



**PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, JULY 11, 2013
6:00 P.M.**

**CITY COUNCIL CHAMBERS
248 MAIN STREET**

**CHAIR TOM STEWART
VICE CHAIR MICHAEL LAROCCO
COMMISSIONER HONORIO DELLA
COMMISSIONER JAVIER NIETO
COMMISSIONER BOB BIGIOGNI**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENT

At this time any member of the public may address the Commission on items of interest to the public that are within the jurisdiction of the Planning Commission. Speakers shall have a limited time. Please be brief and to the point. No action or discussion shall be taken on any item not appearing on the Agenda, except that Commission members may briefly respond to statements made or questions posed by members of the public.

V. APPROVAL OF MINUTES

- Planning Commission Regular Meeting Minutes of June 13, 2013.

VI. PRESENTATIONS

None

VII. PUBLIC HEARINGS

A. PLANNED DEVELOPMENT 2013-01 AND CONDITIONAL USE PERMIT 2013-03 – In accordance with Soledad Zoning Ordinance Section 17.38.230 AND 17.36.020 (G) to obtain approval for development of 28 apartment units and related accessory structures and improvements and to allow the development of uncovered parking in-lieu of covered parking. Project is located on a 1.3 acre property located at 1904 Monterey Street, Soledad, CA (APN 022-064-030); initiated by Kenneth Slama, Trustee.

The proposed project is an Infill Project and has therefore been determined to be Exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183.3

VIII. OLD BUSINESS

None

IX. NEW BUSINESS

None

X. COMMUNITY DEVELOPMENT DIRECTOR'S REPORTS

XI. COMMISSIONERS' REPORTS

XII. ADJOURNMENT

CERTIFICATION

I, Adela P Gonzalez, City Clerk of the City of Soledad, do hereby certify that a copy of the foregoing Planning Commission Agenda was posted at City Hall by July 5, 2013 at 5:00 p.m.


ADELA P. GONZALEZ, City Clerk

7/5/2013
Date

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk Adela P Gonzalez at 831/223-5014. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (RCRF 35.102-35.104).

“Any writing or documents provided to a majority of the City Council or Planning Commission regarding any item on this agenda will be made available for public inspection at City Hall located at 248 Main Street, Soledad, California during normal business hours.”

En caso que usted necesite ayuda en leer o en entender este aviso de Junta Publica, usted puede ponerse en contacto con la oficina del Edificio Municipal en 248 Calle Main o llamar al número 831/223-5014, y el aviso será traducido para usted.

**PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JUNE 13, 2013**

SWEARING IN OF NEW COMMISSIONER

Immediately prior to the start of the meeting, City Clerk Adela Gonzalez swore in Commissioner Bob Bigiogni.

CALL TO ORDER

Commissioner Honorio Della called the regular meeting of the City of Soledad Planning Commission to order at 6:04 p.m.

Vice Chair Michael Laroco arrived at 6:05 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Nieto.

ROLL CALL

Present during roll call were Commissioners: Honorio Della, Javier Nieto, Bob Bigiogni and Vice Chairman Michael Laroco. Chairman Tom Stewart was absent.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

MOTION: The Planning Commission approved the Planning Commission Regular Meeting Minutes of March 14, 2013 by 4-0 vote on a motion by Commissioner Della and a second by Commissioner Nieto.

PRESENTATIONS

None

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC HEARINGS

Conditional Use Permit 2013-02 – Consideration of a Conditional Use Permit to Allow the Use of a Single-Family Residence located at 559 Malmfeldt Circle (APN 022-421-086) as a Large Family Day Care Home.

Community Development Director Slama gave the staff report.

Vice Chairman Laroco opened the public hearing at 6:10 PM

With no one from the public stepping forward to comment, Vice Chairman Laroco closed the public hearing at 6 11 PM.

Commissioner Nieto suggested that perhaps the permit be valid for a year in order to evaluate the impacts to the neighborhood.

Commissioner Bigiogni discussed a number of concerns he had with the project, specifically the lack of parking near the house on the cul-de-sac street. He requested that conditions of approval be added to ensure that the garage was not to be utilized for the day care but for parking, that the driveway be available for cars loading and unloading, and that standard language having the conditional use permit run with the land be changed to ensure that the permit would be non-transferrable.

Commissioner Della commented about visiting the site and mentioning that it was a tough area for parking. He asked staff how many permits existed in the City and staff said that there were five such permits.

Commissioner Bigiogni that due to the mass of cars already existing on the street that there was a need to ensure the driveway remained clear and available to prevent traffic or double parking in the street.

Vice Chair Laroco asked what kind of time limits would be placed on the driveway restrictions since there are places that run 24/7 in order to accommodate second shift workers.

Commissioner Bigiogni suggested that if the garage was actually used for parking that the driveway would always be made available.

Vice Chair Laroco said that it is common for people to have multiple cars in the neighborhoods and suggested that one space be made available at all times in the driveway

Commissioner Della said that it seemed to be a matter of whether both spaces would be required or a compromise could be reached to only require one at all times. He said that the biggest problem would be to enforce the rules.

Commissioner Bigiogni agreed that code enforcement was a major issue in the City and that there was no dedicated staff for it and he had and would continue to speak with the City about that.

Vice Chair Laroco supported having one space available at all times.

Commissioner Bigogni said he would agree to the compromise.

Vice Chair Laroco discussed whether there was a need for specific direction for day care guidelines in the City in order for potential applicants to understand exactly what was required of them.

Commissioner Nieto was concerned about the lack of code enforcement as well.

Community Development Director Slama outlined the requested changes to the conditions of approval. There was a discussion with the Commission and Staff regarding the specific language to be included in the conditions of approval.

Community Development Director Slama indicated that per Commission direction, Condition #4 would be amended to state: "The terms and conditions of this permit shall apply to the applicant and is not transferrable"; Condition # 18 to be added to state "The two-car garage shall be kept clear and available for parking two automobiles. The required garage shall not be used as a child care or play area", and Condition #19 to be added to state "One parking space in the driveway shall be available during all hours of operation for the loading and unloading of children."

MOTION: Commissioner Bigiogni made a motion to Approve Conditional Use Permit 2013-02 subject to the amended conditions as agreed to by the Planning Commission (Amendment to Condition #4, and addition of Conditions #18 and #19). Commissioner Della seconded the motion. **Motion carried 4-0.**

AYES: Vice Chair Laroco, Commissioner Della, Commissioner Nieto, Commissioner Bigiogni

NOES None

ABSENT: Chairman Stewart

COMMUNITY DEVELOPMENT DIRECTOR'S REPORTS

Community Development Director Slama mentioned that an apartment project would likely be coming in front of the Commission in either July or August. He also mentioned that he had received several inquiries from potential developers and that existing residential inventory in Soledad was very low. In addition, the City Manager and the Director attended a meeting with the County and LAFCO regarding the future long-term growth path for the City of Soledad.

