

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, MAY 16, 2017
6:00 P.M.

Council Chambers, City Hall
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: April 18, 2017

7. PUBLIC HEARINGS

- A. **Consideration:** Approval of Conditional Use Permit Case No. CUP 2015-005 and Architectural Review Case No. AR 2015-002 for Construction of a new 8,000 square foot warehouse for multiple light industrial (no-cannabis) uses at 325 Airport Drive, King City, CA. 93930, for Ted Umstead. The property is within the Planned Development/Specific Plan ("P-D/SP") Zoning District and within the Light Industrial ("LI") General Plan Land Use Designation. The Project is within the East Ranch Business Park Specific Plan ("ERBP-SP").

Recommendation: Planning Commission conduct the public hearing and approve Resolution No. 2017-175, which approves Master Conditional Use Permit Case No. CUP2015-005 and Architectural Review Case No. AR2015-002 for the construction of an 8,000-square foot warehouse and allow multiple uses based on the Findings of Fact and subject to the Conditions of Approval.

Environmental

Determination: The project is Categorically Exempt pursuant to the California Environmental Quality Act ("CEQA") per Section §15332 (Infill Projects) Development Class 32.

- B. Consideration:** Approval of Conditional Use Permit Case No. CUP 2016-008 for Renovation of an existing 15,592 square foot structure adding the second floor of 15,572 square foot inside the existing space at 151 Airport Drive, King City, CA. 93930, for Isaiah Dawid, Boutique Unlimited: Medical Cannabis Cultivation (CA Type 3A License).

Recommendation: Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution 2017-176 approving Conditional Use Permit 2016-008.

Environmental

Determination: The project qualifies as a Class 32 categorical exemption per CEQA Guidelines §15332 (Infill Projects), being surrounded by urban uses and not having significant impacts to traffic, noise, air quality or water quality.

8. REGULAR BUSINESS

None

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

<u>May 2017</u>		
May 23 rd	6:00 p.m.	City Council

June 2017		
June 6 th	6:00 p.m.	Planning Commission
June 12 th	6:00 p.m.	Airport Advisory Committee
June 13 th	6:00 p.m.	City Council
June 19 th	5:00 p.m.	Recreation Commission
June 20 th	6:00 p.m.	Planning Commission
June 27 th	6:00 p.m.	City Council

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

ALUC: Airport Land Use Commission

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

APCD: Air Pollution Control District

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)

MVTC: 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

April 18, 2017

1. Call to Order

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:02 p.m.

2. Pledge of Allegiance

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

3. Roll Call

Chairperson David Nuck X Vice Chair David Mendez X
 Michael Barbree X Margaret Raschella X Ralph Lee X

Staff present: Doreen Liberto-Blanck, Community Development Director, Don Funk, Principal Planner, Maricruz Aguilar-Navarro, Assistant Planner; Erica Sonne, Admin. Asst./Deputy City Clerk

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: March 21, 2017

Action: Motion made by Commissioner Barbree to approve minutes of February 21, 2017. Seconded by Commissioner Mendez. Motion carried 5-0.

7. Public Hearing Items

- A. **Consideration:** Recommendation to City Council to Amend the General Plan (Case No. GPA2017-001) and Approve a Zone Change (Case No. ZC2017-001) Portions of APN 245-111-036-000 and APN 245-111-036-000 and APN 245-111-030-000 and Adjacent City Property as Clean-up Item.

Recommendation: Adopt attached resolution No. 2017-173 amending the General Plan from Public Quasi ("PQ") to Agriculture ("AG"), and amending the zoning district from ("M-1") to Agriculture ("A") on the area identified in Exhibit 1.

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

Chair Nuck opened the public hearing seeing no one come forward, Chair Nuck closed the public hearing. Chair Nuck ask for a motion with a roll call vote.

Action: Motion made by Commissioner Barbree to adopt the attached Resolution 2017-173 seconded by Mendez.

AYES: Chair Nuck, Vice Chair Mendez, Commissioner Barbree, Lee, Raschella

NOES:

ABSENT:

ABSTAIN:

- B. Consideration:** Conditional Use Permit Case No. CUP2017-001, Architectural Review Case No. AR2017-001, Variance Case No. VAR2017-002, and Lot Merger Case No. LM2017-001 for the Construction of a New 48,875 Square Foot Warehouse for the Purpose of Storage of Organic Grain and Organic Fertilizer on APN: 026-271-009, 512 Metz Road. The Project Includes a Setback Variance & Lot Merger of APN: 026-271-009 to APN:026-271-011.

Recommendation: Staff recommends Planning Commission: 1) conduct the public hearing 2) approve Resolution No. 2017-174 which approves Cases No. CUP2017-001, AR2017-001, VAR2017-002, and LM2017-001 for the construction of a 48,875-square foot warehouse, a lot merger of two parcels into one parcel of approximately 10 acres, and a setback variance to reduce side yard from 20 feet to 10 feet, based on the Findings of Fact and subject to the Conditions of Approval and Mitigation Measures.

Don Funk, Principal Planner presented this item with his power point.

Chair Nuck opened the public hearing. The applicant stated that it is to house the organic fertilizer and the seed operation. Chair Nuck closed the public hearing.

Chair Nuck ask for a motion with a roll call vote.

Action: Motion made by Commissioner Raschella to adopt the attached Resolution 2017-174 seconded by Lee.

AYES: Chair Nuck, Vice Chair Mendez, Commissioner Barbree, Lee, Raschella

NOES:

ABSENT:

ABSTAIN:

8. Regular Business- None

9. Planning Commission Report – They ask if O'Reilly's is moving along. Yes, they are and the Kiosk Agreement has been signed. They changed contractors and the permit is ready to be issued.

Farmworker housing open house is Thursday.

10. Director Reports- King City Sign Regulation survey was gone over. Chair Nuck is concerned about the banner type signs hanging off of the 200 block of Broadway as they look ragged. He also mentioned that the windows being covered with product and he feels it is like looking at the back of a storage room.

11. Written Correspondence– None

12. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:35 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 7 (A)

REPORT TO THE PLANNING COMMISSION

DATE: MAY 16, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: CONSIDERATION OF A MASTER CONDITIONAL USE PERMIT CASE NO. CUP2015-005 AND ARCHITECTURAL REVIEW CASE NO. AR2015-002 FOR THE CONSTRUCTION OF A NEW 8,000 SQUARE FOOT WAREHOUSE AND TO ALLOW MULTIPLE USES WITHIN THE 2.06 ACRE SITE LOCATED AT 325 AIRPORT DRIVE, KING CITY

RECOMMENDATION:

It is recommended Planning Commission conduct the public hearing and approve Resolution No. 2017-175, which approves Master Conditional Use Permit Case No. CUP2015-005 and Architectural Review Case No. AR2015-002 for the construction of an 8,000 square foot warehouse and allow multiple uses based on the Findings of Fact (**Reference Exhibit 1**) and subject to the Conditions of Approval (**Reference Exhibit 3.**)

BACKGROUND:

As part of the Master Conditional Use Permit, Ted Umstead ("**Applicant**") is proposing construction of a new 8,000 square foot warehouse for the potential use of multiple light industrial (non-cannabis) uses of: Building Contractors, Equipment Supply Companies, Auto Repair Shops, Auto Detail Shops, and Restaurant Supply Businesses. The property currently has an existing 3,525 square foot storage building and an existing 480 square foot Temporary Office Trailer. The Applicant is also installing a 1,800 square foot canopy to shelter his equipment from the rain.

On **October 27, 2015**, the Applicant submitted a Master Conditional Use Permit Application. The Application was deemed incomplete on **November 5, 2015**, at which time the Applicant placed the application on hold. On **January 26, 2017**,

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the Applicant submitted additional items to reinstate the application. The Application was deemed complete on **February 27, 2017** and a revised site plan was submitted on **March 1, 2017**. The Application Submittals were routed to the Project Review Committee ("**PRC**") which is composed of City Department Heads and the comments are included throughout the report.

DISCUSSION:

On **September 10, 2014**, the Community Development Director approved a Plot Plan Review ("**PPR**") with Conditions of Approval for storage within the existing 3,525 square foot building and a temporary installation of a 480 square foot office trailer off Airport Drive. (**Reference Figure 1.**) Ted Umstead, Applicant and owner of Umstead Electric, a State Licensed Contractor and has been in operation at this location since 2014. The property is zoned Planned Development/Specific Plan District ("**PD-SP**") and has a General Plan Land Use Designation of Light Industrial ("**LI**"). The property is within the boundary of the East Ranch Business Park-Specific Plan ("**ERBP-SP**"). Per Chapter 4 Development Standards of the ERBP-SP a Conditional Use Permit is required as well as an Architectural Review Permit for new uses and new construction.

The property is 2.06 Acres (89,733 square feet). Approximately twenty (20%) of the property's north (rear) border is on a slope bank that is undevelopable and therefore, used and maintained with landscaping.

The proposed project includes construction of a new 8,000 square foot commercial warehouse along the north end of the property. The Applicant plans to lease the building to small businesses up to 1,600 square foot units. The uses identified by the Applicant as potential uses are:

1. Building Contractors
2. Equipment Supply Companies
3. Auto Repair Shops
4. Auto Detail Shops
5. Restaurant Supply Businesses
6. Warehousing & Wholesale
7. Approximately 120 square feet of Incidental Office Space inside each tenant space, if needed.

The proposed building will be constructed to allow for future interior separation walls for spaces up to 1,600 square feet. The project proposes to install eleven (11) new parking spaces, with additional potential parking behind the proposed building.

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The Applicant has specified that, depending on the market needs and future tenants, he would either rent individual unit spaces or rent the entire building. If the building is divided into sections, each unit would have its own restroom (**Reference COA No. 11.**) The proposal includes a total of eleven (11) parking spaces. Staff is recommending an additional of five (5) parking spaces be installed to meet the minimum parking requirement for an auto service facility in order to meet the impact on parking if the entire building is leased to an auto service facility. This would bring the total parking to sixteen (16) parking stalls. The Applicant shall submit a final parking and circulation plan at the time of building permit submittal for review and approval by the Community Development Director and City Engineer. (**Reference COA No. 28.**)

The site is also proposing to install a bio-swale to handle the rain water runoff in order to meet Central Coast Regional Water Quality Control Board ("**RWQCB**") standards for pollution control. The drainage plan will be reviewed by the City Engineer for consistency with City and RWQCB runoff standards. (**Reference COA No. 13.**)

Lot Coverage:

The existing and proposed structures for the site include:

Existing Storage Warehouse Bldg:	3,525 sq. ft.
Existing TEMPORARY Office Trailer:	480 sq. ft.
New Canopy Cover (Existing Outdoor Storage)	1,800 sq. ft.
<u>New Warehouse Bldg:</u>	<u>8,000 sq. ft.</u>
Total Proposed Lot Coverage: °	13,805 sq. ft.
Lot Size:	89,733 sq. ft. (2.060 acres)
Lot Coverage:	15%

Per the ERBP-SP Chapter 4 Development Standards the maximum coverage of a lot by all structures may be sixty percent (60%). The proposed lot coverage would be 13,805 sq. ft. on an 89,733 sq. ft. lot would be a total of fifteen percent (15%) lot coverage. Therefore, the proposed total lot coverage is less than maximum allowable coverage.

