

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION TUESDAY, SEPTEMBER 7, 2021 6:00 P.M.

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

The Planning Commission meeting will be conducted in hybrid in-person/virtual format.
To join the meeting virtually, please use the link below to join the Zoom meeting:

Click on the following link:

<https://us02web.zoom.us/j/83162454735?pwd=aHEySzJpTVhZUHN6ZkRjeWEwWWZFdz09>

or Call the following number +16699009128 and enter in
Meeting ID: 831 6245 4735

Passcode: 408590

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL:

Planning Commission Members: Oscar Avalos, Paulette Bumbalough, David Mendez, Brett Saunders, 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 August 17, 2021 Planning Commission Meeting
Recommendation: Approve and file.

7. NON-PUBLIC HEARINGS

None

8. PUBLIC HEARINGS

A.Project: CONTINUED Item from August 17, 2021
Zoning District Changes for 101 and 105 Division Street, Assessor’s Parcel Numbers 026-231-001 and 026-231-003, from Single Family Residential (R-1) to General Commercial (C-2) (Zone Change Case No. P20-000-008 and ZON21-000001)

Applicant: Mihir Patel (105 Division Street)
Case Number: P20-000-008

Applicant: City of King (101 Division Street)
Case Number: ZON21-000001

Location: 101 and105 Division Street

Consideration: Continued Item: A Resolution Initiating Amendment of Zoned District and Recommending Zoning District Changes for 101 And 105 Division Street, Assessor’s Parcel Numbers 026-231-001 And 026-231-003, from Single Family Residential (R-1) to General Commercial (C-2) (105 Division Street Case No.: P20-000-008 and 101 Division Street Case No.: Zon21-000001)

Recommendations: The Planning Commission adopt Resolution No. 2021-294, which initiates the amendment process and recommends the City Council approve Zone Change Case No. P20-000-008 and ZON21-000001 to change 101 and 105 Division Street (APNs 026-231-001 and 026-231-003) from the Single Family Residential (R-1) Zoning District to General Commercial (C-2) Zoning District.

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

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR’S REPORT

11. WRITTEN CORRESPONDENCE

12. ADJOURN

UPCOMING REGULAR MEETINGS

SEPTEMBER 2021

September 7th	6:00 p.m.	Planning Commission
September 13th	6:00 p.m.	Airport Advisory Committee
September 14th	6:00 p.m.	City Council
September 20th	5:00 p.m.	Recreation Commission
September 21st	6:00 p.m.	Planning Commission
September 28th	6:00 p.m.	City Council

OCTOBER 2021

October 5th	6:00 p.m.	Planning Commission
October 11th	6:00 p.m.	Airport Advisory Committee
October 12th	6:00 p.m.	City Council
October 18th	5:00 p.m.	Recreation Commission
October 19th	6:00 p.m.	Planning Commission
October 26th	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

AR: Architectural Review

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.

MMTC: Multi-modal Transit Center

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

SLOCOG: San Luis Obispo Council of Government

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

August 17, 2021

1. Call to Order

Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:00 p.m.

2. Pledge of Allegiance

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

3. Roll Call

Chairperson David Nuck X Oscar Avalos A

Paulette Bumbalough X (Teleconference)

David Mendez X Brett Saunders X (Teleconference)

Commission Saunders made a motion to excuse Commission Avalos. Seconded by Commissioner Bumbalough. Motion carried 4-0.

Staff present: Community Development Director, Doreen Liberto; Principal Planner Scott Bruce, Planner Maricruz Aguilar-Navarro; Planning Commission Secretary, Erica Sonne; Planner Eric Berg-Johansen (teleconference).

4. Public Comments

None

5. Presentations

None

6. Consent Calendar

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

A. Approval of Minutes: July 20, 2021

Action: Motion made by Commissioner Bumbalough to approve minutes of July 20, 2021. Seconded by Vice Chair Saunders. Motion carried 4-0.

7. NON- PUBLIC HEARINGS –

A. None

Vice Chair Saunders recused himself from Item 8(A) and left the feed on the zoom.