COMMISSIONERS' REPORTS

Commissioner Nieto indicated that he would not be present at the July Planning Commission meeting.

ADJOURNMENT

There being no further business to come before the Planning Commission, Vice Chairman Michael Laroco adjourned the meeting at 6.38 p.m.

THOMAS STEWART, Chairman

Approved.

BRENT SLAMA, Secretary



PLANNING COMMISSION AGENDA REPORT

REQUEST CONDITIONAL USE PERMIT CUP #2013-03 FOR PLANNED DEVELOPMENT PD #2013-01, WAIVER OF COVERED PARKING REQUIREMENT, AND TO ALLOW INCREASED DENSITY ABOVE THE BASE DENSITY OF THE R-3 DISTRICT;

AND

PD #2013-01 PLANNED DEVELOPMENT IN ACCORDANCE WITH SOLEDAD ZONING ORDINANCE SECTION 17.38.230 TO ALLOW THE DEVELOPMENT OF 28 APARTMENT UNITS AND RELATED ACCESSORY STRUCTURES AND IMPROVEMENTS.

MEETING

DATE: July 11, 2013

Recommendation

Staff recommends that the Planning Commission

- Receive the staff report;
- Open the Public Hearing;
- Close Public Hearing; and
- Adopt Resolution No 2013-05 approving the Conditional Use Permit for Planned Development, waiver of covered parking, and increased density above the base density in the R-3 District.

Suggested Motion "I move for approval of Resolution 2013-05 approving CUP #2013-03 and Planned Development PD #2013-01 subject to the findings and conditions set forth in the attached Resolution and its Exhibit A"

Summary

Approval of the requested Conditional Use Permit will enable the development of a Planned Development of 28 apartment units and associated parking, landscaping, accessory structures and public right-of-way improvements, including sidewalks and street trees. The Conditional Use Permit will also waive covered parking requirements and allow an increase in density above the base density of the R-3 District, which is 16 dwelling units per acre

Background

On February 13, 2003 the Planning Commission approved a Conditional Use Permit (2003-01, Gutierrez) allowing demolition of a farm labor camp and construction of 28 apartment units and associated parking, landscaping and public right of way improvements including sidewalks and street trees, on the subject parcel. The project was found to comply with the General Plan's High Density Residential (8-20 du/ac) designation and the R-3 (High-Density Multi-family) Zone District standards. The Conditional Use Permit allowed the project to be built at the requested density and waived the covered parking requirement. Related CUP findings stated that the project complied with the General Plan and zoning for the site, was an appropriate use of the property and would provide needed rental housing opportunities. However, the project was never developed within the allowable timeframe, and the CUP subsequently expired.

Since the time of this initial approval, the City adopted a new General Plan in 2005 and Housing Element in 2009, revised certain sections of its zoning code, and adopted Design Guidelines for residential, commercial and industrial areas of the City. The project site is presently under different ownership, and the new owners now desire to proceed with its development.

In support of his request for a CUP approval the Applicant has provided a project description and justification for Planned Development and waiver of covered parking requirements (see **Attachment 2**).

Project site information is summarized below:

Applicant:	Kenneth Slama
Representative	Brad Slama
Location	1904 Monterey Street
APN	022-064-012
General Plan Designation	High Density Residential 13 to 20 units per acre
Zoning Designation	R-3 High Density Multi-family Residential
Existing Uses	Vacant

Project Description

The proposed project is similar in density and building orientation to the previously approved project, consisting of four, 2-story buildings. Buildings 1 and 4 are oriented toward the center of the complex, and each contains six 2-bedroom units. Buildings 2 and 3 front the project site on Monterey Street; each contains eight 2-bedroom units. Proposed buildings measure 27 feet in height. Please refer to Attachment 1, Exhibit B (1) Site Plan, (2) Elevations, (3) Landscape Plan, and (4) Open Space Plan for further project details.

The proposed development fronts Monterey Street, a fully improved two-lane, 60-foot wide collector street that extends from West Street to Eighth Street. The site abuts the Southern Pacific Railroad right-of-way on its south boundary. Proposed access to the site would be provided from Monterey Street via two 20-foot wide driveways located adjacent to side lot lines. These driveways would provide both ingress and egress to uncovered parking spaces located along the

rear lot line and adjacent to the rear of buildings. Parking spaces along the rear lot line are designed to overhang the 3-foot landscape strip along the length of the rear lot line. These spaces are bracketed and punctuated by landscape islands intended to meet minimum parking lot landscape requirements.

Environmental Review

This project is found to be Categorically Exempt pursuant to CEQA Guidelines Section 15183.3, Infill Development.

Analysis

Consistency with General Plan Policies and Zoning Ordinance Standards:

A. Density of Development

General Plan Policy L19 states that, *“In general, higher densities of residential development shall be located in areas served by the widest range of urban services, and shall be preferred along collector and arterial streets, within walking distance of schools, city parks and transit stops”*

The subject site is designated Multi-family Residential which allows for the development of multi-family housing such as apartments, condominiums and townhouses at a density of 13-20 dwelling units per gross acre. Presently, approval of a Conditional Use Permit is required per Section 17 14 040 C of the R-3 District regulations for any developments with densities exceeding 16 units per acre, up to 22 units per acre (net). However, Housing Element Program 4-16 requires that the City amend its multi-family residential zoning districts to permit multi-family development up to a maximum of 22 dwelling units per acre by right (i.e., without the need for approval of a conditional use permit).

The density of the proposed project is slightly higher than 21 units per acre, and the project is therefore consistent with these policies and standards.

B. Project Design

1 Design Guidelines and Community Character

The General Plan guiding policy on use of Design Standards states that *“Another important component of the City’s development regulations is a set of design guidelines for new development. The design guidelines are intended to supplement the policy and development guidance provided by the General Plan and Zoning Ordinance by describing the City’s expectations for the quality and character desired of new development (General Plan p 1-4).*

This policy guidance statement indicates that all new development, including infill development, must take Design Guidelines into account when designing projects. The following policies provide additional guidance that must be used in evaluating infill development projects such as this.

