jayne Street site the City will analyze the project to determine the appropriate environmental review process. Mitigation measures included in the S-EIR are attached to the COA.

**VII. ALTERNATIVES:**

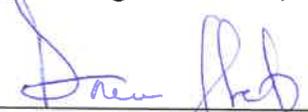
The following alternatives are provided for Planning Commission consideration:

1. Provide staff with comments and direction regarding the project and continue the item to **February 18, 2020** for recommendations to the City Council.
2. Request modifications in the design and/or proposed use.
3. Provide other direction to staff.

**Exhibits:**

- Exhibit 1 – Site Location Map
- Exhibit 2 – Proposed CUP Site Plans and Elevations
- Exhibit 3 – Proposed Architectural Site Plan and Detail Sheets
- Exhibit 4 – Proposed Tentative Parcel Map
- Exhibit 5 – Proposed Summary of DTA-SP Amendments
- Exhibit 6 – Proposed Amended DTA-SP
- Exhibit 7 – Proposed Zoning Amendment Map
- Exhibit 8 – 2020 Conditions of Approval/Mitigation Measures
- Exhibit 9 – 2011 and 2014 Conditions of Approval/Mitigation Measures
- Exhibit 10 – Public Review SEIR, Appendices, and Final SEIR

Submitted by:   
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Approved by:   
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