8. PUBLIC HEARINGS

- A. Project: Amend Conditional Use Permit approval that requires two armed guards be on site during hours of operation and one-armed guard to be on site at all times. The amendment would require the presence of on-armed guard during the time that employees are on-site, to satisfaction of Chief of Police.

Applicant: Nebula Management/ Lehue Brands International, dba Golden State Sciences (GSS) APN 026-532-029

Location: 190 East San Antonio Drive, King City, CA. 93930 (APN 026-522-039).

Consideration: CUP 21-000001, 190 East San Antonio Drive. (AMENDMENT (e) to CUP 2016-011): Revision to Original Condition of Approval – Armed Security Requirements

Recommendations Planning Commission: 1) review request for Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution.

Environmental Determination: Staff has performed a preliminary environmental assessment of this amendment to the CUP and has determined that the requested amendment reduces the potential environmental impacts of the project due to the fact that the number of persons on site decreases. Therefore, the requested amendment to the CUP does not have a significant effect on the environment.

Principal Planner Scott Bruce introduced this item with a PowerPoint presentation.

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

Motion by Commissioner Bumbalough to adopt Resolution No. 2021-297 Approving Conditional Use Permit Amendment Case No. CUP 21-000001 190 E. San Antonio. Commissioner Mendez seconded. Motion carried 3-0.

Vice Chair Saunders returned to the meeting via zoom.

B. Project: Amend Conditional Use Permit approval that requires two armed guards be on site during hours of operation and one-armed guard to be on site at all times. The amendment would require the presence of on-armed guard during the time that employees are on-site, to satisfaction of Chief of Police

Applicant: Boutique Unlimited, LLC APN 026-351-022

Location: 151 Airport Drive, King City CA. 93930 (APN 026-351-022)

Consideration: CUP 21-000003, 151 Airport Drive. (Amendment (e) to CUP 2016-008): Amendment to an Original Condition of Approval – Armed Security Requirements

Recommendations: Planning Commission: 1) review request for Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution

Environmental Determination: Staff has performed a preliminary environmental assessment of this amendment to the CUP and has determined that the requested amendment reduces the potential environmental impacts of the project due to the fact that the number of persons on site decreases. Therefore, the requested amendment to the CUP does not have a significant effect on the environment.

Principal Planner Scott Bruce introduced this item with a PowerPoint presentation.

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

Motion by Commissioner Bumbalough to adopt Resolution No. 2021-299 Approving Conditional Use Permit Amendment Case No. CUP 21-000003 151 Airport Drive. Vice Chair Saunders seconded. Motion carried 4-0

- C. Project: Clarify Conditional Use Permit approval that requires armed Guard to be on site. Interpretation and implementation, consistent with all cannabis operations in the City, has been to require a minimum of one armed guard on site 24 hours, seven days a week. The amendment would require the presence of one-armed guard during the time that employees are on-sit, to satisfaction of Chief of Police.
- Applicant: Elite Molecular, LLC APN 026-351-023
- Location: 101 Airport Drive, King City CA. 93930 (APN 026-351-023)
- Consideration: CUP 21-000002, 101 Airport Drive. (Amendment (e) to CUP 2017-009): Clarification of an Original Condition of Approval-Armed Security Requirements
- Recommendations: Planning Commission: 1) review request for Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution
- Environmental Determination: Staff has performed a preliminary environmental assessment of this amendment to the CUP and has determined that the requested amendment reduces the potential environmental impacts of the project due to the fact that the number of persons on site decreases. Therefore, the requested amendment to the CUP does not have a significant effect on the environment.

Principal Planner Scott Bruce introduced this item with a PowerPoint presentation.

Chair Nuck opened the public hearing,

Mindy Hunt stated they couldn't hear Principal Planner Bruce very well. Principal Planner Bruce moved over to use the microphone that was in front of Planner Aguilar.

Vice Chair Saunders stated that there had been a change in Police Chief's. Vice Chair Saunders asked if he is ok with the changes. Principal Planner Bruce stated that yes he was fine with the changes.

Being no further comments Chair Nuck closed the public hearing.

