AGENDA

REGULAR MEETING OF THE

PLANNING COMMISSION

TUESDAY, AUGUST 2, 2016
6:00 P.M.

LOCATION: CITY HALL, COUNCIL CHAMBERS
212 S. Vanderhurst Avenue, King City, CA

1. **CALL TO ORDER**
2. **ROLL CALL:**

   Planning Commission Members: Michael Barbree, Margaret Raschella, Ralph Lee, Vice Chairperson David Mendez, and Chairperson David Nuck

3. **FLAG SALUTE**
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. **Approval of Minutes:** August 2, 2016

7. **PUBLIC HEARINGS**

   a. **Project:** Conditional Use Permit ***("CUP")***, Architectural Review ***("AR")*** and Variance ***("VAR")*** to permit agricultural employee housing for 216 agricultural employees located at 218 North First Street.

   Case No.: CUP 2016-001, AR 2016-001, VAR 2016-001

   Applicant: David Gill, Rio Farms and Steve Scaroni, SFCOS

   Proposal: The proposal is to convert a portion of a former tomato processing facility located at 218 North First Street into temporary agricultural employee housing for H2A VISA Agricultural Employee Housing Program. The proposed remodel of the interior of the former Meyer Building will upgrade the building to include sleeping area, dining area, a manager's apartment, bathrooms, bus loading/unloading area, parking for visitors and employees and a small outdoor recreation area. The property is designated General Commercial on the General Plan and First Street Corridor ***("FSC")*** zoning district.

   Public hearing on CUP/AR/VAR was continued from March 1, 2016 to April 19, 2016 to May 17, 2016 to June 7, 2016.

Location: 218 N. First Street, King City, CA 93930

Environmental Determination: Mitigated Negative Declaration approved by Planning Commission on March 1, 2016.

Recommendation: Continue CUP Case No. 2016-001, AR Case No. 2016-001 and VAR Case No. 2016-001 to the **September 6, 2016** Planning Commission meeting.

b. Project: Parcel Map **("PM")**

Case No.: PM2016-001

Applicant: Smith-Monterey

Proposal: Meyer Lot Split Parcel Map Application

Location: 2108 No. First St., King City CA. 93930

Recommendation: Staff recommends the Planning Commission ***ADOPT*** the attached resolution which approves the tentative parcel map.

c. Project: Repealing and Replacing Chapter 17.03 Title 17, Zoning of the City of King Municipal Code to Allow the Establishment, Operation and Regulation of Commercial Cannabis Business to include expanded Cultivation; Nurseries; Manufacturing; and, Testing of Medical Cannabis and Medical Cannabis Products

Amending the East Ranch Business Park Specific Plan to allow the location and operation Commercial Cannabis Business to include expanded Cultivation; Nurseries; Manufacturing; and, Testing of Medical Cannabis and Medical Cannabis Products

Case No.: Zoning Code Amendment Case No. **ZC 2016-003**
Specific Plan Amendment Case No. **SPA 2016-001**

Applicant: City of King

Project Title: Discussion and review of Medical Cannabis Regulatory Ordinance (City of King Ordinance 2016-728) to allow for cultivation, nurseries, manufacturing and testing.

Location: **ZC 2016-003 (Ord 2016-728)** will impact all areas of City lying within the M-1, M-2 and M-3 Zoning Districts and within the East Ranch Business Park Specific Plan.

Project Description: Establishment, Regulation and Operation of Medical Cannabis Businesses

The proposed Regulatory Ordinance will allow and regulate the operation of Commercial Cannabis businesses. This Code Amendment will allow for the expanded commercial cultivation of cannabis and add nurseries, testing and manufacture of medical cannabis products. All other commercial or personal cannabis activity, including but not limited to cultivation, other than allowed by the ordinance, delivery, dispensary, distribution, or transporting (other than to transport cultivated product outside of the jurisdictional boundaries of the City) remains prohibited.

Project Title: Continuation of 2016-001 Amendment to the East Ranch Business Park Specific Plan ("ERBP-SP").

Location: The ERBP-SP is located in the northeast portion of the city, near the airport and bordered by Metz Road, Bitterwater Road, and Airport Drive with San Antonio Drive dissecting the Project area.

Project Description: Amendment to allow Location and Operation of Medical Cannabis Businesses

The Amendment will amend pertinent provisions of the ERBP-SP, including but not limited to the Development Standards, to allow for expanded commercial cultivation of Marijuana (on a large scale basis), and the addition of nurseries, testing and manufacture of medical cannabis products. All other commercial or personal cannabis activity, other than transporting the cultivated product out of the City of King to other state licensed entities, shall be prohibited and banned. This ordinance will not change any other provisions of the ERBP-SP other than those enumerated herein.

Environmental Determination: Proposed Mitigated Negative Declaration. The period within which comments will be received from the public will be during the Public Review Period which runs from **August 17, 2016 to September 17, 2016.**

Recommendation: ZC 2016-003: Receive comment from staff and public. Provide comment to be transmitted to City Council

SPA 2016-001: Continue until regularly scheduled hearing of September 6, 2016.

IS/MND: Continue until regularly scheduled hearing of September 6, 2016

8. REGULAR BUSINESS

a. Project: Planning Commission Interpretation

Case No.: PCI2016-002

Applicant: MARIO BUTKOVIC

Proposal: Rezone

Location: 215 Jayne St., King City CA. 93930

Recommendation: Staff recommends that the Planning Commission determine that the proposed use is not consistent with the current land use designation.

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

NOTES

WRITTEN MATERIAL: Any writing or document pertaining to an open session item on this agenda which is distributed to a majority of the Planning Commission after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the Community Development Department, 212 S. Vanderhurst Avenue, King City, Ca, during normal business hours, and may be posted on the City's website identified above.

AGENDA ITEM SPEAKING TIME: The Planning Commission may limit persons speaking on an agenda item to three (3) minutes per item.

AMERICANS WITH DISABILITIES ACT: Any individual, who because of a disability needs special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (831) 385.3281. Whenever possible, requests should be made four (4) working days in advance of the meeting

UPCOMING REGULAR MEETINGS

AUGUST 2016		
August 2nd	6:00 p.m.	Planning Commission
August 8th	6:00 p.m.	Airport Advisory Committee
August 9th	6:00 p.m.	City Council
August 16th	6:00 p.m.	Planning Commission
August 23rd	6:00 p.m.	City Council

SEPTEMBER		
September 6th	6:00 p.m.	Planning Commission
September 12th	6:00 p.m.	Airport Advisory Committee
September 13th	6:00 p.m.	City Council
September 20th	6:00 p.m.	Planning Commission
September 27th	6:00 p.m.	City Council

THE CITY OF KING GLOSSARY

ADT: Average daily trips made by vehicles or persons in a 24-hour period

ALUC: Airport Land Use Commission

AMBAG: The Association of Monterey Bay Area Governments. The AMBAG region includes Monterey, San Benito and Santa Cruz Counties, and serves as both a federally designated Metropolitan Planning Organization and Council of Government. AMBAG manages the region's transportation demand model and prepares regional housing, population and employment forecast that are utilized in a variety of regional plans.

APCD: Air Pollution Control District

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

CC&Rs: Covenants, Conditions, and Restrictions (private agreements among property owners; the City has no authority to enforce these)

CDBG: Community Development Block Grant (a federal grant program designed to benefit low and moderate income persons)

CEQA: California Environmental Quality Act

CFD: Community Facilities District

COG: A council of government, or regional council, is a public organization encompassing a multi-jurisdictional regional community. It serves the local governments by dealing with issues that cross political boundaries.

CUP: Conditional Use Permit

EIR: Environmental Impact Report

Ex-Parte: Communication between Planning Commissioners and applicants outside of a public meeting

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

HOME: Home Investment Partnership Act (a federal program to assist housing for low and moderate income households)

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

HUD: U.S. Department of Housing and Urban Development

LAFCO: Local Agency Formation Commission

LID: Low Impact Development (measures to reduce rainwater runoff impacts)

LLA: Landscaping and Lighting District

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

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

MOU: Memorandum of Understanding

MND: Mitigated Negative Declaration

MPO: A metropolitan planning organization is a federally mandated and federally funded transportation policy-making organization, such as AMBAG, that is made up of representatives from local government to help implement transportation projects and projects.

Neg Dec: Negative Declaration (a CEQA statement that a project will not have a significant effect on the environment)

NEPA: National Environmental Policy Act

SOI: Sphere of Influence.

TAMC: The Transportation Agency for Monterey County develops and maintains a multimodal transportation system for Monterey County. TAMC consists of local officials from each Monterey city (12 cities) and five (5) county supervisorial districts, and ex-officio members from six (6) public agencies.

TOT: Transient Occupancy Tax

Variance: A form of relief from zoning development regulations based on physical constraints of a property that prevents development of the same type of buildings allowed on other properties within the same zone and in the same neighborhood

VMT: Vehicle Miles Traveled

Planning Commission Minutes

August 2, 2016

1. Call to Order

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

2. Roll Call

Chairperson David Nuck _X_ Vice Chair David Mendez _X_

Michael Barbree _X_ Margaret Raschella _X_ Ralph Lee _X_

Staff present: Don Funk, Principal Planner, and Maricruz Aguilar, Assistant Planner.

3. Pledge of Allegiance

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

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 19, 2016

Action: Motion made by Commissioner Raschella to approve minutes of July 19, 2016. Seconded by Commissioner Barbree. Motion carried 5-0.

7. Public Hearing Items

a. **Project:** Conditional Use Permit ***("CUP")***, Architectural Review ***("AR")*** and Variance ***("VAR")*** to permit agricultural employee housing for 216 agricultural employees located at 218 North First Street.

Case No.: CUP 2016-001, AR 2016-001, VAR 2016-001

Applicant: David Gill, Rio Farms and Steve Scaroni, SFCOS

Proposal: The proposal is to convert a portion of a former tomato processing facility located at 218 North First Street into temporary agricultural employee housing for H2A VISA Agricultural Employee Housing Program. The proposed remodel of the interior of the former Meyer Building will upgrade the building to include sleeping area, dining area, a manager's apartment, bathrooms, bus loading/unloading area, parking for visitors and employees and a small outdoor recreation area. The property is designated General Commercial on the General Plan and First Street Corridor ***("FSC")*** zoning district.

Public hearing on CUP/AR/VAR was continued from March 1, 2016 to April 19, 2016 to May 17, 2016 to June 7, 2016.

Location: 218 N. First Street, King City, CA 93930

Environmental Determination: Mitigated Negative Declaration approved by Planning Commission on March 1, 2016.

Recommendation: Continue CUP Case No. 2016-001, AR Case No. 2016-001 and VAR Case No. 2016-001 to the August 16, 2016 Planning Commission meeting.

Community Development Director, Doreen Liberto-Blanck presented this item.

Action: Motion made by Commissioner Raschella to **CONTINUE** the public hearing of CUP2016-001, AR2016-001, VAR2016-001, to the **August 16, 2016** Planning Commission meeting. Seconded by Commissioner Mendez. Motion carried 5-0.

b. Project: Parcel Map **("PM")**

Case No.: PM2016-001

Applicant: Smith-Monterey

Proposal: Meyer Lot Split Parcel Map Application

Location: 218 No. First St., King City CA. 93930

Recommendation: Continue Tentative Parcel Map Case No. 2016-001 to the August 16, 2016 Planning Commission meeting.