General Plan Policy L13 states that *“The City shall require that residential projects be designed to reflect and consider the relationship of the project to surrounding uses. Residential densities and lot patterns will be determined by these and other factors. As a result, the maximum density specified by the General Plan land use designations or zoning for a given parcel of land may not be realized”*

General Plan Policy L18 requires that the *“The infill of existing residential lots shall be encouraged.”*

General Plan Policy L19 requires that *“In general, higher densities of residential development shall be located in areas served by the widest range of urban services, and shall be preferred along collector and arterial streets, within walking distance of schools, city parks and transit stops.”*

General Plan Policy L50 requires that *“Multifamily development shall include usable open space for each dwelling and shall be designed to be integrated with the surrounding neighborhood. Usable open space is defined as that which is usable for open space and recreational uses.”*

General Plan Policy H9 states that: *“The City of Soledad shall ensure that city site improvement standards, development review procedures, and development fees do not unreasonably constraint the development, conservation, and rehabilitation of housing.”*

Zoning Ordinance Section 17.38.230.B.5 requires that *“The design of planned development ensure compatibility and harmony with existing and planned uses on adjacent properties. Design elements to be considered include, but are not limited to, architecture, distance between buildings, building setbacks, building height, off street parking, open space, privacy, screening, and landscaping ”*

The Planning Commission should consider the following conclusions that arise from these policies and standards

- The City favors infill development of the type proposed in areas, such as this, where urban services are available to serve the estimated 112 - 126 persons (4 - 4.5 persons per household general plan standard) anticipated to live in the proposed project.
- Multi-family development projects are encouraged to provide density at the top of the range (no use permit required). Multi-family housing for families (3 or 4 bedroom units) is encouraged (i.e., Housing Element Program 4-9 allows for a density bonus for 20% 4-bedroom units).
- The design of multi-family housing to achieve neighborhood compatibility and community character objectives is given high priority by the City's General Plan. this is a higher priority than achieving maximum density in order to meet housing objectives.
- The Planning Commission must use discretion in the application of the City's Design Guidelines to ensure that requirements for design do not *unreasonably* constrain development of the proposed project.

The proposed project incorporates a range of usable open space areas sufficient to meet open space needs of residents e.g. open turf areas, including front yards, patios, and common usable areas designed for limited active play

There is an opportunity to design a small, central open space plaza/court yard feature in the area between the Buildings 2 and 3 and the proposed play area. Such an area would strengthen a sense of community within the project by providing an area where residents may informally gather, socialize, and watch over children playing. This opportunity should be explored during subsequent Design Review

2. Site and Building Design Regulations and Standards

The applicant proposes a Planned Development to relax standards prohibiting parking in the rear yard setback. The proposed project otherwise conforms to zoning standards for height, setback and building separation as follows.

Standard	Requirement	Proposed Development
Maximum Density	22 du/ac 1980 sq.ft/unit	21 du/ac 2007 sq.ft/unit
Lot Coverage:	60%	25%
Building Height:	30' maximum	27'
Yard Areas.		
- Front	15'	15'
- Side	5'	5'
- Rear	15'	15'*
Building Spacing	27'	27'
Parking		
- Spaces	56 covered	56 uncovered**
- Ldscp sq.ft.	1083 sq.ft. (5%)	1460 sq.ft.
- Trees	6 (1/200)	8
- Driveways	24'	24' (two way)
Usable Open Space	300 sq.ft /unit	387 sq.ft/unit***

* Planned Development will enable parking in the rear yard setback.

** Waiver for covered parking requested.

*** See Open Space Plan.

Buildings – The proposed design and materials of the building facades, resembling the previously approved project, do not conform to *Building Location* and *Building Composition* standards for this type of development (stacked flats) contained in the City’s adopted Design Guidelines (Chapter 6) Guideline recommendations for open space design, building articulation (vertical and horizontal relief), window, doorway and roof treatment are appropriate in this case.

Additional attention to the appearance of the Monterey Street elevations will achieve compatibility with the mixed residential character of the surrounding neighborhood. Elevations should demonstrate details sufficient to achieve compliance with Design Guidelines. *Staff recommends subsequent Design Review by the Planning Commission to address these concerns*

Landscaping – Landscaping is oriented toward the interior of the site to create more usable open space adjacent and between buildings. One-foot and three-foot landscape strips are proposed adjacent to side and rear lot lines, respectively. These areas are wide enough to accommodate vines (side lot lines) and shrubs and trees (rear lot lines) which will soften the appearance of the seven-foot concrete walls along the property lines. This treatment is compatible with existing improvements on adjacent properties, including a driveway and the rear facades of apartment units.

Parking and Circulation – Parking is proposed to be located within the required rear yard setback, all of which is encumbered by a 20-foot Utility Easement benefitting Pacific Telephone over which no structures may be constructed. This parking configuration allows for the provision of greater usable open space within the center of the site. Parking spaces are served by a 24-foot wide, two-way drive-aisle. The applicant has requested a waiver from covered parking requirements and has requested a Conditional Use Permit for Planned Development to enable parking within the rear yard setback (see attached applicant's statements). Parking and adjacent driveway aisle dimensions are consistent with City of Soledad, Public Works Dept. Design Standards and Specifications (Standard Plan No 41)

Alternatives

1. Modify recommended conditions of approval to enable subsequent administrative review and approval by the Public Works Director (rather than Planning Commission) of needed modifications to the project design to achieve conformance with Community Design Guidelines and Standards, or
2. Deny the application without prejudice if, for example, the Planning Commission determines that a reduction of units is appropriate in order to provide for substantially greater usable open space such as a central courtyard or plaza feature as noted previously

Publishing Requirements

This application requires that a public hearing be advertised and held pursuant to Section 17 42.030 of the Soledad Zoning Ordinance. Advertisement of the public hearing was published in the Soledad Bee on June 26, 2013. Notices were mailed to all property owners within a 300-foot radius of the subject property on June 28, 2013

Brian Foucht, Planning Consultant

Susan Hilinski, AICP, Planning Consultant

Attachments

Attachment 1

Resolution No 2013-05

Exhibit A – Findings and Conditions of Approval

Exhibit B - (1) Site Plan, (2) Elevations, (3) Floor Plans, (4) Landscape Plan, (5) Open Space Plan

Attachment 2

Applicant's Statement

RESOLUTION NO. 2013-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOLEDAD
ANNOUNCING FINDINGS AND APPROVING CONDITIONAL USE PERMIT (CUP
2013-03) ALLOWING A PLANNED DEVELOPMENT (PD 2013-01) OF 28
APARTMENT UNITS AND WAIVER OF COVERED PARKING REQUIREMENT ON
PROPERTY LOCATED AT 1904 MONTEREY STREET (APN 022-064-012)**

WHEREAS, the Planning Commission of the City of Soledad has received an application for a Conditional Use Permit, initiated by Brad Slama on behalf of Kenneth Slama, to allow construction of a Planned Development of 28 apartment units and related access, parking, landscaping, other onsite improvements, and public improvements and waiver of covered parking requirement; and

WHEREAS, a 28 unit apartment project may be permitted as a Planned Development in the “R-3 High-Density Multi-Family Residential District,” and waiver of covered parking may be allowed upon approval of a Conditional Use Permit in compliance with City of Soledad Zoning Ordinance Sections 17 14 030.K, 17 14 040 C, 17.38.220 and 17.36 020 G; and

WHEREAS, on July 11, 2013, the Planning Commission conducted a duly noticed public hearing on the Conditional Use Permit request, and considered all public comments received including the testimony of the applicant, and considered the staff report for this item, and

WHEREAS, the Planning Commission has independently reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project is an Infill Development and is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15183.3, and that no further documentation is therefore required under CEQA, and

WHEREAS, the Planning Commission has determined that, subject to conditions, the proposed project complies with all applicable City plans, codes and standards.

THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Soledad hereby approves CUP #2013-03 and Planned Development PD #2013-01 and related waiver of covered parking requirements based upon the findings and subject to conditions set forth in the **Exhibit “A,”** which is attached hereto and made a part hereof.

PASSED AND ADOPTED, at a duly noticed, regular meeting of the Soledad Planning Commission held on July 11, 2013, by the following vote

AYES, and in favor thereof Commissioners.

NOES, Commissioners.

ABSENT, Commissioners.

ABSTAIN, Commissioners

THOMAS STEWART, CHAIRMAN

ATTEST

ADELA P GONZALEZ, CITY MANAGER

EXHIBIT A

CONDITIONAL USE PERMIT

CITY OF SOLEDAD PLANNING COMMISSION

July 11, 2013 - RESOLUTION NO. 2013-05
APPROVAL DATE AND REFERENCE

CUP #2013-03 and PD #2013-01
PERMIT NOS.

APN: APN 022-064-012
ASSESSOR'S PARCEL NO.

Conditional Use Permit No. 2013-03 authorizing the Planned Development of up to 28 apartment units, waiver of covered parking requirements, and related access, parking, landscaping and appurtenant structures and improvements as shown on Exhibits B 1-5 (Site Plan, Elevations, Floor Plans, Landscape Plan, Open Space Plan)

FINDINGS

Section 1· General Plan Consistency

- A. The proposed project is consistent with the City of Soledad General Plan.
- 1 The project site is designated as “High Density Residential” on the General Plan Land Use Plan Map and the proposed project uses are consistent and within the allowable density range. General Plan and Zoning Ordinance provisions 4-16 and Section 17 14 040, respectively allow the development of up to 22 dwelling units per acre.
 2. The project is consistent with General Plan policies promoting provision of safe and decent affordable multi-family housing.
 - 3 Conditions of approval require design adherence to appropriate Community Design Guideline and Standards

Section 2· Zoning Ordinance Consistency

- A. The proposed use is consistent with the City of Soledad Zoning Ordinance·
- 1 The site is zoned R-3 (High-Density Multifamily Residential District) and the use and density range are consistent with the district standards for such.
 2. The proposed site plan, as conditioned, would meet all of the site development requirements of the R-3 District. Modifications to standards of the R-3 District

are allowed through approval of the subject project as a Planned Development. *Such modifications are limited to allowing parking within the rear yard setback.*

B The establishment of the use on the site will not be detrimental to the health, safety, comfort, convenience, or general welfare of persons residing or working in the neighborhood, or detrimental to property and improvements in the neighborhood or to the general welfare of the city because

- 1 The proposed project, as conditioned, is compatible with the surrounding mix of residential uses and will promote and further the achievement of community design standards for Multi-Family Residential Development;
2. The site has adequate services including water, sanitary sewer and storm drainage
- 3 The subject project is located on a designated collector street designed to accommodate the type of infill development proposed and will have no significant effect in the area.
- 4 The facility has adequate on-site parking adequately screened from view of surrounding residential areas.
- 5 No nuisance-causing uses, or uses generating unusual noise, odor, light or vibration or otherwise detrimental to the neighborhood are authorized by this permit.
- 6 The Planned Development enables modification of the zoning standard prohibiting parking in the rear yard of the site. This modification allows for a greater amount of usable open space available to future residents of the proposed project. Additional useable open space will create a more desirable environment for future residents. The rear setback of the proposed project is adjacent to a rail road right-of-way and will not impair the enjoyment or desirability or potential improvement of adjacent properties.

D The proposed Conditional Use Permit has been processed per the City's Zoning Ordinance requirements per Chapter 17 42 to wit:

- 1 An application has been received and accepted by the Planning Department for processing.
2. A Public Hearing Notice was published in the Soledad Bee on Wednesday, June 26, 2013 Public notices were mailed to all property owners within a 300-foot radius of the subject property on June 28, 2013 Hearing notices were posted at City Hall and at least two additional locations in accordance with Government Code
- 3 A duly noticed public hearing was held on July 11, 2013

**CONDITIONS OF APPROVAL
CUP #2013-03 and PD #2013-01**

STANDARD CONDITIONS

- 1 **Appeal Period** Pursuant to Section 17 46 040 of the Soledad Municipal Code, this use permit is subject to appeal to the City Council and shall not become effective and issued until the conclusion of the appeal period of fourteen (14) days, or if an appeal is filed, until the permit is acted upon by the City Council.

2. **Conditions Run with the Land** The terms and conditions of this approval shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assigns of the Permittee.

- 3 **Applicability to Site.** This use permit approval applies only to the physical site, structures and uses shown on the Site Plan, Floor Plan, Landscaping and Open Space Plans, and architectural drawings (Elevations), attached hereto as **Exhibit B**, which are made a part of this permit except as may be modified by these conditions. Notwithstanding this requirement, minor changes in site design and elevations from those shown on the approved site plan may be made, subject to review and approval of modified site plan by the City Community Development Director or designee

- 4 **Completion of Infrastructure Improvements** All infrastructure improvements required to serve the development pursuant to these conditions and City standards (e.g., streets, sidewalks, fire hydrant(s), storm drainage, sanitary sewer, water, undergrounding of gas, electric, telephone and cable, utilities, landscaping and other improvements and appurtenances) shall be designed and installed or constructed to the satisfaction of the City prior to the issuance of prior to the issuance of any building permit(s) or certificate of occupancy, as applicable Landscaping shall be installed by the Project Developer and inspected and approved by the City and/or by a qualified person approved by the Public Works Director, prior to occupancy

- 5 **Offers of Dedication** Any offers of dedication, and bonding or other financial security, or development agreement(s) concerning same and as specified in the project conditions below shall be prepared by the Project Developer, and reviewed as to form, accuracy, and sufficiency by the City Attorney

- 6 **Compliance with Project Conditions.** All project conditions as set forth herein shall be placed on the top sheet of building plan sets for all building construction on the project site. Unless otherwise provided for as a project condition to this use permit, all conditions must be completed to the satisfaction of the City prior to issuance of a certificate of occupancy and commencement of the activities allowed by this permit.