Motion by Vice Chair Saunders to adopt Resolution No. 2021-298 Approving Conditional Use Permit Amendment Case No. CUP 21-000002 101 Airport Drive. Commissioner Bumbalough seconded. Motion carried 4-0

- D. Project: Variance and Tentative Parcel Map for 1023 Broadway Street
- Applicant: Best Development Group
- Location: 1023 Broadway Street, King City CA. 93930
- Consideration: Variance and Tentative Parcel Map Applications to Allow a Reduced Lot Dimension for Parcel 3 and Subdivide One (1) Existing

Lot into Three (3) Lots Located at 1023 Broadway Street APN: 026-391-025-000 (Tentative Parcel Map Case No. P21-000-006, Variance Permit Case No. P21-000-007 026-174-001 And 026-174-002)

Recommendations: The Planning Commission adopt Resolution No. 2021-296, which approves a variance to reduce lot width and a tentative parcel map for 1023 Broadway Street (APN: 026-391-025-000).

Environmental Determination:

Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because optional design and improvement standards are permitted pursuant to the subdivision title Chapter 17.26 H-S (Highway Service District) and all requested variances are mitigated to a level of insignificance with conditions of approval and project design. The proposed land division will create four or less parcels. Therefore, this project is not subject to CEQA.

Community Development Director Doreen Liberto introduced this item. She also read in a letter of concern from Joseph Hernandez, Bedford Ave, King City. She has reached out to Mr. Hernandez to hopefully be able to speak with him about his concerns.

City Engineer Octavio Hurtado commented on this item further explaining the process.

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

Motion by Vice Chair Saunders to adopt Resolution No. 2021-296, which approves a variance to reduce lot width and a tentative parcel map for 1023 Broadway Street (APN: 026-391-025-000). Commissioner Bumbalough seconded. Motion carried 4-0.

- E. Project: Zoning District Changes for 101 and 105 Division Street, Assessor's Parcel Numbers 026-231-001 and 026-231-003, from Single Family Residential (R-1) to General Commercial (C-2) (Zone Change Case No. P20-000-008 and ZON21-000001)
 - Applicant: Mihir Patel (105 Division Street)
 - Case Number: P20-000-008
 - Applicant: City of King (101 Division Street)
 - Case Number: ZON21-000001
 - Location: 101 and 105 Division Street
 - Consideration: A Resolution Initiating Amendment of Zoned District and Recommending Zoning District Changes for 101 And 105 Division Street, Assessor's Parcel Numbers 026-231-001 And 026-231-003, from Single Family Residential (R-1) to General Commercial (C-2) (105 Division Street Case No.: P20-000-008 and 101 Division Street Case No.: Zon21-000001)
 - Recommendations: The Planning Commission adopt Resolution No. 2021-294, which initiates the amendment process and recommends the City Council approve Zone Change Case No. P20-000-008 and ZON21-000001 to change 101 and 105 Division Street (APNs 026-231-001 and 026-231-003) from the Single Family Residential (R-1) Zoning

District to General Commercial (C-2) Zoning District.

Environmental
Determination:

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

Planner Erik Berg-Johansen introduced this item.

Community Development Director stated that a letter was sent this afternoon from the owner Mr. Couttolenc that they object to this change in their zoning.

Chair Nuck opened the public hearing,

Eduardo and Helia Couttolenc's, (owners of 101 Division St.), daughter spoke representing her parents stating that they had not received notification of this happening tonight except for one e-mail they received on Monday. Community Development Director stated that letters were sent out and one was returned but the others were not returned. She clarified they were sent certified mail. Mr. Eduardo Couttolenc is in objection to this change. Mrs. Helia Couttolenc stated her position of not wanting to change the zoning for fear of raising their taxes. She complained that the 105 property has lots of trash and they are afraid of contamination.

Community Development Director Liberto asked if they would be willing to sit down with staff to discuss the zoning and their concerns and Helia Couttolenc agreed to sit down with staff.

Community Development Director suggested that this item be continued to the next meeting September 7, 2021.