Community Development Director, Doreen Liberto-Blanck presented this item.

Action: Motion made by Commissioner Rascella to **CONTINUE** Tentative Parcel Map Case No. 2016-001 to the **August 16, 2016** Planning Commission meeting. Seconded by Commissioner Mendez. Motion carried 5-0.

8. Regular Business- None

9. Planning Commission Report –

10. Director Reports- Community Development Director Liberto-Blanck handed out the City Newsletter and the Economic Development Pamphlet.

11. Written Correspondence– None

12. Adjournment

There being no more business, the Planning Commission meeting was adjourned at 6:06 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King

AGENDA ITEM: 7 (a)
ACTION:_____

DATE: **AUGUST 16, 2016**

TO: **PLANNING COMMISSION**

FROM: **DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOMENT DIRECTOR**

RE: **SGH Holding LLC CUP Case No. 2016-001, AR Case No. 2016-001 and VAR Case No. 2016-001 (218 North First Street)**

RECOMMENDATION:

Continue CUP Case No. 2016-001, AR Case No. 2016-001 and VAR Case No. 2016-001 to the **September 6, 2016** Planning Commission meeting.

BACKGROUND

218 North First Street is now owned by SGH Holdings, LLC ***("Applicant")***. The applicant proposes to convert a portion of the Meyer Building to temporary agricultural employee housing using the H2-A Visa Housing Program. The gross area of the remodel is approximately 36,700 square feet of an 84,000 square foot building, including the sleeping area with 214 beds, dining area and caretaker's apartment. With the property owner's approval, Smith-Monterey, LLC submitted a tentative parcel map ***("TPM")*** to split 218 North First Street into two (2) parcels. The proposed division line between the two (2) parcels is located at the specific surveyed location of the change from the old warehouse building to the newer warehouse building to the east. The 3.2-acre lot is proposed to be comprised of a 2.2-acre parcel (Parcel 1) and 1.0-acre parcel (Parcel 2). The purpose for the TPM is to create a lot (Parcel 2) that includes the future right-of-way for the Broadway Street extension. Parcel 1 is the location of the proposed agricultural employee housing project (CUP Case No. 2016-001). The 1-acre parcel (Parcel 2) contains the clockTower and future right-of-way for the Broadway Street extension. Smith-Monterey, LLC is negotiating with SGH Holdings, LLC, the property owner, to purchase Parcel 2 if the TPM is approved and recorded. City staff, SCH Holdings, LLC and Smith-Monterey, LLC are collaborating on a memorandum of understanding ***("MOU")*** regarding the Broadway Street extension. The MOU should be approved by the City Council before consideration of the SHG, Holdings LLC project. The applicant is in agreement. The MOU is schedule to be on the August 23, 2016 City Council agenda for consideration.

CUP Case No. 2016-001, AR Case No. 2016-001 and VAR Case No. 2016-001 are closely related to the TPM. The City, SGH Holdings, LLC and Smith-Monterey, LLC are discussing the best mechanism to obtain the Broadway Street extension right-of-way. This issue must be finalized before approving either the TPM or CUP/AR/VAR applications.

AGENDA ITEM: 7 (b)
ACTION:_____

PLANNING COMMISSION
AUGUST 2, 2016

PROJECT SUMMARY:

Smith-Monterey, LLC submitted a tentative parcel map to split 218 North First Street (former Meyer Building) into two (2) parcels. The 3.2-acre lot is proposed to be comprised of a 2.2-acre parcel (Parcel 1) and 1-acre parcel (Parcel 2) They are negotiating with SDH Holdings, LLC, the property owner, on purchasing Parcel 2.

CASE NUMBERS:
Parcel Map Case No. 2016-001

LOCATION:
218 North First Street

APPLICANT:
Smith-Monterey, LLC

LANDOWNER:
SGH Holding, LLC

EXHIBITS:

Exhibit 1: Proposed Parcel Map
Exhibit 2: Conditions of Approval
Exhibit 3: Resolution

Vicinity Map

I. STAFF RECOMMENDATION

Staff recommends the Planning Commission ***ADOPT*** the attached resolution which approves the tentative parcel map.

II. PROJECT EVALUATION

Proposal

Smith-Monterey, LLC submitted a tentative parcel map ***("TPM")*** to split 218 North First Street (former Meyer Building) into two (2) parcels. The 3.2-acre lot is proposed to be comprised of a 2.2-acre parcel (Parcel 1) and 1-acre parcel (Parcel 2) They are negotiating with SGH Holdings, LLC, the property owner, on purchasing Parcel 2. The proposed division line between the two (2) parcels is located at the specific surveyed location of the change from the old warehouse building to the newer warehouse building to the east. The purpose for the TPM is to create a lot (i.e., Parcel 2) that includes the future right-of-way for the Broadway Street extension. As mentioned

above, Smith-Monterey, LLC is in negotiations with SGH Holdings LLC regarding purchasing Parcel 2.

III. BACKGROUND INFORMATION

The General Plan designation is General Commercial and the zoning is FSC. A specific project for 218 North Street has been submitted by SGH Holding LLC and will be reviewed by the Planning Commission in the future. The City staff, SGH Holding LLC and Smith-Monterey, LLC are collaborating on a Memorandum of Understanding ***("MOU")*** to address the future Broadway Street extension. All three parties agree that the TPM should go forward and the CUP/AR/VAR should be continued until the City Council adopts the MOU. It is anticipated the MOU will be on the **August 23, 2016** City Council hearing.

Environmental Analysis

There are two (2) categorical exemptions, per the California Environmental Quality Act ***("CEQA")***, that apply to the TPM. Class 15 (Public Resources Code §15315 – Minor Land Division) consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than twenty (20%) percent. The project is located on fairly flat property (less than 2%) in an urbanized area. The proposed division is in conformance with the General Plan and zoning, no variances or exceptions are required, and all services and access are existing. Class 32 (Public Resources Code §15332-In-fill Development) consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

Project Review Committee

A representative from each City Department meets to discuss most community development projects. This group operates as the City's staff advisory team which is referred to as the PRC. PRC provides comments to applicants and COAs before a project goes to the Planning Commission and/or City Council.

IV. FINDINGS OF FACT

The findings of fact can be made in the affirmative, as outlined below:

Environmental Finding:

The project qualifies for a Class 15 Categorical Exemption, Minor Land Division and Class 32 Categorical Exemption, In-fill Project, pursuant to the California Environmental Quality Act.

Tentative Parcel Map Findings:
To approve the tentative parcel map ***("TPM")***, the Planning Commission must find that none of the circumstances set forth in the Government Code of California Chapter 66474.61(a) through (g) exit:

a. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code §65451.

The proposed TPM is consistent with the City of King general plan.

b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

There are no improvements proposed for the proposed parcel map.

c. That the site is not physically suitable for the type of development.

The TPM has an existing building on it and not within a flood zone

d. That the site is not physically suitable for the proposed density of the development.

The site is developed with one (1) large industrial buildings and is physically suitable for the existing development.

e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

There are no improvements proposed for the proposed TPM.

f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

There are no improvements proposed for the proposed parcel map.

g. That the design for the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

There are no improvements proposed for the proposed parcel map.

V. PUBLIC NOTICE

Public Notice was published in The Salinas Californian Newspaper on **July 19th**, 2016. All property owners of record within three-hundred (300') feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

Prepared by: Erica L. Serna for Doreen Liberto-Blanck
Doreen Liberto-Blanck, AICP

EXHIBIT 1

Tentative Parcel Map

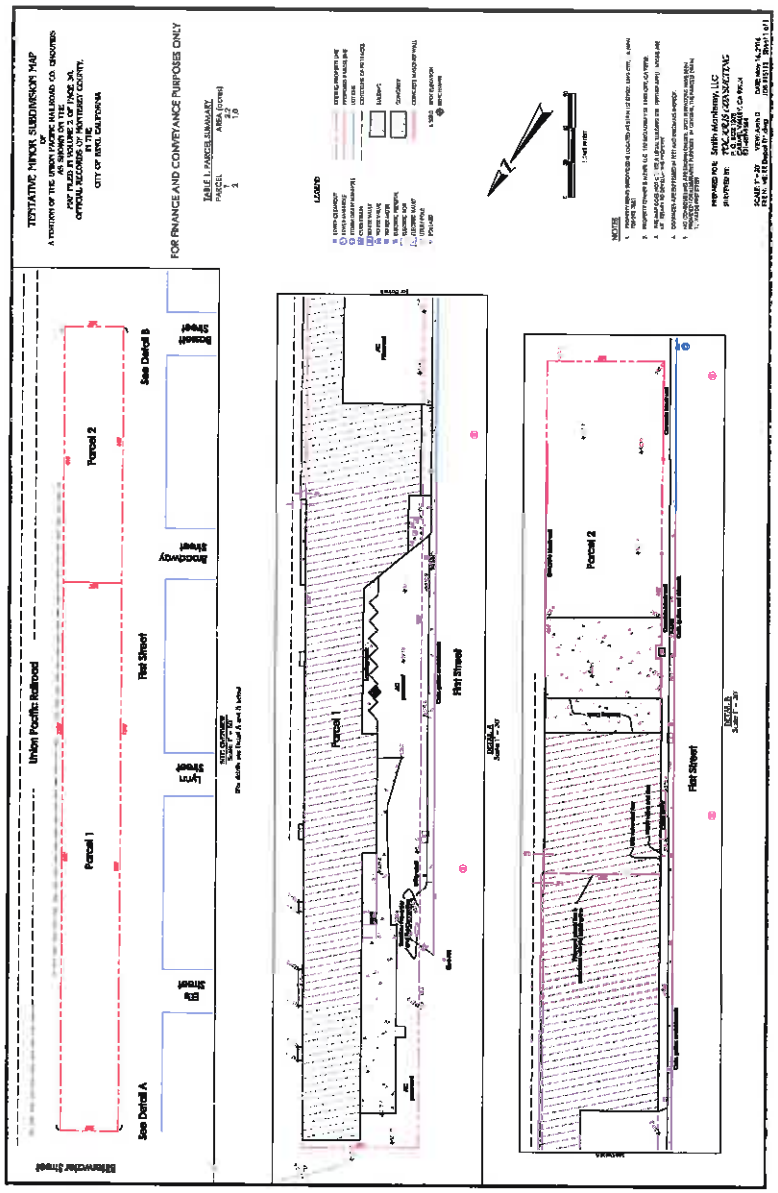

EXHIBIT 2

TENTATIVE PARCEL MAP CASE NO. 2016-001

CONDITIONS OF APPROVAL/MITIGATION MEASURE (16 AUGUST 2016)

CONDITIONS OF APPROVAL

Community Development Department (The applicant should discuss the following conditions of approval ***("COA")*** with Maricruz Aguilar, 831.386.5916, if there are any questions):

General Conditions (The Applicant should contact Maricruz Aguilar at 831.386.5916 if there are any questions on the following Conditions of Approval ***("COA")***.):

1. **Project Description:** Parcel Map Case No. PM2016-001 for Smith-Monterey, LLC, ***("Applicant")*** proposes to subdivision a 3.2-acre lot into two (2) parcels. Parcel No. 1 will be 2.2-acres and Parcel No 2 will be 1.0-acres, as shown on **Exhibit 1**.

2. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. It is the Applicant's responsibility to request an Extension of Time before the one (1) year expiration date so the approval does not become null and void.
3. **Hold Harmless Clause:** Hold Harmless and Indemnification Clause: The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ***("City")*** and its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., Koczanowicz and Hale, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

   Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or

   Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ***("CEQA")*** by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's indemnification is intended

to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, *City, and/or parties initiating or involved in such proceeding.*

The applicant agrees to indemnify City and its elected officials, officers, contractors, consultants, attorneys, employees and agents (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys) for all of City's costs, fees, and damages incurred in enforcing the **indemnification** provisions of this Agreement.

The applicant agrees to defend, indemnify and **hold harmless** City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., Hanna & Brunetti, Koczanowicz & Hale attorneys), attorneys, employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, sphere of influence amendment, annexation, pre-zoning, general plan amendment, specific plan, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:

- The counsel to so defend City.

- All significant decisions concerning the manner in which the defense is conducted; and

- Any and all settlements.

City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants'

fees and costs shall be paid by the applicant. In addition, in the event of litigation, the applicant shall pay any and all City Staff and consultants' fees and costs.

The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

4. **Other County, State and Federal Permits: Before initiation of the proposed use**, the Applicant shall provide to the Building and Safety Department copies of any required County, State and Federal permits or written verification of a waiver of permit requirement(s).

Building and Safety Department: (Please contact Paul Hodges at 831.385.3281, if you have any questions.)

5. **Occupancy Separation Walls: Prior to final occupancy,** per direction of the Building Official, occupancy separation walls are to be provided separating the building.

6. **Utilities: Concurrent with the final recordation of the map,** per direction of the Building Official, the applicant shall provide a recorded easement running with the land that includes a sun-setting at the time that the building is demolished with no cost to the city or developer for the re-location of the utilities"

Public Works Department: (Please call Sal Morales at 831.386.3281, if you have any questions.)

7. **Right of Way Dedication** As a condition of approval of the Parcel Map Applicant hereby grants two irrevocable offers of dedication of a right of way for street purposes to the City of King across Parcel 2 for extensions of Broadway Street and Bassett Street, as depicted on the Parcel Map.

8. **Easement/License Agreement** Prior to the recordation of the Final Map Applicant shall execute an Encroachment/License Agreement with the City which will grant the Applicant a revocable right to have the existing structure occupy the Broadway extension Right of Way granted as part of condition number 6 above. Such Encroachment/License Agreement shall allow the City to revoke the Applicants right to occupy tat Right of Way at such time as that right of way is needed by the City.

9. **Parcel Map: Prior to file and recordation of the parcel map,** the applicant shall submit for plan check and review of the final parcel map to the office of the City Engineer and an executed Encroachment/License Agreement with the City of King per condition 7 above.

Conditional Use Permit Agreement:
The conditional use permit is not valid until all conditions of approval ***("COA")*** and mitigation measures imposed by the Planning Commission are signed for and agreed to by the applicant.

"I have received a copy of the conditional use permit COA and mitigation measures and agree with them. I understand that if I do not abide by them, the Planning Commission has the authority to revoke my conditional use permit, pursuant to the Municipal Code. ***(Reference Municipal Code §17.64.040)***"

Applicant's Signature _____ Date: _____

EXHIBIT 3

(RESOLUTION TO BE PROVIDED)

KING CITY
CALIFORNIA

Item No. 7 (c)

REPORT TO THE PLANNING COMMISSION

DATE: **AUGUST 16, 2016**

TO: **THE CHAIR AND COMMISSION MEMBERS**

FROM: **DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR; SCOTT BRUCE, PRINCIPAL PLANNER; MARTIN D. KOCZANOWICZ, CITY ATTORNEY**

RE: **REVIEW AND PROVIDE COMMENT TO THE CITY COUNCIL RE: AMENDING THE KING CITY MUNICIPAL CODE - REPEALING AND REPLACING SECTION 17.03 TO REGULATE MARIJUANA CULTIVATION**

CONTINUANCE OF DISCUSSION / ACTION RE: AMENDMENT TO THE EAST RANCH BUSINESS PARK SPECIFIC PLAN AND, RELATED PLANNING (ENVIRONMENTAL) DOCUMENTS

I. RECOMMENDATION

Staff recommends that Planning Commission: 1) receive public comment; 2) review and provide comments to staff on the draft medical marijuana regulatory ordinance; and 2) continue the public hearing to the meeting of September 6, 2016.conduct the public hearing, entertain Staff comments, discuss, and provide comment to the City Council regarding an Ordinance that would amend the scope of allowed Medical Cannabis Cultivation and related uses in the City.

II. BACKGROUND

Newly adopted State Law created the Medical Marijuana Regulation and Safety Act, which put into effect a State regulatory scheme for cultivation, distribution, manufacturing and transportation of medical cannabis.

On **January 26, 2016** the City Council ***("Council")*** adopted revisions to Municipal Code which allowed indoor Medical Cannabis Cultivation under artificial light. The Council also considered and adopted the Mitigated Negative Declaration ***("MND")*** related to the project.

Since then, the Council has directed staff to prepare revisions that will allow indoor cultivation under mixed light, manufacturing, nurseries and testing. The proposed repeal and replacement of Title 17, Section 17.03 would guide and direct the review, oversight and approval of these uses and would provide specific definition and regulation of Medical Cannabis related operations.

Amendment to Title 17, Section 17.03 defines and regulates the Medical Cannabis related uses that are to be allowed in the City; it does not specifically delineate those additional uses and / or the areas of the City where those uses can be located. Currently, the ERBP and the M-1, M-2 Districts allow indoor cultivation under artificial light.

On September 6, 2016 the Regulatory Ordinance repeal / replace Section 17.03., an Ordinance to amend the ERBP and an Ordinance to amend Sections 17.30.020 and 17.30.021 (the M-1 / M-2 Districts) will be presented for action by the Commission / Recommendation to the City Council.

III. DISCUSSION

As noted above, the Ordinance repealing and replacing Section 17.03 (Regulatory Ordinance) will define, regulate and direct the establishment, approval and monitoring of allowed Medical Cannabis uses in the City. The Ordinance does not identify specifically allowed uses, Types in the City or their identify their allowed locations.

The State of California as part of AB 243, AB 266 and SB 643 has defined certain Types of "Licenses". The City's Municipal Code currently allows:

- Type 2A: Indoor cultivation with all artificial light from 0 to 10,000 square feet of plant canopy
- Type 3A: Indoor cultivation with all artificial light from 10,001 to 22,000 square feet of plant canopy

Ultimately, the proposed Amendments to the City Code will expand allowed uses in the ERBP and the
M-1, M-2 Districts to add / include:

- Type 2B: Indoor cultivation with all artificial light from 0 to 10,000 square feet of plant canopy
- Type 3B: Indoor cultivation with all artificial light from 10,001 to 22,000 square feet of plant canopy
- Type 4: Nurseries (the City anticipates limiting this use to a maximum 25,000 sf of plant growth area).
- Type 6: Manufacturing
- Type 8: Testing

A Draft Initial Study (IS) is nearing completion. It is being prepared based upon the potential impacts of the proposed additional uses. To prepare the IS, the scope of the potential Medical Cannabis related development was estimated based on Staff research and comment by potential applicants. Based on the findings of the IS, an MND was prepared. During the preparation of the MND, PG&E, CalWater, Mott MacDonald Traffic Engineers and the City's Public Works Department were consulted.

Staff offers the following specific items for Commission discussion and comment:

1. ***Proximity to Sensitive Uses:*** *State law requires 600' separation from schools for any commercial cannabis business that includes storefront operations. No separation is required for commercial cannabis businesses that do not include walk-in public interaction / sales. Therefore, staff is recommending no restrictions be included to avoid potential limitations in the future of those uses wanting to locate within an area that may be within a certain proximity of a marijuana related establishment. However, direction is requested regarding this issue.*

2. ***Limits on Number of Cannabis Product Manufacturing Licenses**: As noted above, Cannabis related Manufacturing uses require a Type 6 License. Many cultivators prefer to also engage in manufacturing. Independent manufacturers may also wish to locate in the ERBP or in the M-1 or M-2 Districts. Refer to "Definitions" Section 17.03.020, (r),(s) and (t). Many jurisdictions place a limit on the number of manufacturing facilities. Since many cultivation operations may want to have manufacturing associated with their business, limits may serve as a disincentive for cultivation operations. However, staff is looking for direction on whether a limit should be established.*

3. ***Cannabis Extraction and Manufacturing:** The City of King will allow Type 6 Licenses (non-volatile manufacturing). Some processes use food grade ethyl alcohol to process plant extracts and ethyl alcohol / isopropyl alcohol for cleaning purposes. Since alcohol is flammable, staff has some concerns regarding its safe use and is researching to determine whether it is allowed under a Level 1 manufacturing permit. If it is allowed by the State, staff is seeking discussion and direction whether it should be allowed under the City's local regulations and/or whether quantities and use should be restricted in some manner.*

4. *4.* **Compressed Gas (CO2):** Section 17.03.280 limits the size and amount of CO2 canisters based on discussions with industry participants. In this Section, a maximum of eight (8) one hundred and fifty (150) lb canisters are allowed on site at any one time. In our research, it has come to our attention that very large CO2 tanks (particularly in Colorado) have been known to be involved in explosions. Staff is seeking discussion and direction regarding the size and number of CO2 tanks to be allowed on-site.

The anticipated Hearing Schedule for Ordinance(s) through final Council Action is as follows:

August 23- City Council:
Public Hearing regarding proposed Ordinances to receive information from Staff and the Public and to provide comment.

September 06 – Planning Commission:
Planning Commission Public Hearing to review Ordinances amending Sections 17.03, 17.30.020, 17.31.020 and the East Ranch Business Park Specific Plan; review the IS /MND; and, provide Recommendation(s) to the City Council.

September 13 - City Council:
First Reading of Ordinances and presentation of IS / MND

September 27 – City Council:
Second Reading of Ordinances / Action. Action regarding IS / MND.