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Setbacks:

The minimum front yard setback for structures abutting a public street is twenty (20') feet. The structure cannot exceed twenty (20') feet. The proposed new warehouse has a twenty-two (22') foot front yard setback. The proposed building height is eighteen (18') feet; however, the applicant indicates a desire to extend the height to 20 feet as permitted by code.

The minimum side yard setback is ten (10') feet. The proposed new warehouse is one-hundred and thirty (130') feet from the side yard and approximately fifteen (15') feet away from the proposed canopy equipment shelter area.

The minimum rear yard interior lot setback for non-residential structures is twenty (20') feet. The proposal includes a ten (10') foot distance from the slope bank and twenty-five (25') feet to the rear of the property line.

Fencing

Outdoor storage and trash is required to be screened. The Applicant has an existing six (6') foot fence along the side and rear of the property. The frontage has existing six (6') foot shrubs that helps screen the view from Airport Drive. The Applicant proposes to keep and maintain the existing landscaping along the frontage (**Reference COA No. 26.**) No new fencing is proposed; however, outdoor storage requires screening by a combination of walls and landscaping along the street.

Figure 1



Analysis of Proposed Uses & Parking

Storage, warehousing and wholesaling are in the same category for parking requirements per Chapter 4 Development Standards of ERBP-SP. Requirements are one (1) space per each 1,000 square foot of gross floor area. An 8,000 square foot warehouse would require eight (8) parking spaces. The proposed site plan includes installing eleven (11) parking spaces. There is also gravel area behind the building that can be used for parking and provide for potential permeable surface for drainage in order to meet RWQCB pollution control standards.

The following table outlines the permitted uses within the East Ranch Business Park – Specific Plan and how it relates to the proposed uses requested by the Applicant, including parking requirements. Handicapped parking shall comply with the latest Uniform Building Code (“**UBC**”) requirements (**Reference COA No. 28.**) Prior to issuance of a building permit, the access to the parking lot shall be reviewed and approved by the City Engineer and Building Official. (**Reference COA No. 17.**) Per Chapter 5 of the ERBP-SP, bicycle parking shall be installed

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for each new commercial or industrial project. The project shall accommodate four (4) bicycle parking stalls and the location shall be reviewed and approved by the City Engineer and Community Development Director. (**Reference COA No. 29.**)

Proposed Uses	Uses Permitted w/CUP in ERBP-SP	Parking Requirements	Required Parking Spaces
Building Contractors/	Mini-warehouse	1 space per 1,000 SF of gross floor area (mini-warehouse) 1 space per 1,000 SF of gross floor (contractor yards)	8 would be required if renting the entire site to one (1) Building Contractor
Equipment Supply Companies	Mini-warehouse	1 space per 1,000 SF of gross floor area (mini-warehouse)	8 parking spaces would be required if rented to one (1) Equipment Supply Company
Auto Repair Shops	Auto Service Facilities w/in a building or w/in an enclosed 8ft fence	1 space per 500 SF of gross floor area	16 parking spaces would be required if rented entirely to one (1) Auto Repair Shop Or 3 parking spaces would be required if renting one (1) unit of 1,600 SF.
Auto Detail Shops	Auto Service Facilities w/in a building or w/in an enclosed 8ft fence	1 space per 500 SF of gross floor area	16 spaces would be required if rented entirely to one (1) Auto Detail Shop Or 3 parking spaces would be required if renting one (1) unit of 1,600 SF.
Restaurant	Storage and	1 space per 1,000 SF	8 parking spaces

Supply Businesses	Warehousing w/in a Structure	of gross floor area (mini-warehouse)	would be required if rented to one Restaurant Supply Business
Warehousing and Wholesale	Warehousing & Wholesale	Minimum of two (2) spaces per every 3 employees on largest shift, but not less than one (1) per 3,000 square feet gross floor area.	3 parking spaces would be required if rented the entire floor area or minimum of 2 per every 3 employees on largest shift.
Office	Office	<p>1 space per employee, but not less than 1 space per 250 square feet of gross floor area.</p> <p>The Applicant proposes to make available 120 square feet of office space within a 1,600 sq ft area if needed by the tenant. If each tenant space has an office that would be a total of 600 square feet of office space.</p>	<p>6 parking spaces would be required per 1,600 square feet of office floor area (one entire tenant space);</p> <p>Or</p> <p>2 parking spaces for a total of 600 sq ft of office space</p>

Landscaping

Approximately twenty percent (20%) of the rear of the property is at a slope and unable for development or expansion. **(Reference Figure 2.)** This area is kept with wood chips for weed control and erosion control. The Applicant proposes to keep the same maintenance practices for weed and erosion control. **(Reference COA NO. 30.)**

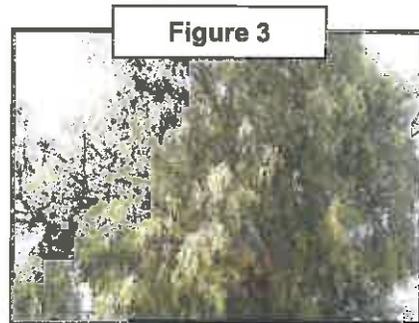
The existing landscaping includes nine (9) mature trees along the rear of the property. The Applicant proposes to add a new bio-swale landscape area that will include a new irrigation



drip system and new shrubs such as Cordon Cactus, Waxleaf Privet, Chola Cactus, Saguaro Cactus, Monster Cactus, Prickly Pear Cactus, Rosmary, and Oleander plants. The total existing open space area is 40,350 square feet that includes a 1,400 square foot bio-swale area proposed along the center of the property. The ERBP-SP Chapter 5 Design Standards recommend selection of plant materials that are water conservation and low maintenance. Therefore, the proposed selection meets this requirement.

Drainage and Erosion Control

The project will be required to meet State and Federal drainage and erosion standards, keeping drainage from the building on-site in a manner that will permit percolation into the ground water and reduction of stormwater flows. The site proposes to install a bioretention basins or similar methods of maintaining drainage on-site. This is subject to approval of the City Engineer and Community Development Department. **(Reference COA No. 22.)** All drainage shall conform to the City Standards and be reviewed and approved by the City Engineer **(Reference COA No. 21.)**



The proposed project disturbed area is 2.06 acres. All projects require measures to address erosion and sedimentation during grading and construction as well as permanent measures after completion of grading and construction. Construction and grading over one acre requires normal Stormwater Pollution Prevention Plan (SWPPP) protocols for grading and construction during rainfall events. **(Reference COA No. 22.)**

Driveways

The access to the property has an existing approximately 80ft driveway approach near where the proposed 8,000 sq. ft. warehouse is going to be. The Applicant proposes to do an A/C paved driveway to the building and along the proposed parking lot. A final driveway plan and parking plan to be reviewed and approved by the City Engineer prior to issuance of a building permit **(Reference COA No. 18.)**

Lighting

The Applicant is not proposing any new lighting. Any proposed lighting in the future shall be designed to not glare into the public areas **(Reference COA No. 27.)**

Trash Enclosures & Transformers

The Applicant proposes to construct a new trash enclosure along the center front street view. The ERBP-SP Design Standards does not permit trash enclosures within the "front street-side building setback". Staff is recommending that the Applicant contact Waste Management and see if the trash enclosure can be moved towards the back of the building. (**Reference COA. No. 24.**) The new outdoor trash areas shall be visually screened by a minimum of six (6') foot high noncombustible enclosure constructed of the same materials and finishes as the adjacent building as referenced in the East Ranch Business Park Specific Plan Development Standards. (**Reference COA No. 24.**)

Any proposed transformers and emergency generators, where required, shall be screened by walls or dense landscaping. Transformers located in the "front" street-side setback shall be underground. (**Reference COA. No. 25.**)

Architectural Review

The proposed 8,000 sq. ft. warehouse is a metal building similar to the existing storage building on site. The proposed building will have five garage doors, five windows, three (3) color scheme to help break up the flat surface of the metal building. The Applicant is also proposing to add awnings over the windows to soften the frontage of the industrial building. The Planning Commission will act as the architectural review committee ("**ARC**"), pursuant to Municipal Code Section 17.30.120. The building is similar in character to the adjacent buildings along the East Ranch Business Park – Specific Plan boundary.

Advantages

In light of the new ordinances for Medical Cannabis industry permitted within the industrial park, many small light industrial businesses have been relocated. This project will provide needed industrial space for small light non-cannabis related industrial businesses that are looking to continue their business operations within the city.

Disadvantages

There are no known disadvantages.

Environmental Review

The project is Categorical Exempt pursuant to the California Environmental Quality Act ("**CEQA**") per Section 15332 In-Fill Development Class 32 as it

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consists of a project meeting the requirements if this section. The project is consistent with the general plan designation of Light Industrial ("*LI*"), Land Use Element Program: 4.1.1.1 that encourages development of new businesses that will offer year-round employment, in order to reduce the seasonal unemployment that is characteristic of the current local economy. The project will be allowing for small light industrial businesses to occupy a needed space. The proposed project is within city limits and is not more than five (5) acres of land. The Project site is 2.060 acres. The project site has no value as a habitat for endangered, rare or threatened species. The project site is within the East Ranch Business Park – Specific Plan area. The approval of the project will not result in any significant effects relating to traffic, noise, air quality or water quality. The site can be adequately served by all required utilities and public services.

Project Review Committee ("*PRC*") Comments

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 Project Review Committee ("*PRC*"). The PRC provides comments to the Applicant and Conditions of Approval ("*COA*") before a project goes to the Planning Commission. No major issues regarding the project arose during the meeting of the PRC. Comments from PRC are incorporated throughout the staff report and their recommendations are incorporated in the attached COA (***Reference Exhibit 3.***) Comments in the Staff Report reflect comments made by the PRC.

As of the date of this staff report, no written testimony has been received by the City.