Heena Sikand the realtor for 105 Division St. stated that her client would like to move forward with the rezone.

Being no further comments Chair Nuck closed the public hearing.

Motion by Commissioner Bumbalough to continue this item to the meeting of September 7, 2021. Vice Chair Saunders seconded. Motion carried 4-0.

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports-

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned by Chair Nuck at 7:05p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 8(A)

REPORT TO THE PLANNING COMMISSION

DATE: SEPTEMBER 7, 2021

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: MARICRUZ AGUILAR, ASSISTANT PLANNER & ERIK BERG-JOHANSEN, SENIOR PLANNER

RE: CONTINUED ITEM: RESOLUTION INITIATING AMENDMENT OF ZONED DISTRICT AND RECOMMENDING ZONING DISTRICT CHANGES FOR 101 AND 105 DIVISION STREET, ASSESSOR'S PARCEL NUMBERS 026-231-001 AND 026-231-003, FROM SINGLE FAMILY RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (C-2) (105 DIVISION STREET CASE NO.: P20-000-008 AND 101 DIVISION STREET CASE NO.: ZON21-000001)

RECOMMENDATION

Staff recommends the Planning Commission adopt the attached Resolution No. 2021-294, which initiates the amendment process and recommends the City Council approve Zone Change Case No. P20-000-008 and ZON21-000001 to change 101 and 105 Division Street (APNs 026-231-001 and 026-231-003) from the Single Family Residential (R-1) Zoning District to General Commercial (C-2) Zoning District.

BACKGROUND

The item was presented to the Planning Commission on **August 17, 2021**. Details regarding the proposal are outlined in the Planning Commission staff report dated **August 17, 2021**, which is attached for reference as **Exhibit 2**. At the public hearing, the owners of 101 Division Street testified and expressed concerns related to the proposed zone change. They expressed three primary concerns: (1) that their current use (multi-family residential) could be impacted by the zone change and would no longer be allowed; (2) their property taxes could increase because of this action; and (3) the future uses at 105 Division Street are unknown at this time, and that a future use could impact the residents living at 101 Division Street.

After the item was continued by the Planning Commission, staff reached out to the owners of 101 Division Street and scheduled a meeting to further understand their concerns. On September 1, 2021, City staff, including planners Maricruz Aguilar and Erik Berg-Johansen, the Community Development Director (Doreen Liberto), and the Assistant City Attorney (Shannon Chaffin) met with the owners of 101 Division Street (Mr. and Mrs. Couttolenc) and their attorney Christine Kemp with the firm Noland, Hamerly, Etienne & Hoss. Staff obtained more details regarding their concerns with the project and discussed some of the pros and cons of the proposal. Staff also referred them to County staff and recommended that they inquire about property tax assessments. Staff believes some of their concerns are alleviated but encouraged that they stay connected with the process and contact staff if there are remaining concerns.

DISCUSSION

The applicant proposes a zone change at 101 Division Street from R-1 to C-2. The City of King proposes a concurrent zone change at 105 Division Street from R-1 to C-2 to mitigate an instance of spot zoning and to ensure the zoning is consistent with the adopted General Plan. Further details of the proposal and staff's recommendation can be found in the Staff Report dated **August 17, 2021** included as **Exhibit 2**.

ENVIRONMENTAL DETERMINATION:

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

Attachments:

Exhibit 1 – Resolution of the Planning Commission initiating amendment of Zoning District and recommending the City Council approve Zoning Map amendments for 101 and 105 Division Street from the Single Family Residential (R-1) Zoning District to General Commercial (C-2) Zoning District (Case No. P20-000-008; APNs 026-231-001 and 026-231-003).

Attachment 1 (of Exhibit 1) – Draft Ordinance of the City Council amending the Zoning Map changing the zoning of the subject parcels from the Single Family Residential (R-1) Zoning District to General Commercial (C-2) Zoning District. (Existing and Proposed Zoning Designations also attached.)