ATTACHMENTS:

A. Draft Ordinance No. 2016-728

Prepared by:

Erica L Bourne for Scott Bruce
SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:

Erica L Bourne for Doreen Liberto-Blanck
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR

ORDINANCE No. 2016-728

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING REPEALING CHAPTER 17.03, TITLE 17, ZONING, AND REPLACING CHAPTER 17.03, TITLE 17 OF THE CITY OF KING MUNICIPAL CODE TO ALLOW THE ESTABLISHMENT, OPERATION AND REGULATIONS OF COMMERCIAL CANNABIS BUSINESSES FOR THE CULTIVATION, MANUFACTURING, AND TESTING OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA PRODUCTS

WHEREAS, the City of King is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals or public safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property lie within the City's police power; and

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense, marijuana; and

WHEREAS, the Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation or possession of marijuana for medicinal purposes; and

WHEREAS, notwithstanding federal law, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and titled the "Compassionate Use Act of 1996"), the intent of Proposition 215 being to enable persons who are in need of marijuana for medical purposes to be able to obtain and use it without fear of state criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code Section 11362.7 et seq. and titled the "Medical Marijuana Program Act" to clarify the scope of the Compassionate Use Act of 1996 ("CUA"); and

WHEREAS, the Medical Marijuana Program Act ("MMPA") promulgates rules wherein counties and cities can adopt and enforce rules and regulations consistent with its provisions; and

WHEREAS, in 2011, Assembly Bill 2650 was enacted (codified as California Health and Safety Code Section 11362.768) affirming that counties and cities can under state law adopt

ordinances that control and restrict the location and establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider; and

WHEREAS, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, 753 ("*Inland Empire*") that the objectives of the CUA and MMPA were modest and that those acts did not create a broad right to access medical marijuana, and *Inland Empire* goes on to provide that neither the CUA nor the MMPA "expressly or impliedly preempts the authority of California cities and counties, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude" the distribution of medical marijuana. (Id. At p. 762.); and

WHEREAS, the Court of Appeal, Third Appellate District, held in *James Maral, et al. v. City of Live Oak* (2013) 221 Cal.App.4th 975, that the reasoning of *Inland Empire* applies to the cultivation of medical marijuana as well as its distribution, as both are addressed in the CUA and the MMPA; and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation And Safety Act" ("MMRSA") into law; and

WHEREAS, the MMRSA, which is comprised of three separate pieces of legislation, establishes, among other matters, a dual licensing structure requiring both a state license and a local license or permit for medical marijuana activities, a regulatory structure imposing health, safety and testing standards for cultivation and dispensary facilities, and the criteria for licensing medical marijuana businesses; and

WHEREAS, neither the Compassionate Use Act, the Medical Marijuana Program, nor the Medical Marijuana Regulation and Safety Act require or impose an affirmative duty or mandate upon local governments to allow, authorize or sanction the establishment and the operation of facilities for distribution, cultivation, manufacturing or processing medical marijuana within its jurisdiction, and

WHEREAS, notwithstanding the comprehensive nature of the MMRSA, the Act under state law protects the ability of local entities to maintain control over medical marijuana activities; and

WHEREAS, the City Council desires to establish reasonable land use controls and reasonable regulations on the operation of medical marijuana-related businesses which are intended to operate in conjunction with the City of King Zoning Code's land use regulation and which are intended to address the negative impacts and nuisance impacts of marijuana-related businesses; and

WHEREAS, medical marijuana-related businesses will be subject to the zoning and land use regulations of the zoning district in which such business establish and operate, as set forth in Title 17 of the City of King Municipal Code (the King City Zoning Code); and

WHEREAS, mindful of the fact that marijuana possession and use is prohibited under federal law and partially decriminalized under state law, it is the Council's intention that nothing in this ordinance shall be construed, in any way, to expand the rights of anyone to use or possess marijuana under state law; engage in any public nuisance; violate federal law, or engage in any activity in relation to the cultivation, distribution, or consumption of marijuana that is otherwise illegal. It is further the intent of the City Council of City of King to maintain local control over these matters to the fullest extent permitted by law.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF KING AS FOLLOWS:

SECTION 1. Title 17 (Zoning), Chapter 17.03 (Medical Marijuana Dispensaries) is repealed in its entirety and replaced with the following:

Chapter 17.03 Medical Cannabis Activity

17.03.010 Purpose and Intent.
17.03.020 Definitions
17.03.030 Non-commercial Cannabis Activity prohibited in any zone.
17.03.040 Licenses and Permits
17.03.050 Existing Commercial Cannabis Businesses
17.03.060 Security Measures
17.03.070 Employees; Employee Work Permits; Identification
17.03.080 Right to Occupy and to Use Property
17.03.090 Location of Commercial Cannabis Business; Proximity to Sensitive Uses
17.03.100 Restriction on Alcohol Sales
17.03.110 Concurrent Regulation with State
17.03.120 Compliance with Laws
17.03.130 Inspection and Enforcement
17.03.140 Fees and Charges
17.03.150 Violation and Enforcement
17.03.160 Limitations on City's Liability
17.03.170 Application Procedures and Application Requirements
17.03.180 Records and Reporting
17.03.190 Prohibition on Transfer of Commercial Cannabis Permits
17.03.200 Packaging and Labelling
17.03.210 Operating Requirements
17.03.220 Cultivation, Manufacturing, Waste, and Storage Requirements
17.03.230 Limitation on the Number of Cultivation and Nursery Facilities
17.03.240 Periodic Review by the City Council
17.03.250 Operating Requirements for Cultivation and Nurseries
17.03.260 Cannabis Manufacturing; Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products
17.03.270 Cannabis Manufacturing: Extraction, etc.
17.03.280 Promulgation of Regulations and Standards
17.03.290 Community Relations

17.03.300 Fees Deemed Debt to City of King
17.03.310 Permit Holder Responsible for Violations

17.03.010 **Purpose and Intent.**

(a) It is the purpose and intent of this Chapter to accommodate the needs of medically-ill persons in need of marijuana for medical purposes while imposing regulations on the use of land to protect City of King's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the, cultivation, manufacturing and testing of cannabis and cannabis-related products in a manner which is responsible and which protects the health, safety, and welfare of the residents of the City of King; to enforce rules and regulations consistent with State law including, but not limited to, the Compassionate Use Act, the Medical Marijuana Program Act, and the Medical Marijuana Regulation and Safety Act. In part to meet these objectives, an annual permit shall be required in order to own and to operate a commercial cannabis business within the City of King as authorized under this ordinance or within the City of King Zoning Ordinances. Nothing in this Chapter is intended to authorize the cultivation, possession or use of marijuana for non-medical purposes in violation of State or Federal law. The provisions of this Chapter are in addition to the business license otherwise required to conduct business in the City of King and in addition to permits and approvals otherwise required.

(b) Pursuant to Section 7 of Article XI of the California Constitution, the City of King is authorized to adopt ordinances that establish standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, laboratory operations and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of King to commercial cannabis activity.

17.03.020 **Definitions**

When used in this Chapter, the following words shall have the meanings ascribed to them in this section. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(a) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term

is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(b) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

(c) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.

(d) "Commercial cannabis activity" includes cultivation, nursery, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, or sale of medical cannabis or a medical cannabis product, except as set forth in California Business and Professions Code Section 19319, related to qualifying patients and primary caregivers.

(e) "Commercial cannabis business" means any business or operation which engages in commercial cannabis activity.

(f) "Commercial cannabis permit" means a permit issued by the City of King pursuant to this Chapter to a commercial cannabis business.

(g) "Cultivation" means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(h) "Cultivation site" means a facility where medical cannabis is propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to the Medical Marijuana Regulation and Safety Act and that holds a permit issued by the City of King.

(i) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the State of California, or any of its departments or divisions, to a primary caregiver or qualified patient, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the State of California under Medical Marijuana Regulation and Safety Act (as the same may be amended from time-to-time), that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

(j) "Dispensary" means a facility where cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, medical cannabis and medical cannabis products as part of a retail sale.

(k) "Dispensing" means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

(l) "Distribution" means the procurement, sale, and transport of medical cannabis or medical cannabis products between entities licensed pursuant to the Medical Marijuana Regulation and Safety Act and any subsequent State of California legislation regarding the same.

(m) "Distributor" means a person licensed under the Medical Marijuana Regulation and Safety Act and any subsequent State of California legislation to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a license manufacturer, for sale to a licensed dispensary.

(n) "Dried flower" means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(o) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medical cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

(p) "License" means the issuing of a license by the State of California, or one of its departments or divisions, under the Medical Marijuana Regulation and Safety Act to engage in commercial cannabis activity.

(q) "Live plants" means living medical cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.

(r) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as defined in this section, or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to the Medical Marijuana Regulation and Safety Act and that holds a permit issued by the City of King.

(s) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product intended for internal consumption or topical application.

(t) "Manufacturing site" means a location that produces, prepares, propagates, or compounds medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a license by the State of California, or one of its departments or divisions, for these activities.

(u) "Medical cannabis", "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time). For purposes of this Chapter, "medical cannabis" does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(v) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.

(w) "Patient" or "qualified patient" shall have the meaning given that term by California Health and Safety Code Section 11362.7, but who does not have an identification card issued by the State Department of Health Services.

(x) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(y) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

(z) "Transport" means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by the Medical Marijuana Regulation and Safety Act.

(aa) Transporter" means a person issued a state license by the State of California, or one of its departments or divisions, to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the State of California, or one of its departments or divisions, that have been issued a State license pursuant to the Medical Marijuana Regulation and Safety Act.

17.03.030 **Non-commercial Cannabis Activity prohibited in any zone.**

Notwithstanding anything to the contrary contained in the King City Municipal Code, activity other than Commercial Cannabis activity shall not be a permitted use in any zone of the city, and no conditional use permit shall be issued permitting such use. Further notwithstanding anything contrary contained in the King City Municipal Code, a violation of this chapter and or any provision thereof shall not be subject to criminal penalties but may only be enforced by civil and or administrative proceedings.

17.03.040 **Licenses and Permits**

(a) In addition to those other requirements which may be imposed pursuant to this Chapter, no person shall engage in commercial cannabis activity or open or operate a commercial cannabis business without possessing both a commercial cannabis permit issued by the City Manager or his/her designee and within one (1) year of the ability to obtain a license from the State of California upon implementation of the Medical Marijuana Regulation and Safety Act, a license issued by the State of California or one of its departments or divisions. Commercial cannabis activity shall be permitted in the City of King only as expressly provided in this Chapter and if not expressly permitted by this Chapter shall be prohibited.

(1) Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance.

(2) An application for renewal of a commercial cannabis permit shall be filed at least sixty (60) calendar days prior to the expiration date of the permit with the City Manager or his/her designee.

(3) An application for renewal of a commercial cannabis permit shall be rejected if any of the following exists:
   a. The application is filed less than sixty (60) days before its expiration.
   b. The commercial cannabis permit is suspended or revoked at the time of the application.
   c. The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
   d. The commercial cannabis business fails to conform to the requirements of this Chapter, any regulations adopted pursuant to this Chapter or the

conditions imposed as part of any conditional use permit or zoning requirements.

e. The permittee fails to renew its State of California license.

(4) If a renewal application is rejected, a person may file a new application pursuant to this Chapter.

(5) Applicants seeking multiple licenses for different types of cannabis activity shall be required to comply with multiple licensing restrictions contained within Business and Professions Code §19328.

(b) Prior to commencing operation, a commercial cannabis business shall obtain a City of King business license and comply with all applicable provisions and requirements of that license.

(c) Prior to commencing operation, a commercial cannabis business shall be subject to a mandatory building inspection and must obtain all required permits or approvals which would otherwise be required including, but not limited to, a building permit(s), King Fire Department permit(s), and planning-level permit(s) required by Title 17 Zoning of the City of King Municipal Code.

(d) Revocation, termination, non-issuance or suspension of a license issued by the State of California, or any of its departments or divisions, shall immediately terminate the ability of a medical cannabis business to operate within the City of King until the State of California, or its respective department or division, reinstates or issues the State license.