Public Notification and Input

A public hearing notice was published in the local South County Newspaper *The Rustler* newspaper on **May 3, 2017** and 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. A public hearing will be conducted on **May 16, 2017**.

COST ANALYSIS:

Development Review Applications are based on actual time and materials per the City Fee Scheduled. The Applicant is covering the cost required for review and processing.

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ALTERNATIVES:

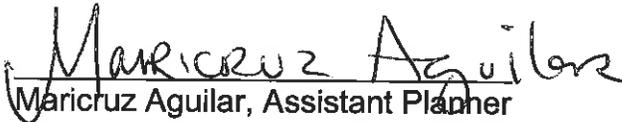
The following alternatives are provided for Planning Commission consideration:

1. Approve Resolution No.2017-175, which approves CUP2015-005, AR2015-005;
2. Request modifications in the design or color scheme and/or proposed uses;
3. Deny Resolution No.2017-175 which denies the project from construction (if the Planning Commission wishes to deny the project, the reasons should be specified and the item continued to a future hearing so the appropriate findings of fact and resolution can be prepared by staff); or
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 – Findings of Fact
2. Exhibit 2 – Resolution No. 2017-175
3. Exhibit 3 – Conditions of Approval
4. Exhibit 4 – Project Description, Site Plan and Elevations

Submitted by:


Maricruz Aguilar, Assistant Planner

Approved by:

Doreen Liberto, AICP, Community Development Director

EXHIBIT 1

Findings of Fact
Case No. CUP2015-005 & AR2015-002

The purpose for making Findings of Facts to *"bridge the analytical gap between the raw evidence and ultimate decision"*. The Municipal Code gives the Planning Commission (*"Commission"*) the authority to approve a project so long as the Commission can make certain findings. Written "findings of fact" are required in order to support the decision of the hearing body to approve or deny a project.

Conditional Use Permit (CUP) and Architectural Review Findings of Fact

- a. The proposed project is consistent with the requirements and policies of the City of King General Plan Light Industrial designation and the East Ranch Business Park – Specific Plan Chapter 4 and 5 Development and Design Standards.
- b. The general appearance of the proposed building is in keeping with the character of the East Ranch Business Park industrial buildings and its surrounding properties because it will be using three color paint scheme, adding awnings soften the façade.
- c. The proposed building will not be detrimental to the harmonious and orderly growth of the City because it will allow for small light industrial non-cannabis uses to occupy within the East Ranch Business Park. This will encourage small business growth and add to the City's Economic Development goals.
- d. The proposed building will not impair the desirability of investment or occupation in the Planned Development/Specific Plan District because the building, existing landscaping and other improvements considered the design and development standards of the East Ranch Business Park Specific Plan that add to the value of the area.
- e. The COA as shown on **Exhibit 3** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
- f. The proposed building is consistent with other warehouse buildings within the East Ranch Business Park Specific Plan area because it will use a metal building, using three color coordinating paint scheme, add awnings to the windows, and enhance the property through landscaping.

EXHIBIT 2
Resolution No. 2017-175

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING A CONDITIONAL USE PERMIT CASE NO. CUP 2015-005 AND
ARCHITECTURAL REVIEW CASE NO. AR2015-002 FOR THE
CONSTRUCTION OF A NEW 8,000 SQUARE FOOT WAREHOUSE AND TO
ALLOW MULTIPLE USES WITHIN THE 2.060 ACRE SITE LOCATED AT 325
AIRPORT DRIVE, KING CITY, CALIFORNIA.

WHEREAS, on **October 27, 2015**, Ted Umstead ("**Applicant**") filed an application for Cases No. CUP2015-005 and AR2015-002 for the construction of an 8,000 square foot warehouse and to allow multiple light industrial land uses on the 2.060 acre site, located within the East Ranch Business Park Specific Plan area on 325 Airport Drive, King City, California ("**Project**");

WHEREAS, on **November 5, 2015**, the application was found to be incomplete;

WHEREAS, on **January 26, 2017**, the Applicant reinstated his application;

WHEREAS, on **February 27, 2017**, the application was deemed complete and revised drawings were submitted on **March 1, 2017**;

WHEREAS, pursuant to the California Environmental Quality Act ("**CEQA**") Guidelines Section 15332 (in-fill development), the Project is Categorically Exempt from CEQA;

WHEREAS, on **May 3, 2017**, the Public Hearing was noticed in the South County Newspaper *The Rustler* and notices were mailed to property owners within 300 feet radius of the project site;

WHEREAS, on **May 16, 2017**, the Planning Commission ("**Commission**") held the first public hearing for the project;

WHEREAS, the Commission has reviewed and considered the information provided in the Staff Report, and testimony presented during the public hearing, and accepts the **Findings of Fact** as outlined in **Exhibit 1**, and the Applicant's submittals shown in **Exhibit 4**;

WHEREAS, the Commission met at the duly noticed public hearing on **May 16, 2017**, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the Commission makes the followings Findings of Facts:

Conditional Use Permit (CUP) and Architectural Review Findings of Fact

- a. The proposed project is consistent with the requirements and policies of the City of King General Plan Light Industrial designation and the East Ranch Business Park – Specific Plan Chapter 4 and 5 Development and Design Standards.
- b. The general appearance of the proposed building is in keeping with the character of the East Ranch Business Park industrial buildings and its surrounding properties because it will be using three color paint scheme, adding awnings soften the façade.
- c. The proposed building will not be detrimental to the harmonious and orderly growth of the City because it will allow for small light industrial non-cannabis uses to occupy within the East Ranch Business Park. This will encourage small business growth and add to the City's Economic Development goals.
- d. The proposed building will not impair the desirability of investment or occupation in the Planned Development/Specific Plan District because the building, existing landscaping and other improvements considered the design and development standards of the East Ranch Business Park Specific Plan that add to the value of the area.
- e. The COA as shown on **Exhibit 3** are necessary to protect the health, safety and general welfare of the community, to ensure that the City develops in an orderly manner, and to ensure that the Project operates in a manner that does not adversely affect the surrounding areas. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
- f. The proposed building is consistent with other warehouse buildings within the East Ranch Business Park Specific Plan area because it will use a metal building, using three color coordinating paint scheme, add awnings to the windows, and enhance the property through landscaping.

EXHIBIT 3

CONDITIONS OF APPROVAL

Project Case Numbers: CUP2015-005 and AR2015-002
325 Airport Drive, King City, CA 93930

Community Development Department (The Applicant should discuss the following conditions of approval ("**COA**") with Maricruz Aguilar-Navarro, 831-386-5916, if there are any questions):

1. **Project Description:** Conditional Use Permit Case No. CUP2015-005, Architectural Review Case No. AR2015-002 is a request to construct a new 8,000 square foot storage warehouse on a vacant area of 325 Airport Drive. The application is to allow for multiple uses that include: building contractors, equipment supply companies, auto repair shops, auto detail shops, restaurant supply businesses, warehousing/wholesale and incidental office space. The permit does not include any uses related to cannabis growing, production or manufacture. The property is located at 325 Airport Drive and is within the Planned Development/Specific Plan ("**P-D/SP**") and Light Industrial ("**LI**") General Land Use designation. The warehouse shall be constructed in accordance with **Exhibit 2**, as approved by the Planning Commission on **May 16, 2017**.
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. Municipal Code Section §17.64.030 prohibits any time extensions of the CUP and Variance beyond one year from the date of approval.
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, Aleshire & Wynder, 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., Aleshire & Wynder, attorneys, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul;

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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, Aleshire & Wynder, 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, Aleshire & Wynder, 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 the City chooses to have counsel of its own

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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 copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
5. **Structural Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in connection with the project. No conditions, colors, materials or architectural features shall be eliminated, added or modified without Commission review and action, amended CUP, as applicable. The Community Development Director or her/his representative shall review plans for substantial conformance with the plans approved by the Planning Commission. Any major modifications shall require approval of the Planning Commission.

City of King Building and Safety Department (The Applicant should discuss the building permit submittal process with Paul Hodges, Chief Building Official Building and Safety Department at (831) 386-5915.)

6. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. Building plans shall comply with the current Title 24 California Building Standards Codes.
7. **Soils Report:** As part of the building permit submittal, the Applicant shall submit a Soils Report prepared by a State of California-Registered Engineer or State of California-Registered Geotechnical Engineer. The Soils Report shall be reviewed and approved by the Chief Building Official. A soils report and/or percolation tests may also be required by the City Engineer and/or Regional Water Quality Control Board ("***RWQCB***") to determine measures to meet erosion and sediment control requirements for the project and final improvements.
8. **Pad Elevation Certification:** The pad elevation certification may be submitted upon foundation inspection.
9. **Lighting:** Adequate security lighting shall be provided. As part of the building

permit submittal, a lighting plan shall be submitted for review by the Building Department, Community Development Department and Police Department and identify in the design how to prevent glare into the public areas. All outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties. Where appropriate, light-emitting diode ("**LED**") lighting should be used for external lighting to reduce the site's electricity consumption.

- 10. Business License:** Before issuance of a building permit, a business license shall be obtained for every person conducting or carrying on the business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.

Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.

Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.

Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.

- 11. Tenant Improvements:** Building approval is for shell building only. All plans for tenant improvements shall include ADA compliant restrooms.

Public Works Department (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com, regarding the following COA, if there are any questions.)

- 12. Improvement Plans:** Project Drainage, Grading, Utilities, and Site Plans shall be prepared and signed by a Licensed Civil Engineer. Onsite signage (stop signs, etc. at driveways shall be included in plan submittal). All Plan Review and Construction Observation/Inspection costs shall be paid by the Applicant. A deposit to cover said costs will be required. Improvements in Public Right of Way or Easements shall conform to the City of King design standards (latest edition). All improvements shall be these standards, unless noted otherwise. The Applicant shall provide vehicle sight and stopping distance for any/all obstructions including but not limited to landscaping, signs, or other items are placed in/near intersections. All construction shall be to and provide ADA (Americans with Disabilities Act) access. Improvements in public right-of-way or easements shall conform to the City of King design standards (latest edition). All improvements shall be to these standards, unless noted otherwise. All work/improvements in shall be inspected by and

be from Improvement Plans reviewed and Approved by City Engineer.

13. Grading and Drainage Plans: Before issuance of any building permit, the Applicant shall submit grading and drainage plans for the City Engineer review and approval. The grading and drainage plans shall be folded accordion style and no larger than 8.5' x 14". The grading and drainage Plans shall include:

- a. *Drainage Plan.*
- b. *Best Management Practices Plans ("NPDES"). The NPDES must include:*
 - i. *Permanent: Urban Storm Water Management Plan.*
 - ii. *Construction: Storm Water Pollution Prevention Plan.*
 - iii. *Construction during November -April: Wet Weather Erosion Control Plan.*

The Grading and Drainage Plan shall be signed and stamped by a State of California-Registered Civil Engineer. All grading shall be done in conformance with City standards and to the satisfaction of the City Engineer.