Exhibit 2 – Planning Commission Staff Report dated August 17, 2021

Submitted by: Maricruz Aguilar
Maricruz Aguilar, Assistant Planner & Erik Berg-Johansen, Senior Planner

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

EXHIBIT 1

RESOLUTION 2021-294

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING CITY
RECOMMENDING THE CITY COUNCIL APPROVE ZONING MAP AMENDMENTS
FOR 101 AND 105 DIVISION STREET FROM THE SINGLE FAMILY RESIDENTIAL
(R-1) ZONING DISTRICT TO THE GENERAL COMMERCIAL (C-2) ZONING
DISTRICT

(CASE NO. P20-000-008 AND 101 DIVISION STREET CASE NO.: ZON21-00000-1;
APNs 026-231-001 AND 026-231-003)

WHEREAS, Infill Land Partners, LLC submitted a zoning map amendment application (Case No. P20-000-008) to modify the Zoning Code for 105 Division Street, and City staff have recommended initiation of a zoning map amendment for 101 Division Street (Case No. ZON21-000001), collectively consisting of two parcels located at the southwest corner of South First Street and Division Streets, from the Single Family Residential (“**R-1**”) Zoning District to the General Commercial (“**C-2**”) Zoning District (“**Project**”); and

WHEREAS, Mihir Patel, acquired the property in 2020 and requested that the application for rezone proceed; and

WHEREAS, the Project would make both properties consistent with the approved General Plan Land Use Designation; and

WHEREAS, staff has performed a preliminary environmental assessment of the Project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment; and

WHEREAS, the Planning Commission (“**Commission**”) held a duly noticed public hearing, on **August 17, 2021** on the Project at which time it considered the staff report, all information, evidence, and public testimony presented in connection to the Project; and

WHEREAS, the Commission has reviewed the associated documents prepared for the project, and all of the evidence received by the Commission; and

WHEREAS, the Commission desires to initiate rezoning for the portion of the Project located at 101 Division Street, and recommended the City Council approve Zone Change Case No. P20-000-008 and ZON21-000001 to change 101 and 105 Division Street (APNs 026-231-001 and 026-231-003) from the Single Family Residential (“**R-1**”)

Zoning District to General Commercial (“**C-2**”) Zoning District by adopting the Ordinance attached as **Attachment 1**.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of King City 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. Initiation: The Planning Commission initiates the rezoning of 101 Division Street from the Single Family Residential (“**R-1**”) Zoning District to General Commercial (“**C-2**”) Zoning District.
3. CEQA Findings: The Planning Commission recommends the City Council finds that this Project is not subject to CEQA pursuant to CEQA Guidelines, section 15061(b)(3), as it can be determined with certainty that there is no possibility that this Project may have a significant effect on the environment as the proposal would not substantially change the intensity of use within the existing buildings, would be consistent with adjacent land uses, and is consistent with existing General Plan land use designations which have already been environmentally assessed, etc. Therefore, this Project is not subject to CEQA;
4. Rezoning Findings: The Planning Commission finds that Zone Change Case No. P20-000-008 and ZON21-000001 is consistent with the General Plan. The Planning Commission further recommends that the City Council find that Zone Change Case No. P20-000-008 and ZON21-000001 i) is consistent with the General Plan goals and policies; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; and iii) the Project would provide convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements. Among others:
 - A. The Project allows for new commercial uses that are attractive to visitors and tourists, especially given the Project’s location at the Highway 101 gateway to the downtown and future multi-modal transit center.
 - B. The Project improves density and compaction of commercial uses encourages walkability and to visits other stores and restaurants in the vicinity. This not only promotes economic resiliency and business growth, but maintains the integrity of surrounding businesses and also reduces travel time, trips, and associated impacts.
 - C. The proposed commercial uses would be consistent with nearby land uses, is a logical extension of the same consistent with the General Plan, and integrates

with the existing C-2 Zoning Districts located directly across both South 1st Street and Division Street.