17.03.050 **Existing Commercial Cannabis Businesses.**

A commercial cannabis business operating in compliance with existing Municipal Code provisions at the time this Chapter becomes effective may continue its current operations; provided, however, that in order to continue operating such commercial cannabis business must apply for a commercial cannabis permit pursuant to this Chapter and otherwise meet all other conditions and requirements of this Chapter imposed on newly established commercial cannabis businesses. Any facility or entity that can demonstrate to the City's satisfaction prior to the adoption of the ordinance establishing this Chapter that it was in operation, in good standing, and otherwise in compliance with all applicable local and state laws and regulations promulgated thereunder may be permitted to continue its current operations pursuant to this section.

17.03.060 **Security Measures.**

The City Manager or his/her designee is authorized to promulgate all regulations necessary to implement the requirements and fulfill the policies of this Chapter related to commercial cannabis businesses including, but not limited to, the following subjects:

(a) A permitted commercial cannabis business shall implement sufficient security measures to both deter and to prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager or his/her designee, these security measures shall include, but shall not be limited to, all of the following:

(1) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in the activity expressly related to the operations of the commercial cannabis business.

(2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

(3) Except for live growing plants which are being cultivated at a cultivation facility, all medical cannabis and medical cannabis products shall be stored in a secured and locked room, safe, or vault. All medical cannabis and medical cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes or immediate sale at a dispensary.

(4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises and to monitor all interior spaces within the commercial cannabis business which are open and accessible to the public. The security surveillance cameras shall be remotely accessible to the King Police Department and shall be compatible with the King Police Department's software and hardware and remote real-time, live access to the video footage from the cameras shall be provided to the King Police Department. Video recordings shall be maintained for a minimum of forty-five (45) days.

(5) Sensors shall be installed to detect entry and exit from all secure areas.

(6) Panic buttons shall be installed in all commercial cannabis businesses.

(7) Having a professionally installed, maintained, and monitored alarm system.

(8) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

(9) Security personnel hired by the commercial cannabis business shall be subject to the prior review and approval of the Chief of Police or his/her designee.

(10) Each commercial cannabis business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(b) Each commercial cannabis business shall identify a liaison to the King Police Department who shall be reasonably available to meet with the Chief of Police or his designees regarding security measures and operational issues.

(c) As part of the application and permitting process, each commercial cannabis business shall have a transportation plan describing the procedures for safely and securely transporting cannabis and cannabis products and currency.

(d) A commercial cannabis business shall notify the Chief of Police within twenty-four (24) hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee.

(2) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.

(3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial cannabis business.

(4) Any other breach of security.

17.03.070 **Employees; Employee Work Permits; Identification**

(a) Work permit required. Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business must obtain a work permit from the City Manager or his/her designee. The City Manager or his/her designee is hereby authorized to promulgate all regulations necessary to implement the work permit process contemplated in this section including, but not limited to, the reasons for denial of a work permit to any person. A work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Applications for work permits shall be submitted under oath and shall contain a statement of the past criminal record, if any, of the applicant and such information as may be deemed necessary by the City Manager or his/her designee to determine whether the applicant is a proper person to be issued a work permit. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the City Manager or his/her designee. In the event a person changes employment from one commercial cannabis business within the city to

another, the work permit holder shall notify the City Manager or his/her designee in writing of the change of employment within ten (10) days of such change or the work permit shall be suspended or revoked and such person shall not be permitted to work within any commercial cannabis business within the city.

(b) Identification. Each person to whom a work permit is issued shall wear his or her personal identification card, issued by the City of King, at a prominent and readily-visible location on the outermost garment and approximately chest-high. Such identification card shall at all times be in good and readable condition.

(c) Employee Records. Each owner or operator of a commercial cannabis business shall maintain on-site a current register of all the employees currently employed by the commercial cannabis business and shall produce such register to the City Manager or his/her designee or any other City of King official authorized to enforce the King City Code for purposes of determining compliance with this Chapter.

(d) Fees. Each application for a work permit and renewal of an existing work permit shall be accompanied by a fee set by resolution of the City Council and shall be valid for a period of twelve (12) months from the date of issuance, unless terminated, suspended, or revoked sooner. The fee is non-refundable and shall not be returned in the event the work permit is denied, revoked, or suspended.

17.03.080 **Right to Occupy and to Use Property.**

As a condition precedent to the City's issuance of a commercial cannabis permit pursuant to this Chapter, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location is leased from another person, the applicant for a permit under this Chapter shall provide a signed and notarized statement from the owner of the property to demonstrate the property owner has acknowledged and has consented to the operation of a commercial cannabis business on the property.

17.03.090 **Location of Commercial Cannabis Business; Proximity to Sensitive Uses.**

(a) No commercial cannabis business may operate within any wholly residential area or district of the city or adjacent to a residential area or district if, in the opinion of City Manager or his/her designee, the operation of a commercial cannabis business in such location would tend to cause a public nuisance or a situation which may result in repeated Police Department response or a negative impact on the adjacent residential units.

(b) Commercial cannabis businesses shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in Title 17 of the City of King Municipal Code.

(c) Any commercial cannabis business which has been determined by the City Manager or his/her designee to be an existing commercial cannabis business on the effective date of this Chapter shall be exempt from compliance with the limitations proscribed in this section, unless such location is otherwise determined to constitute a public nuisance or otherwise a disturbance to the adjacent or neighboring uses as determined by the provisions of this Chapter.

17.03.100 **Restriction on Alcohol Sales.**

No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of any commercial cannabis business. No commercial cannabis business may operate at the same location as an alcohol-related use as that term is defined in the City of King Municipal Code.

17.03.110 **Concurrent Regulation with State.**

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City of King concurrently with the state of California.

17.03.120 **Compliance with Laws.**

It is the responsibility of the owners and operators of the commercial cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions which violate state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis permit. Nothing in this Chapter shall be construed as authorizing any actions which violate State law with regard to the operation of a commercial cannabis business.

17.03.130 **Inspection and Enforcement.**

(a) The City Manager or his/her designee and any other City of King official charged with enforcing the provisions of the City of King Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time during the hours of operation without notice and inspect the location of any commercial cannabis business as well as the recordings and records maintained pursuant to this Chapter or the applicable provisions of State law.

(b) It is unlawful for any person having any responsibility over the operation of a commercial cannabis business to refuse to allow, impede, obstruct, or interfere with an inspection, or

the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.

(c) The City Manager or his/her designee or any other person charged with enforcing the provisions of this Chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for law enforcement and/or public safety purposes. Any samples obtained by the City of King shall be logged, recorded, and maintained in accordance with City of King Police Department standards for evidence. At all other times, the City Manager or his/her designee may enter the location of a commercial cannabis business to obtain samples of cannabis upon reasonable notice.

17.03.140 **Fees and Charges.**

(a) No person may commence or continue any commercial cannabis activity in the City of King without timely paying in full all fees and charges associated with the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council.

(b) All commercial cannabis businesses operating pursuant to this Chapter shall pay any and all applicable sales, use, business or other taxes, and all license, registration, or other fees pursuant to federal, state, and local law.

17.03.150 **Violation and Enforcement.**

(a) Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

(b) Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of King Municipal Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of King may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis activity or persons related thereto, or associated with, the commercial cannabis activity. Additionally, when the City Manager or his/her designee determines there is an imminent threat to public health, safety or welfare, the commercial cannabis permit, issued by the City of King pursuant to this Chapter, shall immediately become suspended, pending a hearing before the City of King Planning Commission.

(c) Notwithstanding an initial verification of compliance by the commercial cannabis activity with the provisions of this Chapter, any commercial cannabis business later found to be in

violation of any of the requirements of this Chapter at any time is subject to the enforcement provisions provided in this section.

(d) The remedies provided herein are not to be construed as exclusive remedies and in the event of a violation the City may pursue any proceedings or remedies otherwise provided by law.

17.03.160 **Limitations on City's Liability.**

To the fullest extent permitted by law, the City of King shall not assume any liability whatsoever with respect to having issued a commercial cannabis permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business pursuant to this Chapter. As a condition of approval of any commercial cannabis permit issued pursuant to this Chapter, the person to which a commercial cannabis permit is issued shall be required to meet all of the following conditions:

(a) Execute an agreement indemnifying, defending (at its sole cost and expense), and holding the City of King and its officers, employees, representatives, and agents harmless from any and all claims, losses, damages, injuries or liabilities associated with the permitting or approving the operation of a commercial cannabis activity or the operation thereof or associated with the commercial cannabis business or its members' violation of any federal, state or local laws.

(b) Maintain insurance at coverages, limits, and with conditions thereon determined necessary by the City Attorney.

(c) Reimburse the City of King for any and all costs and expenses, including attorney fees and costs and court costs that the City of King may be required to pay as a result of any legal challenge related to the City's approval of a commercial cannabis permit pursuant to this Chapter or the City of King's approval of the operation of a commercial cannabis activity. The City of King may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the obligations imposed under this section.

17.03.170 **Application Procedures and Application Requirements**

Permittee Selection Process; Criteria for Review; Renewal, Suspension or Revocation of a Permit; Appeals. In addition to those requirements set forth in this section and elsewhere in this Chapter, the City Council shall by resolution or ordinance adopt such forms, fees, and procedures as are necessary to implement this Chapter with respect to the initial selection, future selection, investigation process, renewal, revocation, and suspension of commercial cannabis business permits and appeals for the revocation or suspension of a commercial cannabis permit.

(a) At a minimum, the application shall contain the following requirements:

(1) The printed full name, signature, date of birth, social security number, and present address and telephone number of all persons and entities responsible for the operation of the commercial cannabis business including managers, corporate officers, investors, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial cannabis business.

(2) The address to which correspondence from the City of King is to be sent.

(3) The names and addresses of all businesses operated by and the employment of the applicant(s) for the five (5) years immediately preceding the date of the application.

(4) Any litigation in which the applicant(s) has been involved within the five (5) years immediately preceding the date of the application and a statement of whether any business currently operated by the applicant(s) or operated by the applicant(s) within the five (5) years immediately preceding the date of the application has been investigated or the permit or license authorizing the operation of such business has been revoked or suspended within the five (5) years immediately preceding the date of the application.

(5) The address of any commercial cannabis business currently being operated by the applicant(s), or any of them, or which have been previously operated by them.

(6) The supply sources for all cannabis and cannabis products sold at the commercial cannabis business. Product supply chain including the site(s) where cultivation occurs, the product is processed or manufactured, any required testing of cannabis or cannabis products, transportation, and packaging and labelling criteria.

(7) The names and telephone numbers of the person(s) to be regularly engaged in the operation of the proposed commercial cannabis business, whether an employee, volunteer or contractor. The application shall also have the names and telephone numbers of those persons having management and supervisory responsibilities for the proposed commercial cannabis business.

(8) Odor control devices and techniques to prevent odors from marijuana from being detectable off-site.

(9) Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess medical cannabis product.

(10) Procedures for inventory control to prevent diversion of cannabis and cannabis product, employee screening, storage of cannabis and cannabis product, personnel policies, and record-keeping procedures.