14. Encroachment Permit: Before starting street frontage improvements, the Applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley).

15. Infrastructure and Underground Utilities: Before issuance of a building permit, an Infrastructure and Utility Plan for the entire site shall be submitted to and approved by the City Engineer. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards. The Applicant shall obtain and pay all associated permits/fees/costs for any/all Utility Companies (including but not limited to PG&E, Telephone, TV, California Water System) and any/all governmental agencies.

16. Utilities: The Applicant shall obtain and pay all associated permits/fees/costs for any/all utility companies and any/all government agencies as applicable.

17. Street Frontage: Before issuance of building permit, the Applicant shall show that right-of-way improvements, including curb, gutter, sidewalk, and existing handicap ramp on Airport Drive and shall be removed and replaced to comply with current ADA standards. The Applicant shall make upgrades to comply with ADA standards, as necessary.

18. Sidewalk/Public Accessibility: Before issuance of an occupancy permit, an ADA/CA Title 24 Accessibly compliant walkway compliant sidewalk shall

be installed from the proposed project to the sidewalk adjacent to the public right of way, as found acceptable by the Public Works Department, City Engineer and Building and Safety Departments. All details and information applicable to this requirement shall be included on the plans submitted for ADA/CA Title 24 Accessibility review before application for a building permit. All public sidewalks shall be in existing or dedicated City right-of-way.

19. **Clearance:** Before issuance of occupancy permit, the Applicant shall show a four (4') feet minimum sidewalk clearance/path of travel from all street utilities (e.g., poles, signs). On sidewalks in the public right-of-way and on sidewalks onsite, cross slope shall not exceed two (2%) percent.
20. **City & Regional Traffic Impact Fee (MM T-1):** Before issuance of any building permit, the Applicant shall participate in the City's development impact fee program as a condition of approval of the building permit. The Applicant shall consult with the Transportation Agency for Monterey County ("**TAMC**") to determine the project should pay the regional traffic mitigation fee pursuant to the TAMC Nexus Study to the City of King Building and Safety Department. Participation in the City's development impact fee program shall be as a COA of the building permit. Development impact fees offset the costs of increased demand resulting from new development to public facilities and to streets, traffic signals and bridges. The proposed project would be subject to compliance with this provision of the municipal code as a standard COA.
21. **Submittal of Erosion and Sediment Control Measures and SWPPP (MM HY-1):** Prior to any construction, erosion and sediment control measures for grading and construction as well as for the permanent project shall be prepared and approved by the City Engineer. In addition, if required by State and Federal Law, a Stormwater Pollution Prevention Plan ("**SWPPP**") may be required to be submitted to the City Engineer for review and approval, depending on size of project. To prevent silt and debris from entering the existing storm drain system during construction, the developer shall utilize storm drain inlet interceptors or filters to protect the existing storm drain. Soils and/or percolation test(s) may be required by the City Engineer and/or RWQCB to identify measures necessary to maintain and reduce stormwater on-site and other measures to provide erosion, sediment and pollution control at the site.
22. **Post-Construction Stormwater Management Plan:** At the time of issuance of a building permit, the Applicant shall implement the Post-Construction Stormwater Management Requirements. Establish the specific performance criteria and related implementation measures, follow technical support document for Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region dated July 12, 2013, (California Regional Water Quality Control Board Central Coast

Region, Resolution No. R3-2013-0032) Document available at:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml

Miscellaneous Conditions:

- 23. Sign Permit:** Before installing any signs on the property, the Applicant shall obtain an approved sign permit by the Community Development Department. All signs should be compatible with the structure and site design relative to color, material, and placement. The signs shall conform to the requirements under Municipal Code Section 17.55. Window coverage should be limited to the standards as described in Municipal Code Section 17.55. A master sign program shall be submitted for review by the Planning Commission when the building is occupied by multiple tenants as described in Municipal Code 17.55.040 Master Sign Program Requirements.
- 24. Trash Storage Area:** Trash containers shall be stored within the trash enclosure at all times, except when being unloaded. The trash enclosure shall be sized to accommodate trash, recycling, and green waste containers. A trash storage area shall be identified with bins for trash and recyclables. The storage area shall be screened from public view.
- 25. Transformers:** At the time of building permit submittal, the Applicant shall screen by walls or dense landscaping any transformers. Transformers are not permitted on the front street-side setback.
- 26. Fencing & Screening:** The Applicant to keep and maintain the existing landscape located along the frontage of the property. All storage areas, including vehicle and trailer storage, shall be screened from public view. Fences or walls used to screen loading and outdoor storage areas shall be a minimum of six (6') feet no greater than eight (8') feet in height and follow the design standards of the East Ranch Business Park Specific Plan.
- 27. Lighting:** At the time of building permit submittal, a lighting plan shall be submitted for Police Department, Building and Safety Department and Community Development Department approval. The Lighting Plan shall show the locations and height of all exterior lighting fixtures. Lighting: All outdoor lighting shall be hooded and directed so as not to shine on residential neighborhoods, public roads or surrounding properties. Where appropriate, light-emitting diode ("**LED**") lighting should be used for external lighting to reduce the site's electricity consumption.
- 28. Parking and Circulation Plan:** At the time of building permit submittal, the applicant shall submit a final parking and circulation plan for approval by the Community Development Department, Public Works Department and Building and Safety Department. The parking and circulation plan shall address the final location of required parking spaces, including parking

spaces for persons with disabilities (i.e., ADA), and ingress and egress of vehicles. Parking and circulation shall meet the City's Municipal Code design requirements. The site shall designate an additional five (5) parking spaces to accommodate the sixteen (16) required parking spaces.

- 29. Bicycle Parking: Prior final occupancy,** the applicant shall provide bicycle racks or other secure bicycle parking to accommodate four (4) bicycles. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location of the racks, shall be to the satisfaction of the City Engineer and Community Development Department. The rack should be coated with or constructed of a durable material that prevents rust and corrosion.
- 30. Weed Control & Maintenance:** The Applicant shall keep with the maintenance of the planting strip, and maintain and care for the shrubs within said strip, including but not limited to periodic and regular watering, pruning, trimming, and weed control. The Applicant shall also keep the maintenance and care of the undeveloped land located on the bank of the property with routine weed abatement.
- 31. Security Plan: Prior to final occupancy,** the Applicant shall submit a Security Plan for the Project which includes items such as security cameras, security gates and fences, landscaping design and other appropriate measures as approved by the Police Department and Community Development Director. **Prior to final of building permit,** the Applicant shall implement the approved Security Plan.
- 32. Landscaping Documentation Package: Prior to issuance of a building permit,** if landscaping is proposed as part of a drainage and erosion control plan or required by the RWQCB for drainage control, in accordance with State law, the Applicant shall submit to the Community Development Department for review and approval a Landscape Document Package consistent with the State of California Water Efficiency Landscape Ordinance Model ("**Model**"), dated **September 10, 2009**. **Prior to issuance of a certificate of compliance,** the Applicant shall submit to the Department the certificate of completion in accordance with the Model. With the exception of landscaping for bioretention basins and other similar pollution control measures, no additional landscaping is deemed to be required. All existing landscaping will be maintained.
- 33. Landscape and Irrigation Plans: At the time of building permit submittal,** if required as part of any drainage and erosion control plan, the Applicant shall submit a Final landscape and irrigation system design to the Community Development Department for final sign-off by the Community Development Director and City Engineer.

- a. **Runoff:** The site plan shall address all runoff in conformance with current storm water regulations. All runoff shall be directed to approved new landscaping areas and shall be designed to properly address pollution control. Landscape areas shall be designed by both the project engineer and landscape designer to incorporate bioremediation measures that will ensure that one-hundred (100%) percent of the runoff from the building and paved areas will infiltrate through a plant and soil medium that provides for bioremediation of any pollutants in the runoff and upper soil layer.

- 34. Grant of Avigation Easement and Release:** Before issuance of a building permit, a Grant of Avigation Easement and Release shall be recorded by the Applicant against the property within the boundary of the project, substantially in the form provided by the Deputy City Clerk, if found needed by City Attorney. Revisions to the Grant of Avigation Easement and Release must be approved by the City Attorney. A reference to the Grant of Avigation Easement and Release shall be placed in on the final construction plans.

(ONLY FOR PROJECTS NEAR AIRPORT)

- 35. Filing FAA Form 7460-1:** Before issuance of a grading permit, or issuance of any construction project permit, whichever comes first, the Applicant shall file FAA Form 7460-1 (Notice of Proposed Construction or Alteration) with the Federal Aviation Administration, and provide a copy of the filed form with the City Engineer, if applicable.

- 36. Cultural Resources:** In the event of an accidental discovery or recognition of any human remains, archaeological resources, paleontological resources or historical resources on the project site, if said resources are found during excavation or construction, work will be halted at a minimum of thirty (30') feet from the find and the area will be staked off. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie cultural resources, paleontological resources, historical resources or, in the case of adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within twenty-four (24) hours. A qualified professional (to be hired by the Applicant and accepted by the City) in cultural resources, paleontological resources or historical resources shall evaluate the resources discovered at the site and provide recommendations for disposition of those resources. In the case of human remains, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent ("**MLD**") from the deceased Native American. The MLD

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may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or its authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within twenty-four (24) hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

Implementation Party: Applicant and Owner

Enforcement Agency: City of King

Timing: Evaluation required during grading and construction of project. Contractor and Applicant shall diligently watch for any potential materials that may be of archaeological, historic or paleontological significance.

Implementation Responsibility: Cost and materials are responsibility of Applicant

City of King Fire Department (The Applicant should contact the Fire Chief and the Chief Building Official for any Fire Life Safety questions at (831) 386-5915.)

37. Automated Fire Suppression System: Concurrent with the building permit application, the Applicant shall submit automated fire suppression system plans to the Building and Safety Department. The fire suppression system plans shall be reviewed and approved by the City Engineer and Fire Department, **before final of final occupancy permit.** The fire sprinkler plans will also need to be routed to the city contracted fire plans examiner Art Black, Carmel Fire, Consultant for fire plan check review.