D. The Zoning Amendment will not result in a significant adverse effect on the environment and will not affect public health, safety, or welfare because it will be consistent with the goals, policies and objectives established by the General Plans including Land Use Element Policy 1.3.1 (assuring that adequate sites are available for both new and existing commercial land uses to provide space for retail uses, business services, offices, and visitor-serving uses) and Land Use Element Policy 3.1.1 (to promote the availability of commercial sites to accommodate a mix of retailing, tourist related commercial, and service uses, wholesaling, dining and entertainment, professional and business services, and shopping center developments consistent with the environmental, social, and economic goals of the City.) Among others, the Project would provide additional space for commercial and visitor-serving uses. It would also add approximately 34,050 square feet of additional C-2 zoned land area along one of the City's primary commercial corridors that also serves as a gateway to the downtown.

5. Recommendation of Approval: Based on the information provided above, the Planning Commission recommends the City Council approve Zone Change Case No. P20-000-008 and ZON21-000001 to change 101 and 105 Division Street (APNs 026-231-001 and 026-231-003) from the Single Family Residential ("**R-1**") Zoning District to General Commercial ("**C-2**") Zoning District by adopting the Ordinance attached as **Attachment 1**.

6. Effective Date of Resolution: This Resolution shall become effective immediately.

This Resolution was passed and adopted this **7th day of September 2021**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST:

**PLANNING COMMISSION HEARING
ZONE CHANGE 105 (CASE NO.: P20-000-008)
ZONE CHANGE 101 (CASE NO.: ZON21-000001)
SEPTEMBER 7, 2021
PAGE 7 OF 7**

**ATTACHMENT 1
Draft Ordinance**

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING TO AMEND THE ZONING CODE CHANGING THE ZONING DISTRICT FOR 101 AND 105 DIVISION STREET FROM SINGLE FAMILY RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (C-2) (105 DIVISION STREET CASE NO. P20-000-008 AND 101 DIVISION STREET CASE NO. ZON21-000001; APNs 026-231-001 and 026-231-003)

WHEREAS, Infill Land Partners, LLC submitted a zoning map amendment application (Case No. P20-000-008) to modify the Zoning Code for 105 Division Street, and the Planning Commission initiated a zoning map amendment for 101 Division Street (Case No. ZON21-000001), collectively consisting of two parcels located at the southwest corner of South 1st Street and Division Streets, from the Single Family Residential (R-1) Zoning District to the General Commercial (C-2) Zoning District ("**Project**"); and

WHEREAS, Mihir Patel, acquired the property in 2020 and requested that the application for rezone proceed; and

WHEREAS, the Project would make both properties consistent with the approved General Plan Land Use Designation; and

WHEREAS, the Project amends the Zoning Map as depicted in **Attachment 1**; and

WHEREAS, staff has performed a preliminary environmental assessment of the Project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment, and the Planning Commission recommends a finding of the same; and

WHEREAS, the Planning Commission (Commission) held a duly noticed public hearing, on **August 17, 2021** on the Project at which time they considered the staff report, all information, evidence, and public testimony presented in connection to the project and recommended the City Council (Council) adopt an Ordinance approving Zone Change Case No. P20-000-008 and ZON21-000001; and

WHEREAS, on **August X, 2021** the City Council met at a duly noticed public hearing as prescribed by law to review and consider the information provided in the staff report, all relevant information and testimony provided during the public hearing, and the findings and recommendations of the Planning Commission; and

WHEREAS, the City Council has reviewed the associated documents prepared for the project, and all of the evidence received by the Commission; and

WHEREAS, the City Council now desires to approve Zone Change Case No. P20-000-008 to change 105 Division Street and Case No. ZON21-000001 to change 101

Division Street (APNs 026-231-001 and 026-231-003) from the Single Family Residential (R-1) Zoning District to General Commercial (C-2) Zoning District.

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

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

SECTION 2. The City Council finds that this Project is not subject to CEQA pursuant to CEQA Guidelines, section 15061(b)(3), as it can be determined with certainty that there is no possibility that this Project may have a significant effect on the environment as the proposal would not substantially change the intensity of use within the existing buildings, would be consistent with adjacent land uses, and is consistent with existing General Plan land use designations which have already been environmentally assessed, etc. Therefore, this Project is not subject to CEQA.