(11) A detail of the procedures to be utilized at the facility including a description of how chemicals and fertilizers will be stored, handled, used and disposed of; manufacturing methods, the transportation process, inventory procedures, and quality control procedures.

(12) A site plan and floor plan of the commercial cannabis business denoting the property lines and the layout of all areas of the commercial cannabis business including storage, cultivation, manufacturing, testing, distributing, reception/waiting, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses.

(13) Size, height, colors, and design of any proposed signage at the site. A City of King sign permit issued pursuant to the King Municipal Code shall be required.

(14) An operations and security plan.

(15) Standard operating procedures detailing how operations will comply with state and local regulations, how safety and quality of products will be ensured, record-keeping procedures for financing, testing, and adverse event recording, and product recall procedures.

(16) Proposed hours of operation.

(17) Recycling and Waste disposal information.

(18) Medical recommendation verification and youth access restriction procedures.

(19) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

(b) No person who has been convicted of a felony or crime of moral turpitude within the past ten (10) years may be engaged (actively or passively) in the operation of any commercial cannabis business. A conviction within the meaning of this sections means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(c) The City Manager or his/her designee shall review each application to determine whether it contains all of the required information. If the application does not contain all of the required information, it shall be returned to the applicant for completion. The City

Manager or his/her designee shall endeavor to conclude their review within ninety (90) days of the filing of the application. If additional time is necessary, the City Manager or his/her designee will advise the applicant of an estimated review time.

(d) In reviewing an application for a permit pursuant to this Chapter or in reviewing the proposed commercial cannabis business, the City Manager or his/her designee may request whatever additional information is deemed necessary to carry out the purposes of this Chapter.

(e) The City Manager or his/her designee shall have the authority to either grant or deny the application for a commercial cannabis permit. Notwithstanding what is otherwise provided in this Chapter, the City Manager or his/her designees, when approving a commercial cannabis permit, may place any additional limitations and conditions on the operation of a commercial cannabis business as he or she deems necessary, consistent with the public interest and with this Chapter.

(f) When an application is denied, the City Manager or his/her designee shall prepare and file a statement of decision giving the reasons for the denial and the findings of fact upon which the decision is based. Any person denied a commercial cannabis permit shall have the right to appeal such denial in accordance with this section.

(g) In addition to whatever additional findings may be made by the City Manager or his/her designee, or the Planning Commission or the City Council in the event of an appeal initiated pursuant to this section, an application for a commercial cannabis permit may be denied upon making any of the following findings:

(1) The applicant made one or more false or misleading statements or omissions on the registration application or during the application process.

(2) The commercial cannabis business is not organized in strict compliance with all applicable laws and regulations.

(3) The applicant fails to meet the requirements of this Chapter or any regulation adopted pursuant to this Chapter.

(4) The operation of the proposed commercial cannabis business at the proposed location is prohibited by any state or local law or regulation.

(5) Any person who is listed on the application has been convicted of a felony within the past ten (10) years. A conviction within the meaning of this section means a plea or a guilty verdict or a conviction following a plea of nolo contendere.

(6) Any person who is listed on the application is a licensed physician making patient recommendations for medical cannabis pursuant to State law.

(7) The applicant or the operator listed in the application is less than eighteen (18) years of age.

(h) Whenever an appeal is provided for in this Chapter, such appeal shall be filed and conducted as prescribed in this subsection.

(1) Within ten (10) calendar days after the date of any denial of an application or the suspension or the revocation of a permit by the City Manager or his/her designee, an aggrieved party may appeal such action by filing with the City Clerk a written appeal setting forth the reasons why such denial, suspension or revocation is not proper.

(2) Upon receipt of such written appeal, the City Clerk shall set the matter for a hearing before the Planning Commission. The hearing shall be conducted pursuant to the procedures set forth by the City and shall be held within a reasonable time after the date of filing the appeal with the City, but in no event later than ninety (90) days from the date of such filing. At least ten (10) days prior to the date of the hearing on the appeal, the City of King shall notify the appellant of the time and the place of the hearing. At such hearing, the City Manager or his/her designee and the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to such hearing.

(3) At the conclusion of the hearing, the Planning Commission may affirm, reverse or modify the decision appealed.

(4) The decision of the Planning Commission may be appealed to the City Council in accordance with this section. At the conclusion of the hearing, the City Council may affirm, reverse or modify the decision appealed. The decision of the City Council shall be the City's final decision in this regard and shall be dispositive of the matter.

17.03.180 **Records and Reporting.**

(a) Subject to the Health Insurance Portability and Accountability Act (HIPPA) regulations, each commercial cannabis business shall allow City of King officials to have access to the commercial cannabis business's books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data will be produced no later than twenty-four (24) hours after receipt of the City's request.

(b) Each commercial cannabis business shall file with the City Manager or his/her designee an audit of its financial operations for the previous fiscal year, complete and certified by an independent certified public accountant in accordance with generally accepted auditing and accounting principles. The audit shall include but not be limited to a discussion, analysis, and verification of each of the records required to be maintained pursuant to this Chapter. The information contained in the audit shall be made available in standard electronic format which shall be compatible with Microsoft Office programs and software and which can easily be imported into either Excel, Access or any other contemporary software designed by the City Manager.

(c) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until sold or distributed.

(d) Each owner and/or operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of all employees currently employed by the commercial cannabis business and shall disclose such register to any City of King official upon request.

All records required by this Chapter shall be maintained by the commercial cannabis business for a period of not less than three (3) years and shall otherwise keep accurate records of all commercial cannabis business activity and provide such records for inspection consistent with California Business and Professions Code section 19327 and any additional rules promulgated by the licensing authority pursuant to that section or the City Council by resolution or ordinance.

17.03.190 **Prohibition on Transfer of Commercial Cannabis Permits.**

(a) No person shall operate a commercial cannabis business under a commercial cannabis permit issued pursuant to this Chapter at any place or location other than that identified on the permit.

(b) No person shall transfer ownership or control of a commercial cannabis business or transfer a permit issued pursuant to this Chapter unless and until that person first obtains the consent of the City Manager or his/her designee and the proposed transferee submits all required application materials and pays all applicable fees and charges and independently meets the requirements of this Chapter such as to be entitled to the issuance of an original commercial cannabis permit pursuant to this Chapter.

(c) Any attempt to transfer or any transfer of a commercial cannabis permit issued pursuant to this Chapter is hereby declared void and the commercial cannabis permit deemed immediately revoked and no longer of any force or effect.

17.03.200 **Packaging and Labelling.**

Prior to the sale or the delivery of any edible cannabis or edible cannabis product the same shall be labelled and in tamper-evident packaging which at least meets the requirements of California Business and Professions Code section 19347, as the same may be amended from time-to-time or superseded or replaced by subsequent State legislation or by any department or division of the State of California. The City Council may impose additional packaging and labelling requirements on cannabis or cannabis products by resolution.

17.03.210 **Operating Requirements.**

In addition to those operating requirements specifically set forth elsewhere in this Chapter and except as may otherwise be expressly set forth in this Chapter, the following operating requirements shall apply to all commercial cannabis businesses operating in the City of King.

(a) Hours of Operation. Commercial cannabis businesses may be open for access to the public only between the hours of 8:00 A.M. and 7:00 P.M. Monday through Sunday.

(b) Restriction on Consumption. Cannabis shall not be consumed on the premises of any commercial cannabis businesses or elsewhere in the City of King other than within private residences.

(c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of the property. No outdoor storage of cannabis or cannabis products is permitted at any time.

(d) Reporting and Tracking of Product and of Gross Sales. Each commercial cannabis business shall have in place a point-of-sale tracking system to track and to report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale) and shall ensure that such information is compatible with the City's record-keeping systems. The system must have the capability to produce historical transactional data for review by the City of King. All information provided to the City pursuant to this subsection shall be confidential and shall not be disclosed, except as may otherwise be required under law.

(e) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

(f) Emergency Contact. Each commercial cannabis business shall provide the City Manager or his/her designee with the name, telephone number (mobile preferred, if available) of an on-site employee or owner to whom emergency notice can be provided.

(g) Signage and Notices.

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of King Municipal Code, including, but not limited to, a issuance of a City of King sign permit.

(2) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.

(3) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.

(4) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.

(5) Signage shall not be directly illuminated, internally or externally. No banners, flags or other prohibited signs may be used at any time.

(h) Minors. Persons under the age of eighteen (18) years shall not be allowed on the premises of a commercial cannabis business.

It shall be unlawful and a violation of this Chapter for any person to employ any other person at a commercial cannabis business who is not at least eighteen (18) years of age.

The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of eighteen (18) years of age is permitted to enter upon the premises of the commercial cannabis business.

(i) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from marijuana are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the medical marijuana facility that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses

must install and maintain the following equipment or any other equipment which the City Manager or his designee determines has the same or better effectiveness:

(1) an exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

(j) Display of Permit and City Business License. The original copy of the permit issued by the City of King pursuant to this Chapter and the business license issued by the City of King pursuant to the King Municipal Code shall be posted inside the commercial cannabis business in a location readily-visible to the public.

(k) Background Check. Every person listed as an owner, manager, supervisor or employee of the commercial cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police or his designee for a background check by the City of King Police Department. No person shall be issued a permit to operate a commercial cannabis business unless they have first cleared the background check, as determined by the Chief of Police, as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of King to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis permit is submitted. The applicant(s) shall provide an initial deposit in an amount the Chief of Police or his designee estimates will cover the cost of the background investigation, which shall be used and drawn upon as a retainer to cover the actual costs of such investigation. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or in the event the applicant withdraws their application, any unused amount will be refunded to the applicant within thirty (30) days.

(l) Loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.

(m) Permits and other Approvals. Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be

applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.

17.03.220 **Cultivation, manufacture, waste, and storage requirements.**

(a). Any person issued a permit pursuant to this chapter must follow all pesticide use requirements of local, state and federal law. The Monterey County Agricultural Commissioner may inspect the commercial cannabis business at any time during business hours to ensure compliance with this Section.

(b). All weighing devices must be maintained in compliance with local, state or federal law and comply with applicable regulations regarding device registration with the Agricultural Commissioner.

(c). Any person issued a permit pursuant to this chapter must follow all local, state and federal requirements for solid waste and hazardous waste disposal. The Monterey County Environmental Health Bureau may inspect the commercial cannabis business at any time during business hours to ensure compliance with this Section.

(d). In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site. The City of King and Monterey County Environmental Health Bureau may inspect the commercial cannabis business at any time during business hours to ensure compliance with this Section.

(e). All food products, food storage facilities, food-related utensils, equipment and materials shall be approved, used, managed and handled in accordance to the provisions of the California Retail Food Code, California Health and Safety Code sections 113700 – 114437. All food products shall be protected from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases. The Monterey County Environmental Health Bureau may inspect the commercial cannabis at any time during business hours to ensure compliance with this Section.

(f). Stacking shall be allowed in a given structure but only to the point that measuring the total canopy of each level of stacking is cumulatively no greater than the maximum canopy size allowed under state licensing. For purposes of this section, Stacking is defined as the practice of growing marijuana plants on platforms or tables and stacking them in multiple layers on top of each other.