- 7 **Code Compliance.** All construction, improvements and uses shall be in accordance with zoning, building, fire, and all other codes and ordinances of the City of Soledad or agencies that have regulatory jurisdiction over the project. All such requirements shall

be met and any outstanding fees paid prior to issuance of a certificate of occupancy, except for those items agreed to by the owner and the Building Official.

- 8 **Grounds for Permit Revocation** Failure to establish the use authorized by this Permit within two years from the date of issuance, unless otherwise extended, shall be grounds for revocation of this Permit. Failure to comply with the conditions specified herein as the basis for approval of this application and issuance of this approval constitutes cause for the revocation of the Permit in accordance with the procedures set forth in the Soledad Municipal Code Section 17 42.070

- 9 **Cost Reimbursement.** Project Developer shall reimburse the City of Soledad for all engineering, inspection, legal, and administrative expenses, incurred or to be incurred by the City in connection with this development, including expenses incurred through the use of outside consultants and additional inspectors, where necessary. At the time of submission of improvement plans for the project, the Project Developer shall enter into a Reimbursement Agreement and deposit not less than eight thousand dollars (\$8,000) into a developer account set up by the City for the purpose of providing the City with said reimbursement. The City shall account to Project Developer for all expenses for which reimbursement is claimed, providing copies of all back-up materials in a timely manner, and shall return any portion of said deposit in excess of the actual amount of expenses incurred. If, in the judgment of the Public Works Director, it appears that the amount deposited shall not be sufficient to cover all expenses, Project Developer shall, within fifteen (15) days after written request from City, make an additional deposit of funds in an amount determined by the Director to be sufficient to make up the deficiency. At no time after submission of improvement plans shall the balance of the deposit fund be less than one thousand dollars (\$1,000). The need for the maintenance of this account shall cease upon compliance with all project conditions and code requirements.

- 10 **Hold Harmless and Indemnification** Applicant/Project Developer shall indemnify and hold harmless the City, its elective and appointive boards, commissions, officers, agents and employees from all damages, injuries, claims and any and all liability and costs arising from or about the site or in connection with the conduct of business thereon. Applicant/Owner agrees to, and shall, defend City, its elective and appointive boards, commissions, officers, agents and employees, from any suits or actions at law or equity from damages caused, or alleged to have been caused, by reason of the aforesaid design, construction and uses of the involved site pursuant to this Use Permit. Except as provided above, the terms of this paragraph shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of the aforesaid design or operations referred to herein, regardless of whether or not City has prepared, supplied or approved of plans and or specifications for use of the proposed site. To the extent that Applicant is required to indemnify and hold harmless the parties listed above, it shall have the right to control the litigation, including but not limited to contracting for counsel of its choice, and accepting or rejecting any settlement offer

PROJECT SPECIFIC CONDITIONS

- 11 **Architectural Design Approval.** Prior to issuance of a Building Permit for the proposed project, Project Developer shall submit revised building elevations, site plan and landscape plan for Architectural Design Approval by the Planning Commission. Revised plans shall demonstrate conformance with applicable provisions of Community Design Guidelines and Standards Design Standards contained in Chapter 6 of the Guidelines. In particular, revisions shall address applicable Building Composition, Building Characteristics and Building Materials for Stacked Flats. Landscape plans shall address tenets for Streetscape and Common Areas.
12. **Architectural Changes.** Following Architectural Design Approval by the Planning Commission, minor site plan or architectural changes may be approved by the Community & Economic Development Director or designee.
- 13 **Final Landscaping Plan Required** Prior to issuance of the first building permit, Project Developer shall submit a final landscape plan for review and approval by the Community Development Director. Landscaping and irrigation shall be installed prior to occupancy in compliance with the provisions of Chapter 15 10 of the Soledad Municipal Code (SMC).
- 14 **Inclusionary Housing Ordinance Compliance Required** Prior to issuance of the certificate of occupancy, the Project Developer shall demonstrate compliance with Soledad Municipal Code Section 17 41 requiring the provision of affordable housing or the payment of in-lieu fees toward the development of such housing as may be approved by the City Council in accordance with the provisions of this section.
- 15 **Encroachment Permit and Right-of-Way Improvements.** An encroachment permit shall be obtained from the City for any construction work that will be performed within the public right-of-way, and a contractor licensed in the State of California shall be responsible for construction of any such future work. Any improvements in the public right of way shall be designed by a Civil Engineer licensed in the State of California and installed to the satisfaction of the Public Works Director or City Engineer
- 16 **Engineering Studies/Calculations** All engineering design work, including, but not limited to, design of storm sewers and appurtenances, sanitary sewers and appurtenances, storm drainage facilities, and water systems and appurtenances, street improvements and sidewalks, including geometrics, sight distances, lighting, retaining walls, signing and striping; and landscape irrigation and appurtenances, shall be supported by applicable engineering studies/calculations completed by a licensed civil engineer or qualified licensed professional in the State of California, subject to the review and approval of the City
- 17 **Improvement Plans** Project Developer shall complete all offsite and onsite improvement plans consistent with these conditions and City requirements, and said plans shall be approved by the City prior to issuance of building permits

18. **Required Onsite/Offsite Improvements** Proposed onsite and off-site improvements shall be constructed in conformance with applicable City of Soledad Design Standards and Specifications to the satisfaction of the Public Works Director and as further stipulated herein.
- a. **Storm Water Management.** (1) In accordance with the provisions of Chapter 13.52 of the Soledad Municipal Code, a storm water permit shall be obtained prior to the issuance of any grading or building permit for the project. As part of the storm water permit application, Project Developer shall prepare and submit a Stormwater Quality Plan, including a Storm Water Pollution Prevention Plan (SWPPP), for City review and approval. Said plan shall incorporate Best Management Practices and improvements to adequately manage and control of storm water runoff, erosion and sedimentation in compliance with the requirements of Chapter 13.52. The SWPPP shall incorporate measures as needed to ensure that runoff from any source during construction will be retained onsite or disposed offsite to an adequate storm water facility SWPPP measures shall be included in the contractor work specifications that are reviewed and approved by the City and shall be placed on the project grading and construction plans.
 - b. **Storm Drainage Improvements.** Project Developer shall prepare and implement a storm drainage improvement plan supported by storm drain calculations, consistent with the requirements of the 2008 Public Works Design Standards and Chapter 13.52 of the Soledad Municipal Code—Storm Water Quality All drainage improvements shall be constructed consistent with the improvement plan as approved by the City, and Project Developer shall be responsible for the continued maintenance of onsite drainage facilities consistent with the Soledad Municipal Code.
 - c. **Water Mains and Appurtenances.** Project Developer shall construct adequate onsite water system improvements for commercial, fire and landscape irrigation purposes in accordance with Public Works Design Standards and Fire Code fire flow requirements. The water system shall be looped and water meters clustered wherever possible on-site to serve each use Back-flow preventers on the State Approved List shall be installed where required by the City Engineer
 - d. **Sanitary Sewer Improvements.** Project Developer shall construct the necessary connections to the existing sanitary sewer system within the project frontages in accordance with the Public Works Design Standards. In addition, a clean-out shall be installed at the street right-of-way for each connection to the City's sewer mains.
- 19 **Construction Dust Control.** Project Developer shall prepare a Dust Emissions Control Plan for review and approval by the City prior to issuance of any grading or building permit. Dust emission control measures shall be included in the contractor work specifications that are reviewed and approved by the City and shall include the following:

- Watering all active construction areas and areas of disturbed soils at least twice daily and more frequently during periods of high winds exceeding 15 miles per hour;
- Suspension of all grading operations during periods of high wind speeds if watering activities are inadequate to control airborne dust as may be determined onsite by the City Engineer;
- Covering material storage piles if inactive for more than 72 consecutive hours,
- Covering all loose materials transported off-site, or requiring trucks to maintain at least two-feet of freeboard and watering all loose materials,
- Applying non-toxic binders to previously graded portions of the site if inactive for fourteen days or longer; and
- Water sweeping adjacent public streets at the end of each day –water sweepers shall vacuum excess water to avoid runoff-related degradation of water quality

20 **Archaeological Remains.** Should human remains be discovered during project implementation, further disturbance of the project site shall cease until the Monterey County Coroner and, if necessary, the Native American Heritage Commission is contacted. Upon recommendation of a qualified archaeologist, appropriate mitigation measures may be implemented at Project Developer's expense. When Native American archaeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archaeologists and appropriate Native American representatives. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted.

21 **Hazardous Materials.** In the event that subsurface structures are encountered during the development of the site, caution should be exercised in determining whether or not these structures contain hazardous substances, and, where there is any uncertainty, the Monterey County Department Division of Environmental Health shall be contacted for assistance. If they contain any hazardous material(s), they should be removed, handled, transported, and disposed of in accordance with the applicable local, state, and federal guidelines.

22. **Construction Hours.** All construction and construction preparation activities, including refueling, equipment repairs and vehicle, machinery and equipment warm-ups, shall be limited to the following hours and days.

Between the hours of 7:00 a.m. and 7:30 p.m. weekdays,

Between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays,

Prohibited on Sundays and all City-approved holidays unless written permission is received from the City Manager

23 **Impact Mitigation Fees and Funding of Public Improvements Maintenance.** Project Developer shall pay all water, sanitary sewer, storm drain, park, public safety, general government, local and regional (TAMC) transportation impact fees in accordance with established fees set by ordinance and resolution and based upon the date of building permit application filing.

I hereby declare under penalty of perjury that I have read the foregoing conditions and that they are, in fact, the conditions which were imposed upon the granting of this permit. I agree to abide fully by these conditions.

Applicant Signature

Date

NOTE. Issuance of this Permit does not waive obtaining any applicable Building Permits before starting construction or initiating the use, nor does it waive any other applicable requirements of law

City Manager

Date

June 28, 2013
Brian Foucht
BGF Planning
c/o City of Soledad

Re Request for Planned Development – 1904 Monterey Street

Dear Brian,

Upon consultation with you and City of Soledad staff, we are submitting a request for a Planned Development permit to allow construction of a 28-unit apartment project located at 1904 Monterey Street. We believe that the project as submitted results in a better project than what could be accomplished under strict zoning requirements, and will be a benefit to the Monterey Street neighborhood and bring the City of Soledad much needed market rate multi-family dwellings.

The proposed project is a 28 unit two-bedroom, two-story multi-family apartment project located at 1904 Monterey Street in the southeast area of Soledad. Unlike a majority of the apartment complexes built in the last number of years in Soledad, the proposed project is a new construction market-rate project open to all residents.

This prime infill site is 1.29 acres in size, and has been vacant for over ten years. Back in 2003, the previous property owners gained approval from the Planning Commission for a new apartment complex that was not built. The current project is based on that Planning Commission approval, but includes a number of enhanced features that improve upon the original approved design.

The project consists of four two-story buildings, with Building 1 and 4 oriented towards the center of the complex and contain 6 units and measure 5,312 square feet each. Buildings 2 and 3 front the project site on Monterey Street, each contain 8 units, and measure 7,094 square feet. These buildings also include laundry areas at the rear of the buildings. The buildings measure 21 feet in height. Given the dimensions of the lot, the parking has been effectively located at the rear of the project, hiding the parking lot from the street view and focusing attention on the buildings and landscaping along Monterey Street. By requesting a deviation from the rear and side setback requirements for parking and landscaping, the project includes open space that exceeds minimum requirements, including more useful open space and landscaping in the main project area, providing increased enjoyment for the residents within the complex itself. By making these changes, the project is also able to include a centralized children's play area, a feature that was not included in the previous approval. These changes help in meeting the intent of the planned residential development ordinance in order to provide common open space that will be easily accessible to all the occupants of the development and usable for open space and recreational uses.

The project is compatible with the neighboring R-3 properties located on the south side of Monterey Street, and the proposed design and new construction will provide a significant improvement to this older neighborhood, while remaining in character with existing structures on adjacent properties. By locating driveways and parking areas away from the single family homes on the other side of the street, the project ensures compatibility and harmony between zoning districts. The design of the project provides adequate distance between buildings, sufficient building setbacks, and compatible building height with the neighborhood. The project will provide a significant amount of open space, and will provide sufficient parking for tenants, along with a long frontage along Monterey Street for additional

overflow parking and guests. The development of the project will have a positive impact by filling a sizable infill lot, which will improve the appearance of the neighborhood

Our purpose for requesting the Planned Development permit is to allow for Planning Commission consideration of the following two issues that would be required under traditional zoning:

1) Allowing Parking in the Rear Setback

Section 17.36.020 requires that parking spaces not be located in the required setback areas, which is 15 feet for the rear setback. While this rule serves well for standard residential lots that are generally twice as deep as they are long, the subject property has a unique orientation where the parcel is almost three times as wide as it is deep. Following this standard creates an unusable 15 foot strip for almost 400 feet, or about 10% of the total property. This strip is of little value as open space due to its narrowness and the immediate proximity of the Union Pacific Rail Line. Since the rear of the property is buffered by the rail line, moving the parking as far back as possible should have no negative effect on neighboring properties. While we could build a project and bring in the parking the 15 feet that are required, it would result in us building a long, monotonous single building, which is something we believe would be architecturally inferior and not serve our future tenants well. In addition, allowing the parking in its proposed location will have a positive aesthetic effect by making most of the cars invisible from the public right-of-way and providing views to the buildings themselves instead of a giant parking lot.