Conditional Use Permit and Architectural Review Agreement

The Conditional Use Permit and Architectural Review are **not** valid until all Conditions of Approval (“COA”) and mitigated 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 and Architectural Review Conditions of Approval 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 Signature: _____ Date: _____

EXHIBIT 4 CITY OF KING

FEB 1 2017

P.O. Box 1743
220 Lynn street
King city, Ca. 93930
(831)-385-0810

WESLEY BEEBE ARCHITECTURE

Maricruz Aguilar
City of King
King City, CA. 93930

Project Description

Ted Umstead
325 Airport Road
King City, ca. 93930
APN 026-351-016

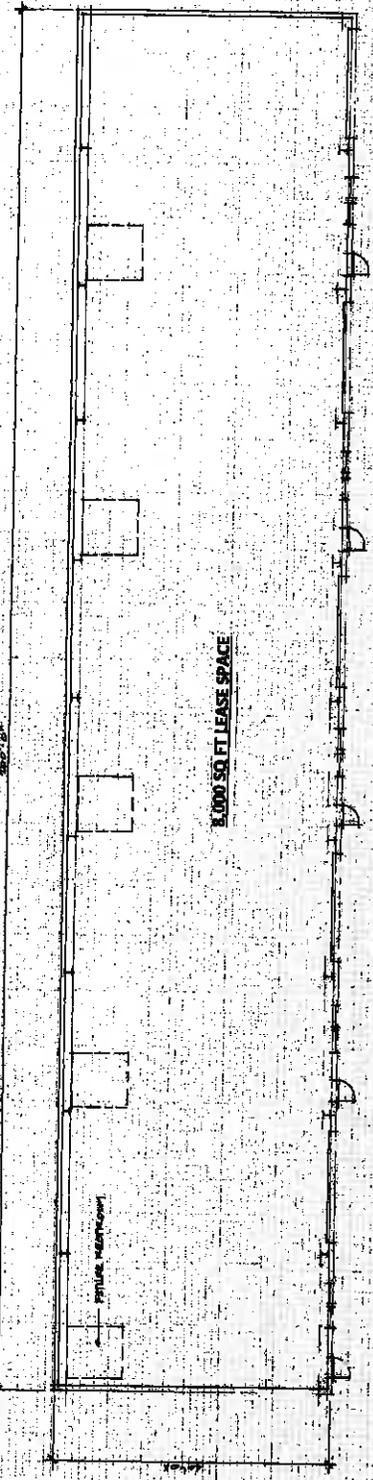
The purpose for this is to build a 8,000 Sq. Ft. commercial building. The site is Zoned P-D / SP. The building could be Brocken up in to Five 1,600 Sq. Ft. units. Ted would like to rent to small business, building contractors, Equipment supply companies, Auto repair shops, Auto detail shops, Restaurant supply business, each unit would have its own restroom or if the market need is here they could rent the entire building to one business. There would be a total of 11 parking spaces with more room in the back for overflow. The site would have its own bio-swale to deal with rain water runoff.

The hours of operation would be from 8-5, if we had five units we anticipate 1-2 employees each. All trucks left on site would be stored in side.

Let me know if you have any questions

Wes Beebe

WESTBY JAY BEBE - ARCHITECT
 PO BOX 1745
 KING CITY CA 95020-1745 FAX (831) 386-0488
 (831) 386-0873



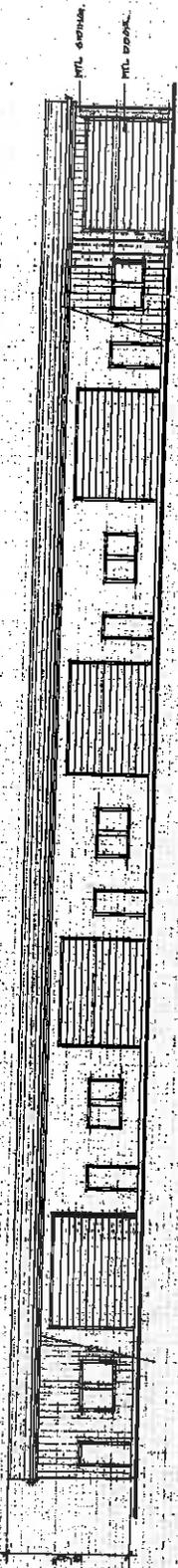
FLOOR PLAN
 1/2" = 1'-0"

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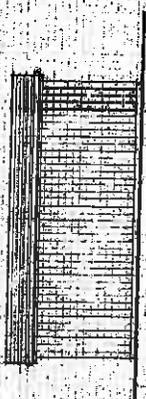
CITY OF KING

JAN 26 2017

WESTLEY JAY BEEBE - ARCHITECT
 R.O. BOX 1748
 KING CITY, OR 97131-386-0810
 503-336-0810
 503-336-0810



NORTH ELEVATION



EAST / WEST ELEVATION

Revisions Case No CUP 2015-005 CITY OF KING

JAN 26 2017



Item No. 7 (B)

REPORT TO THE PLANNING COMMISSION

DATE: MAY 16, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP 2016-008, MEDICAL CANNABIS CULTIVATION (CA TYPE 3A): 151 AIRPORT DRIVE, CITY OF KING

RECOMMENDATION:

Staff recommends that Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution approving Conditional Use Permit 2016-008.

BACKGROUND:

In September 2016 the City Council approved amendment to the City's Zoning Code and to the East Ranch Business Park (ERBP) Specific Plan, authorizing expansion of land uses related to Medical Cannabis. As a result of that action Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing are allowed in the M-1, M-2 and M-3 Districts and in the ERBP. Since that time, Staff has been in regular discussion with potential Medical Cannabis applicants. In March 2017, to the Commission heard and approved a request for Medical Cannabis *Manufacturing* at 190 East San Antonio Drive. This application is a the first for Medical Cannabis *Cultivation*.

The process to approve a Medical Cannabis operation is complex. It includes:

- Conditional Use Permit (CUP)
- Medical Cannabis License
- Building Permit
- Business License

The Planning Commission's primary role in the process is to make a determination regarding the Conditional Use Permit.

Additionally, Community Development Staff has been tasked by the City Manager with reviewing and evaluating the Application for Operating Permit and the Building Department will approve the appropriate building permit.

While not required for the CUP, the Permit Application process provides much information that informs the CUP process and potentially makes the Commission's determination easier and more complete.

CUP 2016-008 is a request to allow Medical Cannabis Cultivation in an existing structure located at 151 Airport Drive, being in the M-1 Zoning District, outside of the East Ranch Business Park.

The applicant has prepared a comprehensive information package that informs the CUP discussion and will be used during Permit Application Review. Information in this report is excerpted from that Package. The package itself is being made available electronically because of its size. A "paper copy" can be made available upon request and will be available at the Hearing. **See Exhibit 15.**

DISCUSSION:

Overview:

The proposed use is located in an existing 15,952 sf structure, on a 1.08 ac lot (47,192 sf), located on the west side of Airport Drive. The building has been vacant for approximately one year. A second floor is proposed (15,572 sf) as well as an addition to the west side of the structure. The addition has a footprint of approximately 4,800 sf. With a second floor the total area of the new construction is slightly over 9,500 sf. It should be noted that the existing building height is 33 feet – maximum height per the zoning code for the M-1 District is 30 feet. The existing roof will remain.

The parcel to the north is vacant and also owned by Zayrich Properties, LLC projected to be a future cultivation site.

- Airport Road bounds the subject parcel on the east
- The parcel to the south is developed and the structure is vacant.
- An access and utility easement (serving the parcels to the north) bounds the subject parcel on the west. The parcels beyond it are also in the M-1 Zoning District with the East Ranch beyond them

The proposed use is to allow Medical Cannabis Cultivation, compliant with future State License 3A (indoor, artificial light). While total allowed plant canopy space under a future 3A license is limited to 22,000 sf, additional allowed activities include: harvesting, drying, curing and trimming of cannabis.

Cannabis will be harvested and then stored and dried in a locked room. When dry, Cannabis will then be cured in food grade containers. When cured, Cannabis will be packaged as product ready for sale. All materials will be stored in locked rooms with specific security protocols.

CUP Information:

Architecture:

The existing structure is a metal structure with the building entry facing south, accessed from Airport Road. It sits below Airport Road: Airport Road rises as it moves north in relation to the building pad. The north base of the structure is approximately 12' feet below Airport road at that point. The existing structure covers 33.8 % of the site, and the building as proposed will cover 43.4% of the site. Total impervious area will be reduced from 40,195 sf (85%) to 32,608 sf (69%). The parking area will not change but landscaping will expand and the loading dock in the rear (north) will be removed.

See Exhibit 2 for photos of the existing structure and graphics showing proposed changes. The existing materials will not change. The colors to be used are Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray. These colors will be consistent with those of the surrounding area.

Floor Plan and Interior Uses:

The applicant proposes to add a second floor to interior of the structure (roof line will not change) and to expand the structure to the west. Note that the current height of the structure is 33' at the peak of the ridgeline. The current floor area (15,572) will be expanded to 40,652 sf with the changes as proposed. Approximately 600 sf of the space will be administrative / office space with the remainder including various types of grow spaces, cutting and trimming space, warehousing, fertilizer storage, restrooms and similar. See Exhibit 4.

Landscape:

The primary landscaped area is on the west side and north sides of the structure. The bank to the east side of the structure (below Airport Drive) is currently landscaped and will be augmented with new planting to match existing per landscaping plan page 52. New landscaping will be installed at the entry drive and to the west and north.

Landscaping covers 30% of the lot (approximately 14,384sf) Proposed landscaping includes Carmel and Howard McMinn Manzanita, Comprosmia "Verde Vista", Evergreen Miscanthus, Deer Grass, Indian Hawthorne, Rosemary, Coast Rosemary and Magnolia trees. See Exhibit 7. The Applicant will be required to utilize recycled water if made available to the site in the future when the City upgrades its wastewater treatment plant.

Parking, Paving:

No new access, parking or paving is proposed. The existing parking surface is asphalt and is located along the southern side of the building. One access drive is present to the south side of the structure. **See Exhibit 7.** Paving will be removed to the west of and north of the structure, a sidewalk will be added to the west side, wrapping around and providing access to the north side.

Signage:

Signage will be limited to an address / street number for identification by emergency response personnel and deliveries, located at the south entry to the building.

See Exhibit 10

Security:

Fencing: The facility will be surrounded on three sides by a non-climbing chain link fence with small square visibility with woven slats for screening and barbed wire tops, not to exceed 8' in height. Gate and fencing at the access drive facing Airport Drive will consist will be screened similarly. **See Exhibit 9.** The parking / loading area will be gated.