17.03.230 **Limitation on the Number of Cultivation and Nursery Facilities.**

No more than one million, three hundred fifty thousand (1,350,000) square feet of total canopy whether under cultivation or nursery activity will be allowed within the City of King at any one time and commercial cannabis permits shall be issued by the City of King for cultivation and nursery activity up to a maximum one million three hundred fifty thousand (1,350,000) square feet of total canopy within the City of King. Nurseries shall be limited to a total of 25,000 square feet in size per Type 4 "Nursery" license issued by the City.

17.03.240 **Periodic Review by the City Council.**

In the sole discretion of the City Manager; the City Attorney, the Chief of Police, and the Community Development Director shall report to the City Council findings on the operation of any cultivation facilities permitted pursuant to this article and shall make a recommendation whether the cultivation facilities should be permitted to continue in operation for the remaining period of the term of their license (in addition to whatever other recommendations may be made) and whether the City should renew one or more of the permits for an additional period. Any termination or revocation of a license or permit, shall be in accordance with the City of King Municipal Code.

17.03.250 **Operating Requirements for Cultivation and Nurseries.**

(a) Outdoor Cultivation and Nursery activity Prohibited. All outdoor cultivation and nursery activity is prohibited.

(b) In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

(c) If a parcel or lot includes nursery activities as defined in Business and Professions Code §19332, the parcel or lot may have only one nursery located on the parcel or lot and the nursery activity must be permitted pursuant to this Chapter and state law. The nursery shall be limited to a maximum size of twenty-five thousand square feet of canopy for each parcel or lot,

(d) Cannabis cultivation and nursery activity shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

(e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

(f) In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site.

(g) The cultivation of cannabis and any nursery activity shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis for non-medical purposes.

(h) All applicants for a cannabis cultivation or nursery permit shall submit the following in addition to the information generally otherwise required for a commercial cannabis business:

(1) An operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the nursery or cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

(2) A description of a legal water source, irrigation plan, and projected water use.

(3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.

(4) Plan for addressing odor and other public nuisances which may derive from the nursery or cultivation site.

17.03.260 **Cannabis Manufacturing; Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.**

The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate zoning districts as defined in Title 17, Zoning, of the City of King Municipal Code, subject to the regulations set forth in this section and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the City Council or otherwise pursuant to this Chapter.

(a) No edible cannabis products shall be sold or distributed on a retail basis at a commercial cannabis business operating under a permit issued pursuant to this Chapter. Edible Cannabis products may be sold wholesale for retail sale outside of the City boundaries.

(b) All items to be sold or distributed wholesale shall be individually wrapped at the original point of preparation. Labeling must include a warning if nuts or other known allergens are used, and must include the total weight (in ounces or grams) of cannabis in the package. A warning that the item is a medication and not a food must be clearly legible on the front of the package. The package must have a label warning that the product is to be kept away from children. The label must also state that the product contains cannabis and must specify the date of manufacture.

(c) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the commercial

cannabis business. Deliveries must be in a properly labeled opaque package when delivered.

17.03.270 **Cannabis Manufacturing: Extraction, etc.**

Cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code §19341, may be permitted to operate within the appropriate industrial districts as defined in Title 17 of the City of King Municipal Code. Cannabis manufacturing facilities requiring a Type-7 state license, Manufacturing Level 2, as defined in Business and Professions Code §19341 is prohibited in all zone districts in the City of King.

Any compressed gases used in the manufacturing process shall not be stored on any property within the City of King in containers that exceed 150 pound tanks in size. Each site or parcel subject to a Cannabis permit shall be limited to a total of eight tanks.

17.03.280 **Promulgation of Regulations and Standards.**

(a) The City Manager or his/her designee is authorized to promulgate all regulations necessary to implement the requirements and fulfill the policies of this Chapter related to cannabis and cannabis products.

(b) Regulations shall be published on the City's website.

(c) Regulations promulgated by the City Manager or his/her designee shall have the same force and effect of law and become effective upon date of publication.

17.03.290 **Community Relations.**

(a) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business.

(b) During the first year of operation pursuant to this Chapter, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this Chapter shall attend a quarterly meeting with the City Manager or his designee to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the City Manager or his/her designee when and as requested by the City Manager or his/her designee.

(c) Commercial cannabis businesses to which a permit is issued pursuant to this Chapter shall develop and make available to youth organizations and educational institutions a public education plan that outlines the risks of youth addiction to marijuana and that identifies resources available to youth related to drugs and drug addiction.

17.03.300 **Fees Deemed Debt to City of King.**

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of King that is recoverable in any court of competent jurisdiction.

17.03.310 **Permit Holder Responsible for Violations.**

The person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and the ordinances of the City of King, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

SECTION 2. **Severability**. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 3. All ordinances and parts of ordinances in conflict with those sections amended or added herein are hereby repealed.

SECTION 4. Effective Date. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty first day after its final passage.

This Ordinance was introduced and read by title only on the ____ day of _____ 2016 and was passed and adopted on this ____ day of _____2016.

PASSED AND ADOPTED this _____ day of _____2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

_____
Mayor Robert Cullen, City of King

ATTEST:

_____
Steven Adams, City Clerk

APPROVED AS TO FORM:

_____
Martin Koczanowicz, City Attorney

MEMORANDUM TO PLANNING COMMISSION

DATE: AUGUST 16, 2016

TO: PLANNING COMMISSION

FROM: DON FUNK, PRINCIPAL PLANNER

RE: REQUEST FOR INTERPRETATION BY PLANNING COMMISSION REGARDING 215 JAYNE STREET

I. STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that the proposed use is not consistent with the current land use designation and that, if the applicant wishes to pursue the proposed auto repair land use, the applicant shall apply for a land use amendment to the Downtown Addition Specific Plan, following all procedures applicable to a proposed land use amendment.

II. INTERPRETATION REQUEST AND BACKGROUND INFORMATION

Mario Butkovic, applicant, is requesting a Planning Commission ***("Commission")*** interpretation regarding allowing a car repair use at 215 Jayne Street. ***(Reference Exhibit 4 and 1.)***.

Section 17.48.020 of the Municipal Code allows the Commission to make an interpretation based on the following findings:

17.48.020 Interpretation stated in resolution.

If any ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to matters of height, area requirements or zone boundaries as set forth herein, the planning commission shall ascertain all pertinent facts and by resolution set forth its findings and interpretations and thereafter such interpretation shall govern. (Ord. 354 § 5.1.1, 1973)

The property is currently an inactive car towing service site. The site was formerly a towing service business with security fencing. The former towing service had a Conditional Use Permit ***("CUP")*** for towing use and auto repair. That CUP expired after the previous use ceased use over a year ago. Municipal Code Section 17.58.070 (Non-Conforming Uses) states:

17.58.070 Loss of nonconforming status.

(a) Termination by Abandon.

(1) If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of twelve months or more, all rights to legal nonconforming status shall terminate.

(2) The community development director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.

(3) The community development director may grant a CUP (Municipal Code Section 17.60.020, Use permits issuance) to allow an extension of the twelve-month period for a period not to exceed an additional twelve months if the community development director finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use or structure. The applicant shall file an application for the CUP for the extension of time before expiration of the original twelve-month period in compliance

(4) Once the rights to a legal nonconforming status have terminated, any further use of the site or structure shall comply with the regulations of the applicable district and all other applicable provisions of the zoning ordinance.

*(b) **Termination by Destruction.** Except as provided in Municipal Code Section 17.58.090(d) (Reconstruction or replacement), nonconforming status shall terminate if more than fifty percent of the replacement cost of such structure or use is destroyed. Said structure or use shall be rebuilt, restored, reestablished or reoccupied in conformance with the regulations of Title 12 (Buildings and Construction) and those of the district in which it is located, or be removed completely within thirty days of the occurrence of the damage or destruction. (Ord. 681 § 1, 2009)*

There have been no business licenses for the towing service use in over twelve months.

The site is bounded on the north by vacant property, on the east by agriculture, on the west by the Union Pacific Railroad and on the south by a vacant lot. Other nearby uses include residential apartments to the south as well as fuel supply facility to the north.

The property is currently designated Neighborhood General 3 ***("NG-3")*** Residential in the Downtown Addition Specific Plan. ***(Reference Exhibit 2 and 3.)*** As stated in the DTA Specific Plan, the NG-3 zone is applied to areas appropriate for a wide range of residential building types that includes courtyard housing and villas, and, with limitations, rowhouses, triplexes and quadplexes, and a small number of detached houses. Live-work buildings are allowed at certain street frontages. The previous zoning allowed car repair and car related businesses. The new residential designation within the Downtown Addition Specific Plan does not allow car repair land uses.

Industrially zoned property is being purchased for medical marijuana businesses. Several businesses occupying these properties are being displaced. In addition to manufacturing zones, auto repair is permitted with a CUP in the General Commercial ***("C-2")*** and Highway Service Commercial ***("H-S")*** zoning districts.

Staff has attempted to assist the applicant in finding other suitable locations in King City. However, the applicant indicated that the other properties are not appropriate locations or the owners aren't interested in accommodating auto repair garage uses.

The proposed use would require an amendment to the Downtown Addition Specific Plan (both to the text and the land use plan). There would also be an environmental determination. If the original EIR did not address the proposed commercial use for this property, a subsequent environmental determination would be required for the proposed change.

III. ALTERNATIVES

The Planning Commission has several alternatives, as listed below.

A. Accept staff's recommendation.

B. Find that an auto repair shop is permitted on the property.

C. Direct the applicant to amend the Downtown Specific Plan (and possibly the EIR) to permit auto repair businesses in the NG-3 zoning district.

Exhibit 1

Location Site

Exhibit 2

Downtown Addition Specific Plan

Exhibit 3

Allowed Land Use Under the DTA Specific Plan NG-3 Zoning District

Following is the land use table from the Downtown Addition Specific Plan

3. Regulating Code

3.3 Land Use Regulations

development potential. In addition, applicants wishing to change or intensify a commercial use that requires a CUP or initial Planning Commission Major Plot Plan review per Table 3-2 below shall be responsible for ensuring that the proposed development or land use does not exceed the development potential described in Table 2-1 (Land Use Summary).

Also refer to Section 5.7 (Specific Plan Approvals, Amendments and Changes).