2) Removal of the Requirement for Covered Parking

Strict application of the parking requirements would require that the project include covered parking. The Planning Commission is permitted to waive this requirement for any project over five units and has consistently done so in the past in multifamily projects and created established precedent in the City of Soledad. There are no projects of similar size in Soledad that have this feature. Given the extra space required for posts and canopies, we believe that the ability to include more parking spaces on the property is of greater benefit to the neighborhood as a whole than requiring that the tenant spaces be covered.

In conclusion, we believe that the requested changes are consistent with past Planning Commission actions and will provide for a quality project and bring a new option for future residents who are currently struggling to find a place to live in a very tight housing market.

We believe this project meets a significant need in Soledad. We understand that there are many people who for whatever reason do not need or want to purchase a large new single-family home, but would like the option to live in Soledad in a new project that meets current codes and doesn't have the restrictions of publicly subsidized housing. Not only is there a significant need for new multi-family construction, this project will be a significant infill project which can utilize existing infrastructure, without requiring the need for annexation or the loss of valuable Salinas Valley farmland. The project will provide a much needed children's play area which will eliminate the need for young children to have to walk all the way to Vosti Park. I look forward to answering any questions you or the Commission may have at the hearing. Please feel free to contact me if you have any concerns or questions.

Sincerely,

Brad Slama

PROPOSED MULTIFAMILY DEVELOPMENT
MONTREY APARTMENTS
 SOLIDAD, CALIFORNIA

DATE: _____
 DATE: _____

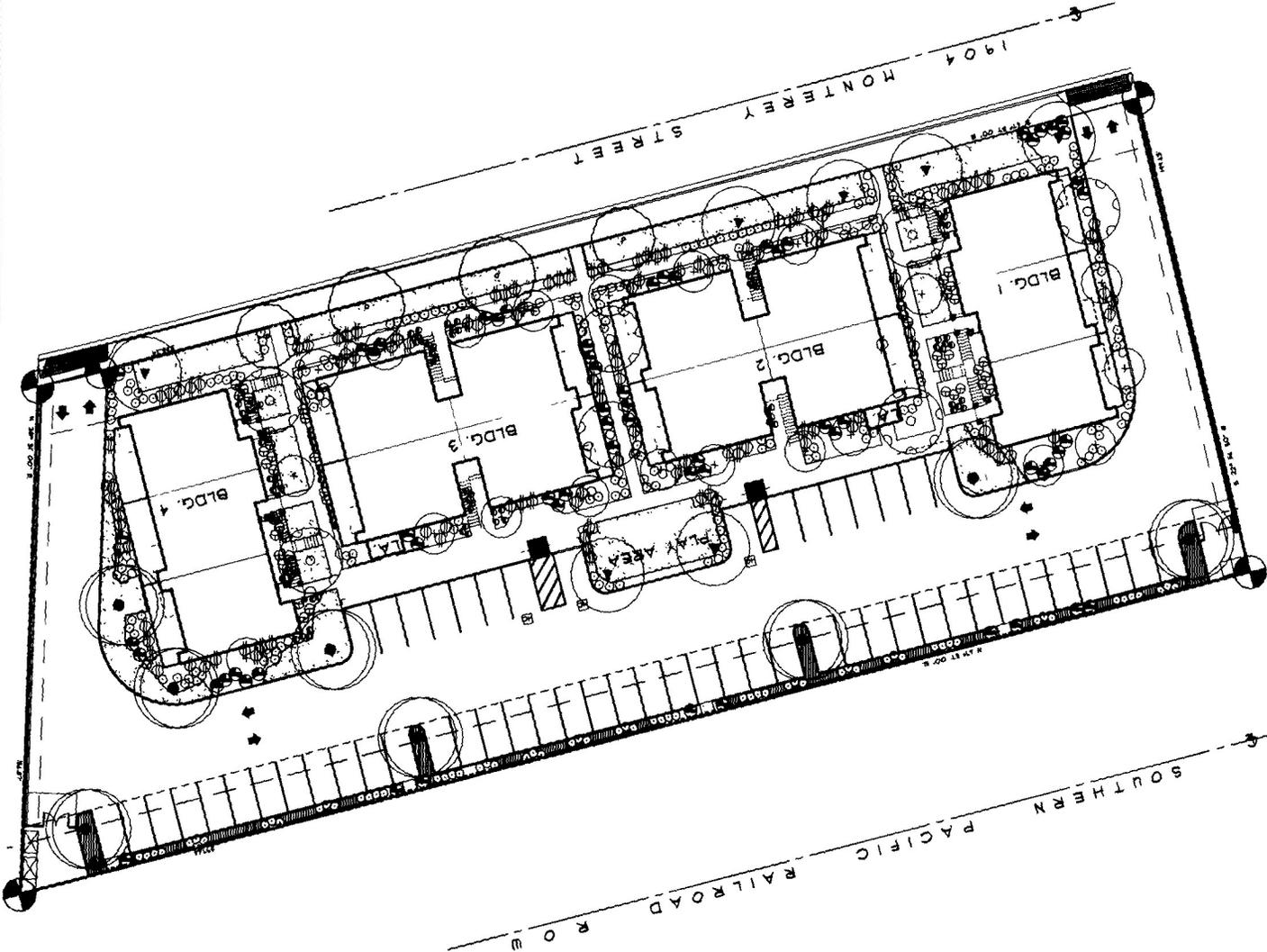
CONSECUTIVE SHEET NO. _____
 OF _____ TOTAL

DRAWING NO. **L1**

DATE: MAR 26, 2015

FRANK E. ARRYANO - ARCHITECT
 1710 N. BLACKSTONE AVENUE, SUITE 311
 BIRMGHAM, CALIFORNIA 94724
 (925) 224-7821
 FACSIMILE: (925) 224-7123