Exterior Lighting: The parking area and building exterior will be illuminated with LED powered lighting placed to eliminate shadows and / or dark areas. Lights will be mounted on the building and on poles. Lighting will be designed to present spread beyond the property boundaries and / or into the night sky. Poles will not exceed thirty (30) feet in height. **See Document, Section H.**

Cameras: Security cameras will be mounted on all exterior doors, and will view all perimeter fencing and entry gates. At least 8 exterior motion sensor / night vision cameras will be placed with at least 11 interior motion / night vision cameras. Camera quantity and location will be to the satisfaction of the City of King and its consultant. The 24/7 surveillance will be accessible by the City of King Police Department through real time live access feed. **See Document, Section H, Exhibit 10.**

Fertilizer and Storage:

The only pesticides to be applied will be those pesticides on an approved chemicals list as supplied by the State Compliance Board and / or Department of Agriculture and be in compliance with the requirements of the Monterey County Department of Environmental Health.

Solid Waste: Daily plant waste will be about 120 lbs (approximately 8 cubic feet after grinding). Cannabis waste will be ground with a minimum 51% other organic material and includes stems and stalk which do not have a psychoactive profile. The entire plant and the waste material will contain less than 1% cannabinoids. are removed. Dumpsters will be located to the south side of the structure in a concrete block enclosure with locked gates.

Conversation with Waste Management indicate that, currently, there are no State of California regulations for solid waste. **See Document, Section J, Site Plan Section R, and Exhibit 10.**

Water: The Mitigated Negative Declaration (MND) that resulted from the Initial Study prepared during evaluation of the Zone Change estimated water use at 2,640 gallons per day (gpd). Water use as indicated by the Applicant for this project will be 3,888 gpd. However, approximately 2,527 gpd will be provided through reclamation from dehumidification leaving net use of 1,361 gpd, significantly below the estimate from the MND. A drip irrigation method for water / fertilizer will be used. **See Document Page 35.**

Power. The Applicant estimates 2,550 Amps as the 80% power allocation for lighting and air conditioning (3,200 Amps as the 100% power allocation. A 4,000 Amp service upgrade is required for this license. 1,000 watt lights (High Pressure Sodium) will be located every 22 sf. Two cooling towers and pumps are proposed to be placed on existing concrete at the northeast corner of the structure. Towers will be 12' 4" in height. Internal temperature for grow rooms will range between 70 and 78 degrees.

Regulatory Permit Related Information:

Boutique Unlimited proposes to grow, dry, trim and package Cannabis grown for shipment to Manufacturers – most of them outside the City of King. Those manufacturers will prepare oils, topicals and may prepare food products. The Applicant proposes a “Mother Room” -- propagation of new plants will be internal.

Shipping and Transport: Cannabis bud will be transported from the facility in unmarked vehicles. Transactions will be recorded on a manifest with details regarding the driver, vehicle, weight and / or count of all products. Delivery vehicles will be loaded inside the structure with cars traps and security personnel present. Cameras will be placed to record shipping from the facility. **See Document, Section G.**

Odor Control: The Odor Control Program will operate in conformance with the requirements of Municipal Code Section 17.03.210 (i) including an exhaust filtration system and an air filtration system that creates negative air pressure between the interior and exterior building area. Filtered intake air will be passively brought into all cultivation rooms and supplied with a backdraft damper when the exhaust system is powered off. **See Document, Section I.**

Security, Interior: There will be 1 or 2 armed guards on site at all times. Access to enter the facility and various portions of the facility will be controlled by key-card access. All visitors will be required to fill out a questionnaire and sign in at the administrative office. Visitors will be accompanied by Boutique Unlimited personnel at all times during their visit. Persons under the age of 18 will not be allowed on site. employee and guest access and records all visits and access to secure areas by identity. Persons under the age of 18 are not allowed on-site. **See Document, Section H.**

Employee Vetting: No person under 18 years of age will be employed on this site. The employee vetting process is being finalized at this time. A third party will receive fingerprints and provide the City of King Police Department with background review. The Department will verify and the employee will sign, under oath, an agreement that verifies the accuracy of the background check and that delineates the responsibilities of and expectations for the employee. All employees will be hired under a 90 day probation period. **See Document, Section C**

Employee Training: Initial and on-going training in preventing contamination, grow techniques (including approved pesticide application) and inventory security / control. OSHA and personal protective equipment requirements, documentation, testing, hazard response, chemical handling, labeling documentation and emergency procedures. **See Document, Section J.**

Quality Control: All material will be batch tested by a local laboratory for pesticides, fungus, pests, molds and contaminants. If a product were to be called into question the remaining inventory will be quarantined and all customers notified. All material will be returned. **See Document, Section C.**

Public Information Program: A Public Information program will be available electronically and in print in conformance with 17.03.290.(c). The program will provide information on the effects of drug use and provide resources available. The applicant will also provide one (1) to (2) workshops per year. It should be noted that the City is considering a change to Section 17.03.290(c) of the Zoning Code to eliminate the education program. In the event of a Code Change Boutique Unlimited will comply. **See Document, Appendix B.**

Compliance with Evolving State and Local Regulations: The applicant's operating procedures will comply with state and local regulations. The applicant engages a team of Lawyers, community relations staff and industry advisors to assist with governance, compliance, legal adherence and updates to laws and regulations. **See Document, Section C** In addition, the City requires that an Indemnification Agreement be executed (draft completed, in process). **See Document, Section N.**

ENVIRONMENTAL COMPLIANCE:

On September 27, 2016 the City Council approved Ordinances 2016- 728, 729 and 730, amending Municipal Section 17.03 of the Zoning Code to allow Medical Cannabis cultivation, nursery, manufacturing and testing uses (Types 2A,2B, 3A,3B, 4, 6 and 8.) The M-1, M-2 and M-3 Districts and the East Ranch Business Park Specific Plan (ERBPSP) were amended at that time to allow the uses in those specific zoning districts

A Mitigated Negative declaration (MND) was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on September 27, 2016 at the time that the change to the Zoning Code was approved.

Staff review of the proposed use and its impacts indicates that the use as proposed is consistent with the evaluation and findings of the previously approved MND with no potentially significant impacts. It is therefore exempt from additional CEQA review per CEQA Guidelines §15332 (infill development projects).

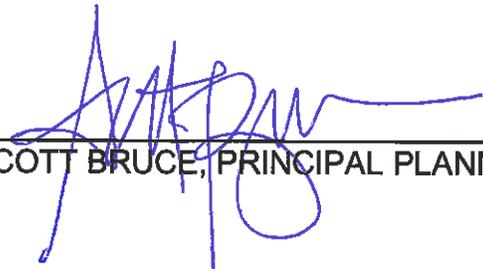
ALTERNATIVES:

1. Hear the item, invite public comment and approve the item as presented, with Categorical Exemption as described above.
2. Deny the item. If the Planning Commission wishes to deny the CUP, the item needs to be continued, directing Staff to return with a Resolution of Denial.
3. Provide alternative direction to Staff.

ATTACHMENTS:

1. Site Location
2. Photos of Existing Structure
3. Elevations
4. Floor Plan
5. Examples of Interior Cultivation
6. Watering / Fertilizer System
7. Site Plan / Parking / Access
8. Landscape Materials
9. Fencing
10. Lighting and Signage
11. Camera Locations
12. Waste Disposal
13. Conditions of Approval
14. Resolution 2017 – 176
15. Electronic Version of Application Document

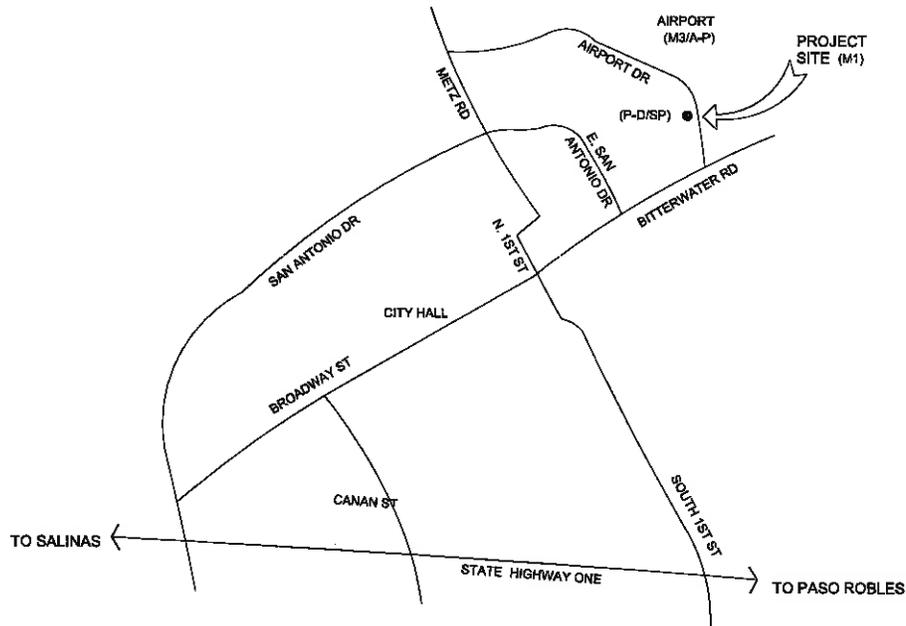
Submitted by:



SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:

DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR



**VICINITY
MAP**
NO SCALE

(●) ZONING DISTRICT

A NEW PROJECT for
BOUTIQUE UNLIMITED
151 AIRPORT DR KING CITY, CA.



AERIAL VIEW 2

A NEW PROJECT for
BOUTIQUE UNLIMITED
151 AIRPORT DR KING CITY, CA.