SECTION 3. The City Council finds that Zone Change Case No. P20-000-008 and ZON21-000001 is consistent with the General Plan. The City Council further finds that Zone Change Case No. P20-000-008 i) is consistent with the General Plan goals and policies; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; and iii) the Project would provide convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements. Among others:

- A. The Project allows for new commercial uses that are attractive to visitors and tourists, especially given the Project's location at the Highway 101 gateway to the downtown and future multi-modal transit center.
- B. The Project improves density and compaction of commercial uses encourages walkability and to visits other stores and restaurants in the vicinity. This not only promotes economic resiliency and business growth, but maintains the integrity of surrounding businesses and also reduces travel time, trips, and associated impacts.
- C. The proposed commercial uses would be consistent with nearby land uses, is a logical extension of the same consistent with the General Plan, and integrates with the existing C-2 Zoning Districts located directly across both South 1st Street and Division Street.
- D. The Zoning Amendment will not result in a significant adverse effect on the environment and will not affect public health, safety, or welfare because it will be consistent with the goals, policies and objectives established by the General Plans including Land Use Element Policy 1.3.1 (assuring that adequate sites are available for both new and existing commercial land uses to provide space for retail uses, business services, offices, and visitor-serving uses) and Land Use Element Policy 3.1.1 (to promote the availability of commercial sites to accommodate a mix

of retailing, tourist related commercial, and service uses, wholesaling, dining and entertainment, professional and business services, and shopping center developments consistent with the environmental, social, and economic goals of the City.) Among others, the Project would provide additional space for commercial and visitor-serving uses. It would also add approximately 34,050 square feet of additional C-2 zoned land area along one of the City's primary commercial corridors that also serves as a gateway to the downtown.

SECTION 4. Given the forgoing findings and determinations, the City Council approves Zone Change Case No. P20-000-008 and ZON21-000001 to change 101 and 105 Division Street (APNs 026-231-001 and 026-231-003) from the Single Family Residential (R-1) Zoning District to General Commercial (C-2) Zoning District, as depicted in Attachment 1.

SECTION 5. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation by the City Clerk.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the **X day of August 2021**, and adopted the Ordinance after the second reading at a regular meeting held on the ___ day of _____, 2021, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By _____

ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

Attachment 1: Former and New Zoning Designations

I, _____, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.

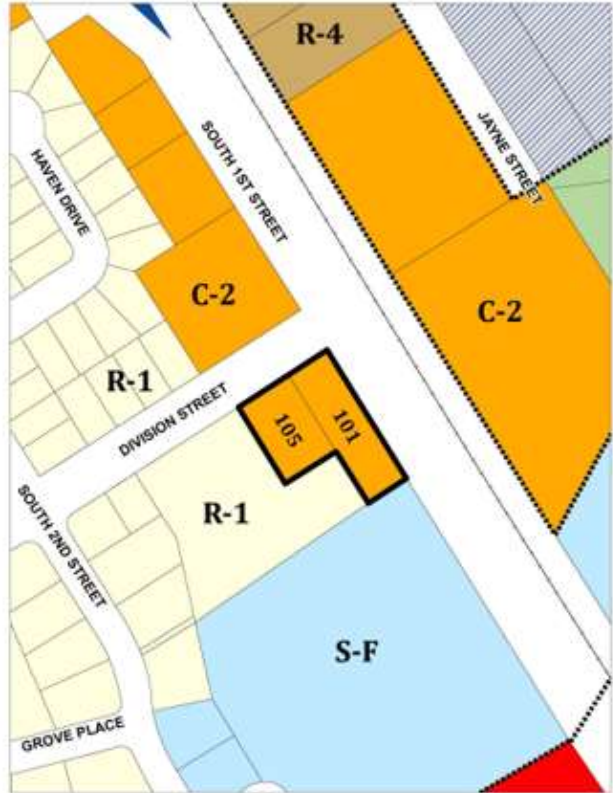
DRAFT

Attachment 1

Former and New Zoning Designations



Former Zoning Designation



New Zoning Designation