LANDSCAPE SITE PLAN

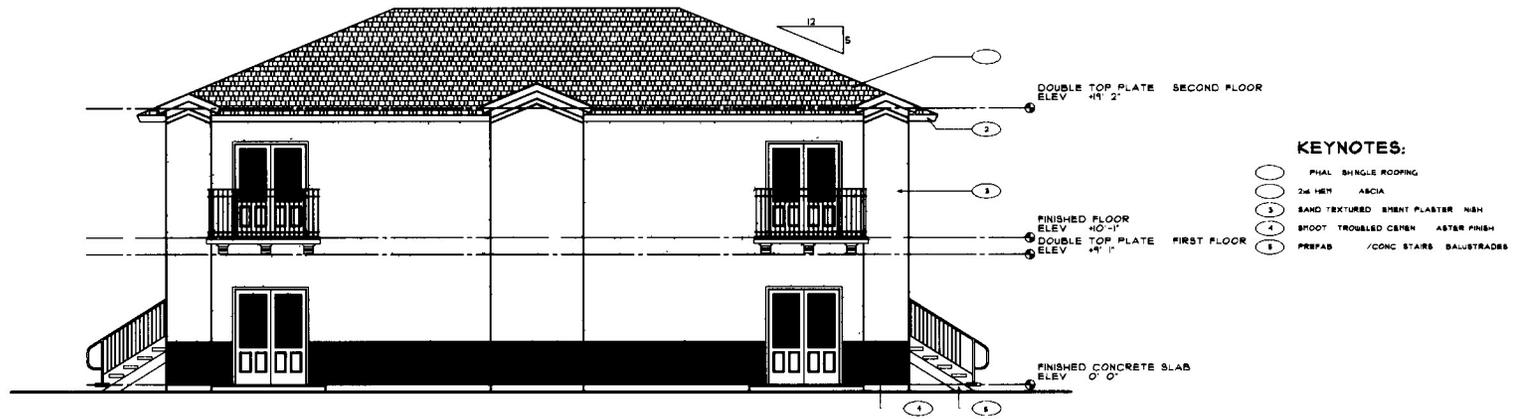


1. ALL PLANT MATERIALS TO BE SPECIALLY ORDERED FROM THE MANUFACTURER AND DELIVERED TO THE PROJECT SITE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL PLANT MATERIALS AND SHALL MAINTAIN THE RECORD FOR ALL PLANT MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER THE COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE RECORD FOR ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER THE COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE RECORD FOR ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER THE COMPLETION OF THE PROJECT.

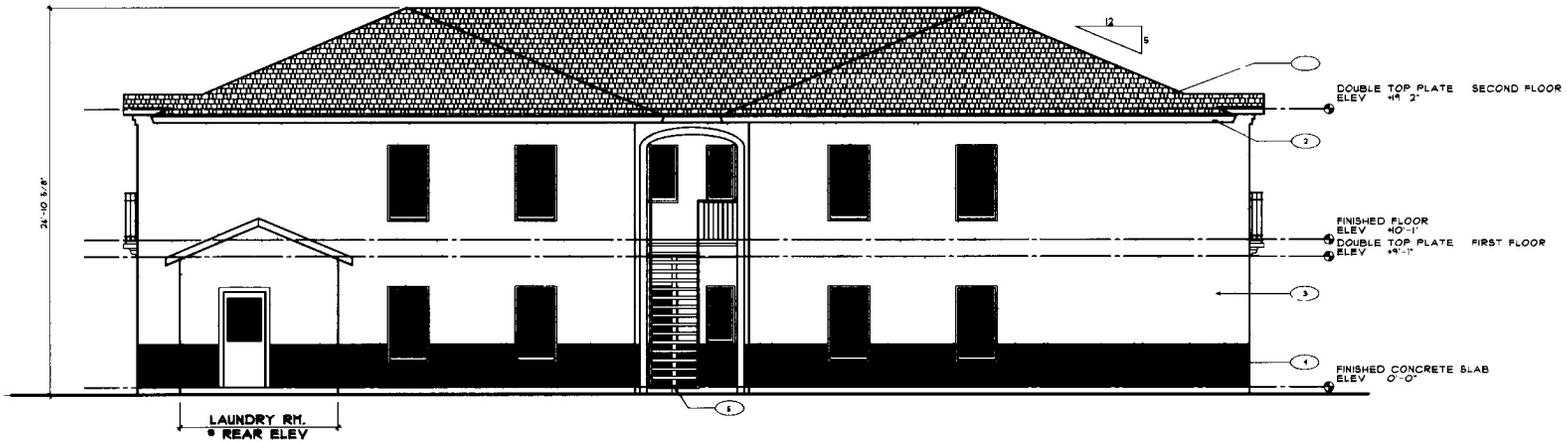
LANDSCAPE NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PLANT MATERIALS TO BE SPECIALLY ORDERED FROM THE MANUFACTURER AND DELIVERED TO THE PROJECT SITE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL PLANT MATERIALS AND SHALL MAINTAIN THE RECORD FOR ALL PLANT MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER THE COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE RECORD FOR ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER THE COMPLETION OF THE PROJECT.
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KEY	DESCRIPTION
+	LEPTOSPERMUM LAEVIATUM (5 GAL TEA TREE (TREE FORM))
o	PIRUS C. REDSPRUE (5 GAL ORNAMENTAL PEAR)
△	PISTACIA CHINENSIS (5 GAL CHINESE PISTACHE)
○	ULMUS PARVIFOLIA DYNASTY (5 GAL EVERGREEN ELM)
●	PERALGONIUM PELTATUM (1 GAL IVY GERANIUM)
⊕	ASTILBE ARENDSI PEACH BLOSSOM (1 GAL FALSE SPINAKA)
⊕	CISTIS PURPUREUS (5 GAL ROCKROSE)
⊕	NANDINA COMPACTA (1 GAL HEAVENLY BAMBOO)
⊕	LANTANA LAENDER SWIRL (1 GAL LANTANA)
⊕	CELANOTHUS JULIA PHELPS (5 GAL WILD LILAC)
○	BUDDELEIA DAVIDII NANHOENSIS (5 GAL BUTTERFLY BUSH)
○	SODDED SQUARE RESCUE LAWN
	HYPOPHYPH P. PUTAH CREEK (1 GAL TO O.C. TROPHIUM)



BUILDING 2. SOUTH ELEV
(BUILDING 3. SIMILAR)



BUILDING 2. MONTEREY STREET & REAR ELEVATION (SIM.)
(BUILDING 3. OPPOSITE HAND)

BUILDING 2.
EXTERIOR ELEVATIONS

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

 <p>FRANK E. ARROYANO - ARCHITECT 4210 N. BLACKSTONE AVENUE, SUITE 304 FRESNO, CALIFORNIA 93726 (559) 224-9167 FACSIMILE: (559) 224-9182</p>	ARCHITECT'S SEAL 	PROPOSED MULTI-FAMILY DEVELOPMENT MONTEREY APARTMENTS A GUTIERREZ DEVELOPMENT SOLEDAD, CALIFORNIA REVIEW: _____ DATE: _____ PREPARED BY: _____ DATE: _____ CONSULTANT'S: _____ DATE: _____ ARCHITECT'S: _____ CONSECUTIVE SHEET No. _____ OF _____ TOTAL DRAWING No. A5.2 OF _____ DRAWINGS
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