Table 3-2: Allowed Land Uses and Permit Requirements

Land Use Type[1]	Permit Required by Zone					Required Parking Spaces[2]	Reference to City of King Municipal Code and other Specific Plan Regulations
	OS	NG-1	NG-2	NG-3	NC		
Boarding and Lodging							
Bed and Breakfast Inn	—	—	—	CUP	PC	2 per unit + 1 per guest room[3]	
Congregate Care Housing Facility	—	—	—	—	CUP	Parking Determination	DA SP Sec. 3.10
Hotel	—	—	—	—	PC	1 per guest room[3]	
Eating and Drinking							
Restaurant (without drive-through)	—	—	—	—	PC	1 per 60 sf of customer area + 1 per 250 sf preparation area[3]	
Café, coffee shop, delicatessen (no alcoholic beverages sales)	—	—	—	CUP	PC	1 per 400 sf[3]	
Bar, tavern, night club	—	—	—	—	CUP	1 per 60 sf of customer area + 1 per 250 sf preparation area[3]	
Mixed-Use							
Home occupation	—	P	P	P	PC	none	KC MC Ch. 17.04.250
Live-work building - residential component	—	—	—	PC[4]	PC[4]	2 per unit[5]	DA SP Sec. 3.6
Live-work building - commercial component	—	—	—	PC[4]	PC[4]	1 per 400 sf of retail use[3] 1 per 400 sf of office use[3]	DA SP Sec. 3.1, Table 2-1, Sec. 3.6
Mixed-use building - residential component	—	—	—	—	PC[4]	1 per efficiency/1-bedroom unit[5] 1.5 for 2-bedroom unit[5] 2 per 3+ bedroom unit[5]	DA SP Sec. 3.6
Mixed-use building - commercial component	—	—	—	—	PC[4]	1 per 300 sf of retail use[3] 1 per 400 sf of office use[3]	
Recreational, Education and Public Assembly							
Recreation facility - outdoor	CUP[6]	—	—	—	CUP	Parking Determination[7]	DA SP Sec. 3.9.4
Fitness/athletic club	—	—	—	—	CUP	Parking Determination[7]	DA SP Sec. 3.10
Library or museum	—	—	—	—	CUP	Parking Determination[7]	DA SP Sec. 3.10
Meeting facility, public or private	CUP[6]	—	—	—	CUP	Parking Determination[7]	DA SP Sec. 3.9.4, DA SP Sec. 3.10
School - elementary, middle, secondary	—	—	—	—	—	n/a	
School - specialized education training	—	—	—	—	CUP	Parking Determination[7]	DA SP Sec. 3.10
Studio - art, dance, medical arts, music, etc.	—	—	—	—	PC	Parking Determination[7]	DA SP Sec. 3.10
Theater - cinema, performing arts	—	—	—	—	CUP	Parking Determination[7]	DA SP Sec. 3.10
Residential							
Dwelling - two, three, multiple family	—	—	P[8]	P[8]	CUP	1 per efficiency/1-bedroom unit[5] 1.5 for 2-bedroom unit[5] 2 per 3+ bedroom unit[5]	DA SP Sec. 3.6
Dwelling - single family	—	P[8]	P[8]	P[8]	—	2 per unit[5]	DA SP Sec. 3.6
Garage unit	—	P[8]	P[8]	P[8]	—	1 per efficiency/1-bedroom unit[5] 1.5 for 2-bedroom unit[5]	DA SP Sec. 3.6, Table 3-6

Notes:
1. See Appendix A for land use definitions.
2. Limited to the Community Park - see Section 3.9.4.
3. Use allowed only on an upper floor, or behind a ground-floor street-fronting use.
4. Limited to Building Types permitted in each Zone - see Section 3.6.
5. Limited as per Section 3.6, Table 3-6.
6. Limited to Live-Work buildings - see Section 3.1, Table 2-1, and Section 3.6.
7. See Section 3.10 for detailed Parking Standards.
8. Parking spaces to be provided off-street.
9. Parking spaces to be provided in shared parking facilities consisting of a combination of on-street and off-street spaces.
10. Subsequent change or intensification of use is subject to Major Plot Plan Review.

Key:
P - Permitted use
PC - Initial Planning Commission Major Plot Plan Review required
CUP - Conditional Use Permit required
— - Use not allowed
n/a - Not applicable
KC MC - City of King Municipal Code
DA SP - Downtown Addison Specific Plan

3. Regulating Code

3.3 Land Use Regulations

Table 3-2: Allowed Land Uses and Permit Requirements (continued)

Land Use Type[1]	Permit Required by Zone					Required Parking Spaces[3]	Reference to City of King Municipal Code and other Specific Plan Regulations
	OS	NG-1	NG-2	NG-3	NC		
Retail							
Alcoholic beverage sales - off-premise	—	—	—	—	CUP	1 per 300 sf[4]	
Drive-through retail	—	—	—	—	—	n/a	
General retail	—	—	—	CUP[5]	PC	1 per 300 sf[4]	
Groceries/market (up to 50,000 sq ft)	—	—	—	—	PC	1 per 300 sf[4]	
Convenience/mini market (up to 5,000 sq ft)	—	—	—	—	CUP	1 per 300 sf[4]	
Newspaper rack	—	—	—	—	PC	n/a	
Services							
ATM, bank, financial services (no drive through)	—	—	—	—	PC	1 per 300 sf[4]	
Business support service (copy/postal center, laboratory, etc.)	—	—	—	—	PC	1 per 300 sf[4]	
Child day care center	—	—	—	—	CUP	Parking Determination	DA SP Sec. 3.10
Child day care - Small family day care home	—	P	P	P	—	none	
Child day care - Large family day care home	—	—	P	P	—	none	
Clinic - outpatient	—	—	—	—	CUP	1 per 300 sf[4]	
Dry cleaner (without on-site cleaning facility)	—	—	—	—	CUP	1 per 300 sf[4]	
Equipment rental, sales, service	—	—	—	—	—	n/a	
Laundromat	—	—	—	—	CUP	1 per 300 sf[4]	
Office - business, administrative, medical or professional	—	—	—	CUP[6]	PC	1 per 400 sf[4]	
Personal services (barber, beauty, nail, etc.)	—	—	—	CUP[6]	PC	1 per 300 sf[4]	
Repair (leather, luggage, shoes, etc.)	—	—	—	CUP[6]	PC	1 per 300 sf[4]	
Transportation, Communications & Infrastructure							
Automotive - sales, parts, repair, storage	—	—	—	—	—	n/a	
Parking facility, public or commercial	—	—	—	—	CUP	n/a	
Service station	—	—	—	—	—	n/a	
Telecommunications facility	—	—	—	—	CUP	n/a	
Utility facility	—	CUP	CUP	CUP	CUP	n/a	
Utility infrastructure	CUP	P	P	P	PC	n/a	
Miscellaneous Uses							
Any use found similar to the above uses, based on the findings and procedures in Municipal Code 01.7.02.030	see under similar use above					see under similar use above	KC MC Ch. 17.02.030 DA SP Sec. 3.3.2

Notes:

1. See Appendix A for land use definitions.
2. Limited to the Community Park - see Section 2.9.4.
3. Use allowed only on an upper floor or behind a ground-floor street-fronting use.
4. Limited to Building Types permitted in each Zone - see Section 3.6.
5. Limited as per Section 3.6, Table 3.6.
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7. See Section 3.10 for detailed Parking Standards.
8. Parking spaces to be provided off street.
9. Parking spaces to be provided in shared parking facilities consisting of a combination of on-street and off street spaces.

Key:

P - Permitted Use
PC - Initial Planning Commission review required
CUP - Conditional Use Permit required
— - Use not allowed
n/a - Not applicable
KC MC - City of King Municipal Code
DA SP - Downtown Addition Specific Plan

Exhibit 4

Information from Applicant

Letter Explaining His Request

RECEIVED
JUL 28 2016
CITY OF KING

My Auto Repair

45336 Los Ositos Road

King City, CA 93930

To Whom it may concern:

We are writing to you in regards to the property located at 215 Jayne Street, APN #026-301-006, King City, CA 93930. We are requesting that this property and the property next to it be re-zoned to commercial use as it was before when Mr. Renato Montano had his active business established there years ago as Renie's Auto Repair & Towing. His business license at that time was number 13118. He had maintained this for many years until recently.

We, at My Auto Repair, have been communicating with Mr. Renato about purchasing his property. And, City of King in regards to aforementioned property about current and past zoning. At this time, it was brought to our attention that the property is zoned for residential. No project has begun on these properties yet.

Due to the fact that the city re-zoned the City of King and has allowed the marijuana cultivation companies to come in, it has placed a few of us smaller businesses out of a location to operate out of. And because of current zoning, it has made it nearly impossible to find a good location in order to operate our business. Most of the locations zoned appropriately for our business are in locations that are undeveloped and not ready for use since they are currently being farmed. This area is part of the future addition to King City, which will not be ready for use at this time. After speaking with a few city officials it has come to our understanding that these projected commercial properties will not be available for a few years. With that in mind, our small businesses can not afford to wait that long for this project to take place.

My Auto Repair has been in business for over 25 years and has been in good standing with Better Business Bureau throughout that whole time. We wish to continue operating our business here within the City of King. We were in the process of expanding our business and hoping to find a good location in order to place a building there to suit our needs.

We are respectfully requesting that APN#026-301-006, 215 Jayne Street, be re-zoned so we may be able to operate our business from that location. We are submitting plans of the building we were planning to place on the property should this be approved. I have also presented these plans to Mr. Paul Hodges and he stated there would be no issue for him approving our building plans. We have also discussed in detail the improvements to be made to the property and landscaping as per City of King standards. All of which, would meet approval should the City Planning Commission assist us in this process of getting the property re-zoned.

We have also submitted a check in the amount of $300.00 to cover the interpretation fee required by the City of King. Please feel free to contact me at (831)525-3057 for any questions regarding this issue. My name is Mario Butkovic, Manager, My Auto Repair.

Thank you in advance for your time and consideration.

Respectfully,

Mario Butkovic

Manager

My Auto Repair

Exhibit 5

Previous CUP for Towing Service at 215 Jayne Street

(No current business license for this use)

USE PERMIT
COMMISSION ACTION

Public Appearances For: 0

Public Appearances Against: 0

Planning Commission Resolution _____

WHEREAS: The Planning Commission of the City of King has held a public hearing on

~~on~~ Feb 20, 2001

on the application of Renie's Auto Repair & Towing

To permit to allow outside storage of vehicles.

in an M-2 District, and

Whereas: The Planning Commission find the Use Permit (as applied for)

(as conditioned by) _____

see attachment A

(meets) (does not meet) the requirement of Title 17 of the Zoning Ordinance of the City of King, now, therefore be it

RESOLVED: That said Planning Commission hereby recommends the City Council (grant) (deny) the application (as applied for) (as conditioned by the above).

Regularly passed and adopted by the Planning Commission of the City of King, California, on the 20 day of February, 20 01.

AYES Commissioners: Kleber, Krause, Lopes

NOES Commissioners: 0

ABSTAIN Commissioners: 0

ABSENT Commissioners: Soto, Layous

ATTEST: [signature]
Secretary of Planning Commission

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City of King

USE PERMIT
COUNCIL ACTION

The Planning Commission recommendation on the application of Ramiro's Auto Repair & Towing for a Use Permit to allow Outside storage of vehicles on property located at Jayne Street APN # 026-301-006 in an M-2 District was heard by the City Council at a Public Hearing on the 27th day of February, 20 01.

The Planning Commission recommendation is hereby (affirmed) (reversed) and the application is (granted) (denied) (as applied for) (as conditioned by)

See Attachment A

Motion passed by the City Council of the City of King, California, on the 27th day of February, 20 01, by the following vote:

AYES COUNCILMEMBERS: JOHN MYERS, RICHARD ZECHENTMAYER, ROBERT TANEZ, MARGARTIA LOPEZ

NOES COUNCILMEMBERS: NONE

ABSTAIN COUNCILMEMBERS: NONE

ABSENT COUNCILMEMBERS: BYRON LYNN

ATTEST: _____
City Clerk

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