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

Photo Essay



View of entry gate into project looking north down Airport Drive



View of rear (north elevation) of building looking south on Airport Drive Frontage

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

Photo Essay



Looking south toward existing loading area at northwest corner



View looking at front (west facing) of building

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

Photo Essay



View of east side of building looking over existing concrete walkway



View looking down west face of building

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

Photo Essay



Hill side to west of building up to Airport Drive



Looking down west side of building from entry drive

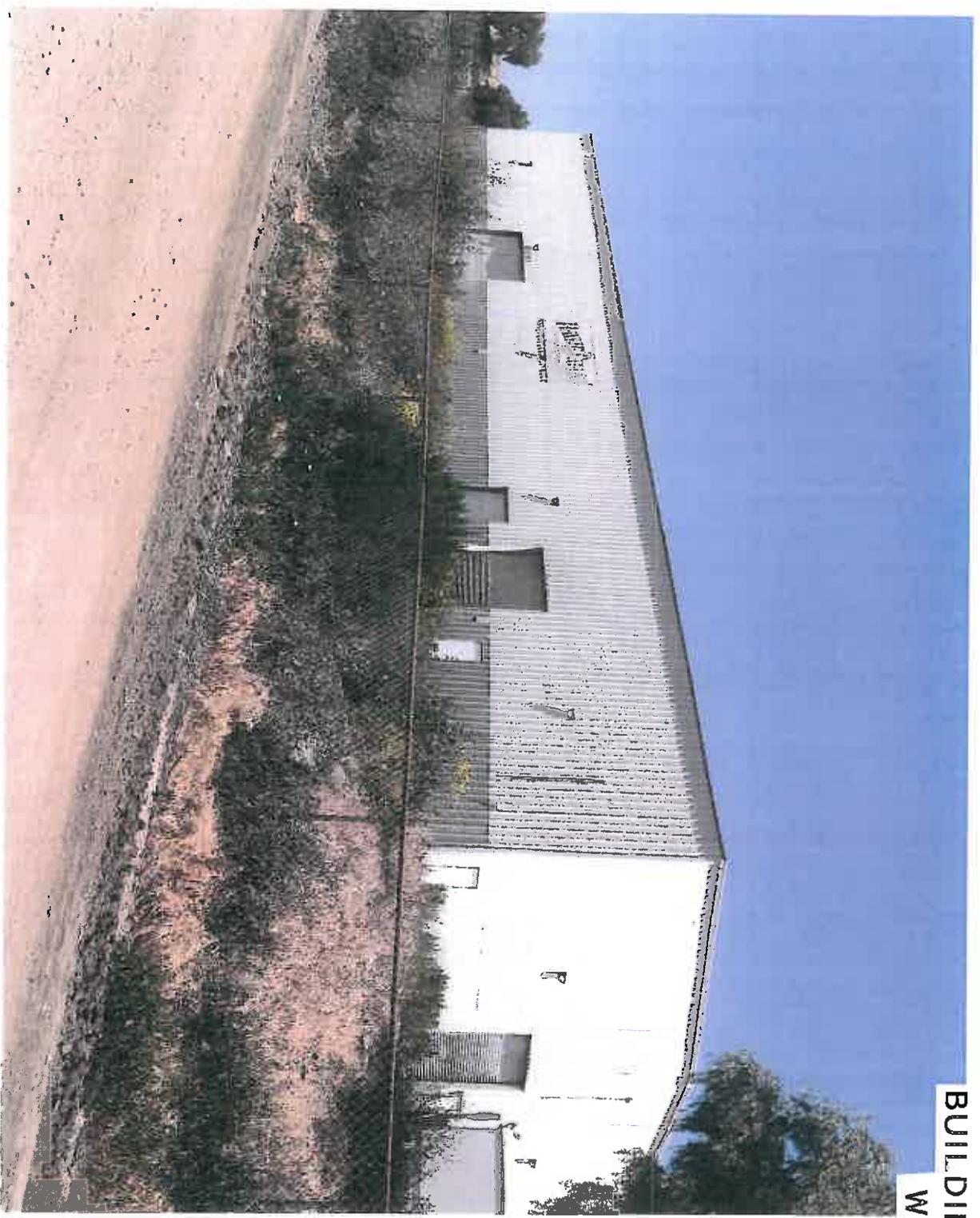
AIRPORT DRIVE
FRONTAGE



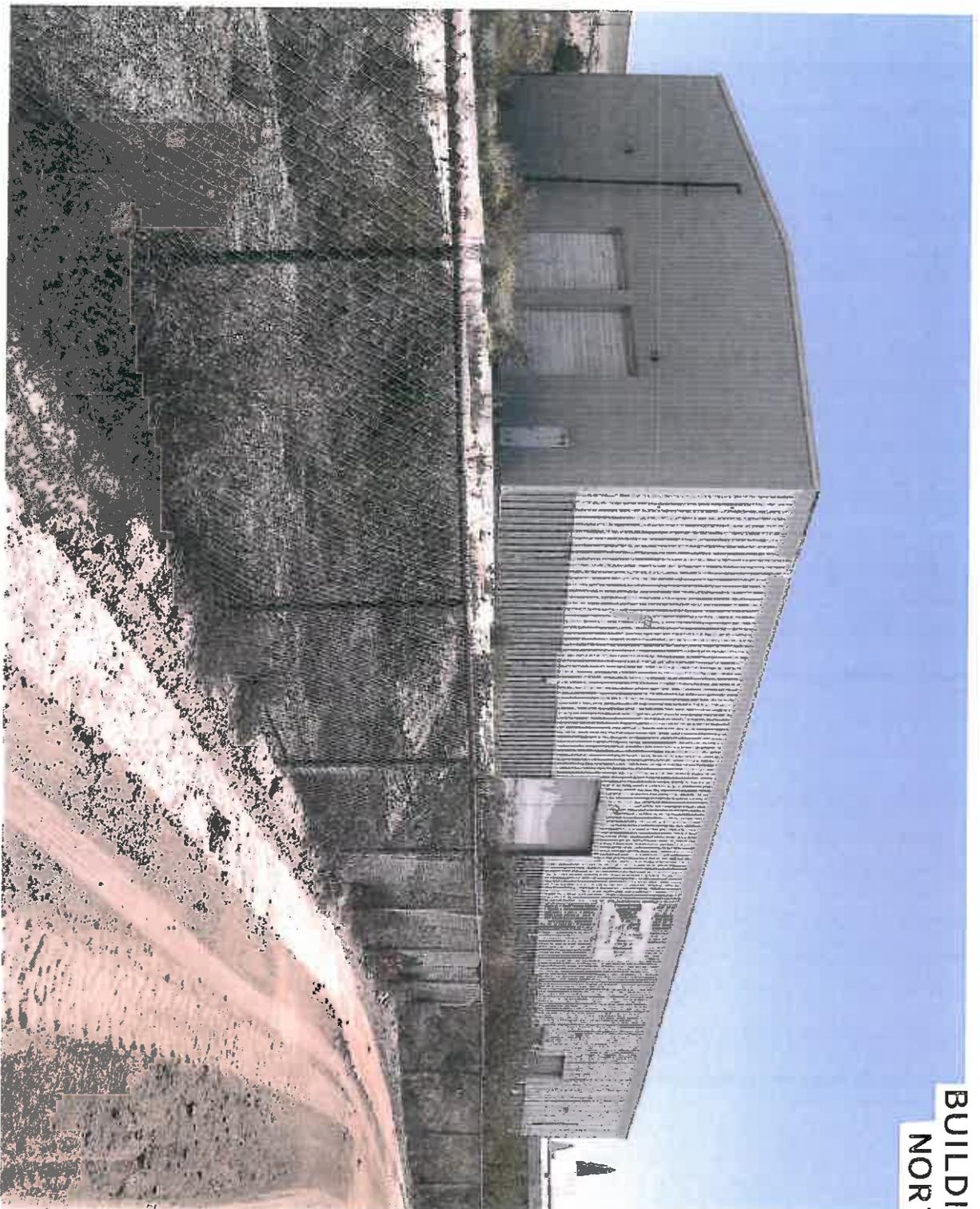
**BUILDING FROM
AIRPORT DRIVE**

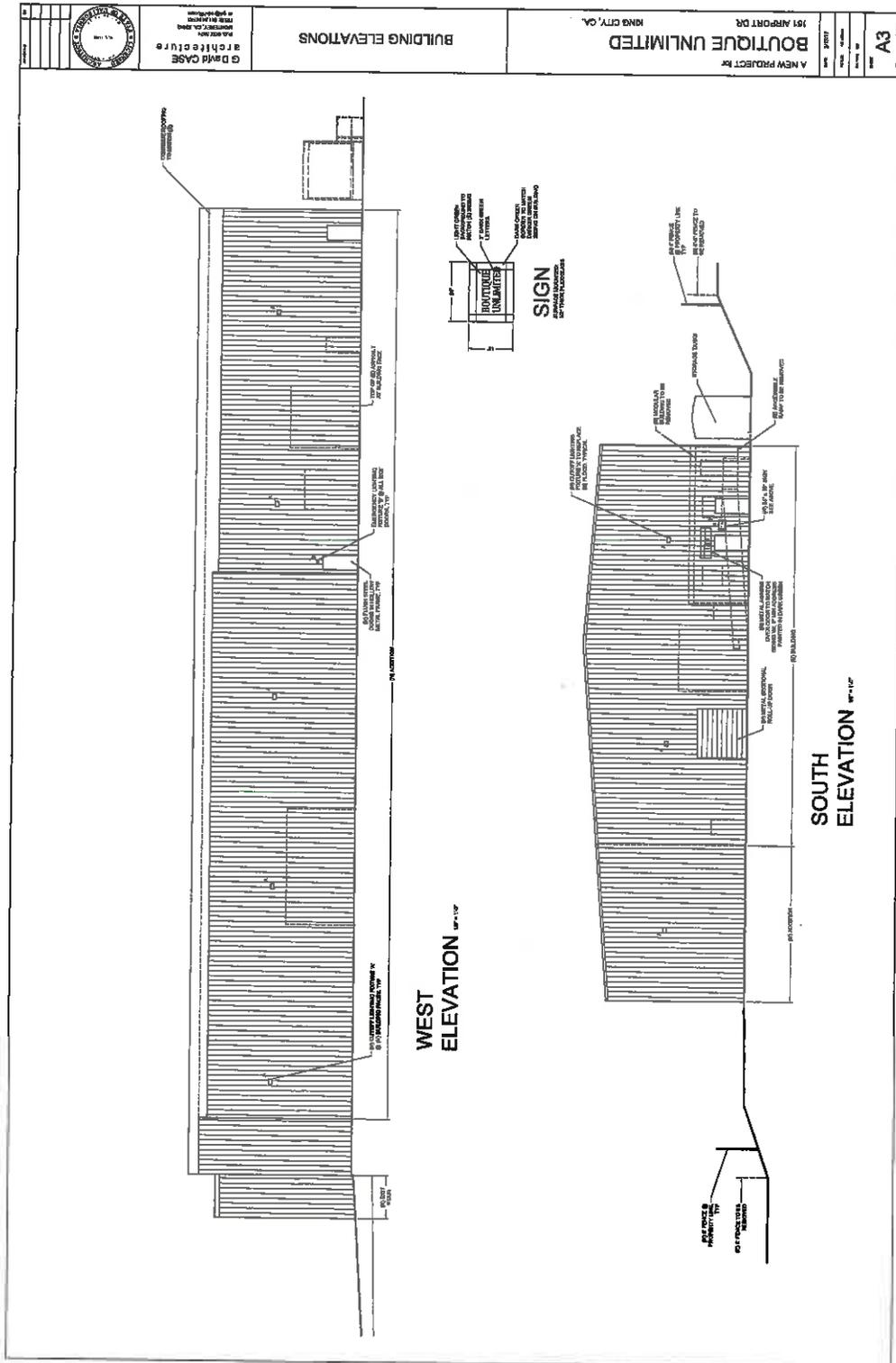


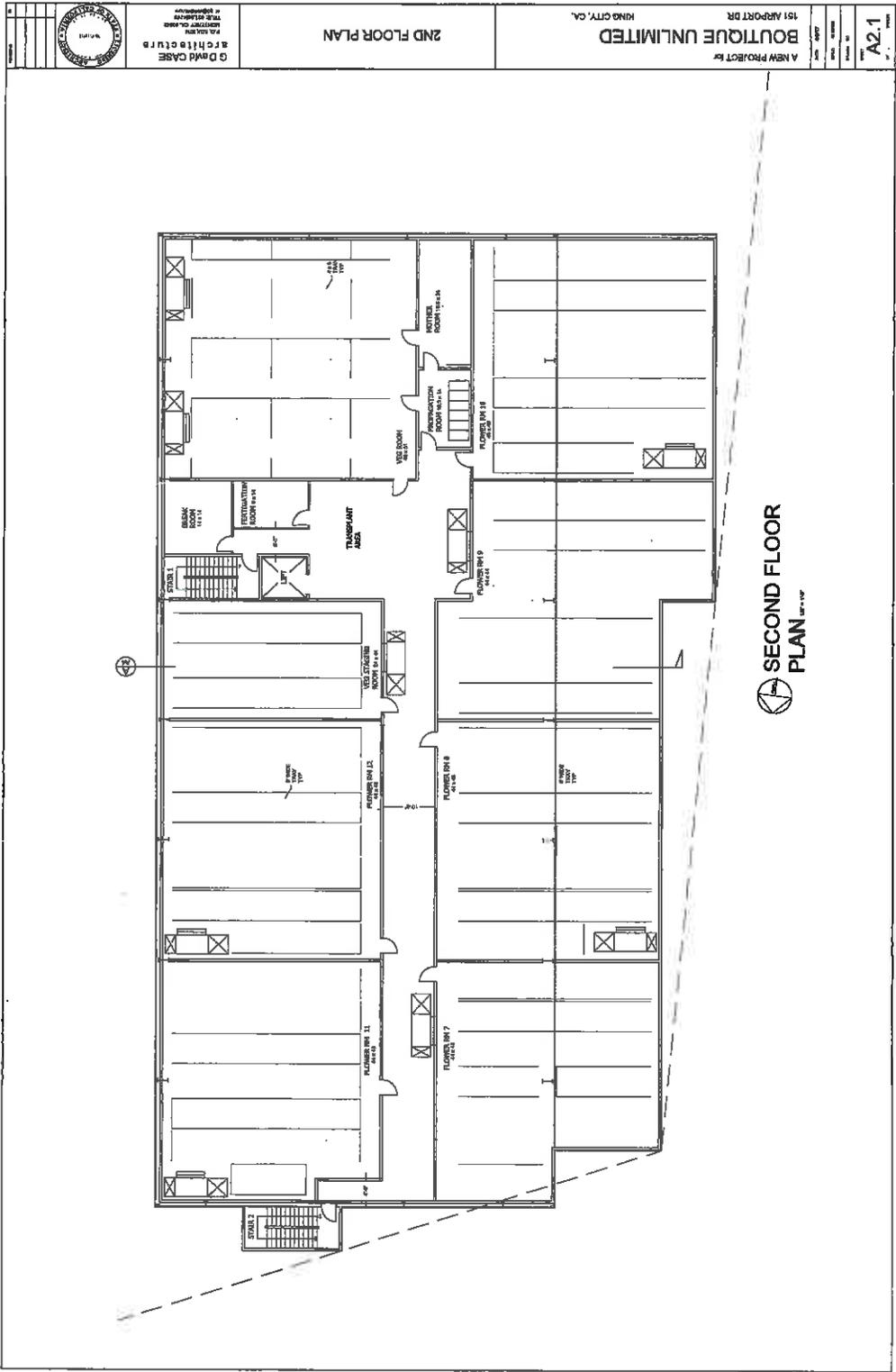
**BUILDING FROM
WEST**



**BUILDING FROM
NORTH WEST**







SECOND FLOOR PLAN

EXHIBIT 5 Handed out at Meeting

Boutique Unlimited - Building 1

Fertigation Plan

Water supplied from RO storage tank via float switch



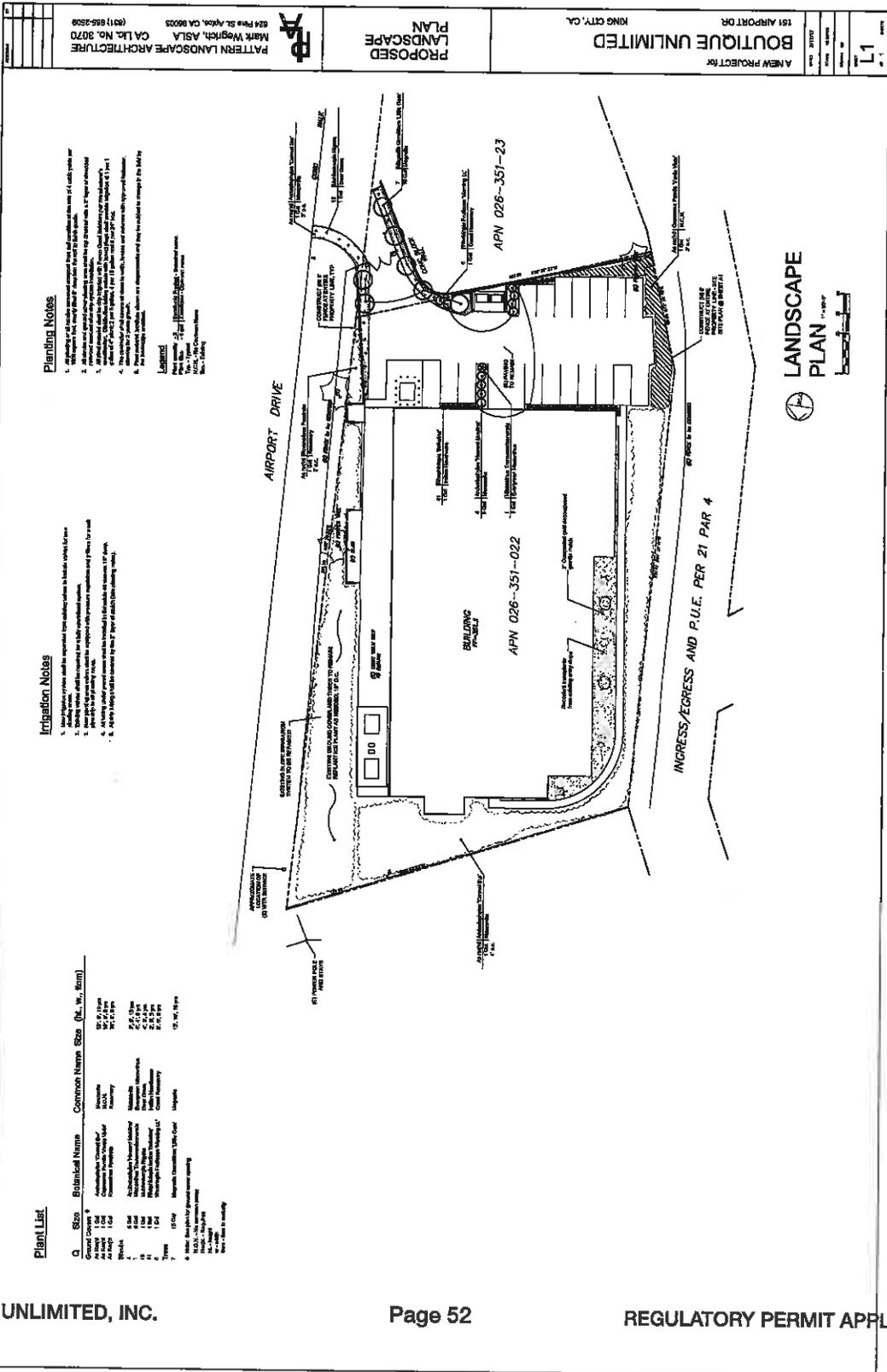
Fertigation tank is integrated to the water treatment (RO) system. Treated water will be stored in a tank that has capacity to meet the demand of the entire facility in the event that RO system needs to be maintenance.

Fertigation tank will be topped off with the amount of water for the intended zone, precisely dosed and mixed with desired recipe, and delivered to the zone. Plants will be monitored for moisture and volume of solution delivered to minimize runoff.

Fertilizer/Nutrient Solution is mixed and delivered to desired zone. Each nutrient "recipe" is dependent on growth stage of plants in the zone being fed.

Pump being used is VFD and will properly pressurize piping on supply.

To ALL ZONES with plant growth



Planting Notes

1. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.
2. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.
3. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.
4. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.
5. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.
6. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.
7. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.
8. All plantings shall be installed in accordance with the specifications and standards set forth in the attached schedule of plantings.

Irrigation Notes

1. All irrigation systems shall be installed in accordance with the specifications and standards set forth in the attached schedule of irrigation.
2. All irrigation systems shall be installed in accordance with the specifications and standards set forth in the attached schedule of irrigation.
3. All irrigation systems shall be installed in accordance with the specifications and standards set forth in the attached schedule of irrigation.
4. All irrigation systems shall be installed in accordance with the specifications and standards set forth in the attached schedule of irrigation.
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6. All irrigation systems shall be installed in accordance with the specifications and standards set forth in the attached schedule of irrigation.
7. All irrigation systems shall be installed in accordance with the specifications and standards set forth in the attached schedule of irrigation.
8. All irrigation systems shall be installed in accordance with the specifications and standards set forth in the attached schedule of irrigation.

Plant List

Q	Size	Botanical Name	Common Name	Size (H., W., Spacing)
1	12"	Quercus agrifolia	Live Oak	12" H., 12" W., 12" Sp.
2	18"	Quercus agrifolia	Live Oak	18" H., 18" W., 18" Sp.
3	24"	Quercus agrifolia	Live Oak	24" H., 24" W., 24" Sp.
4	36"	Quercus agrifolia	Live Oak	36" H., 36" W., 36" Sp.
5	48"	Quercus agrifolia	Live Oak	48" H., 48" W., 48" Sp.
6	60"	Quercus agrifolia	Live Oak	60" H., 60" W., 60" Sp.
7	72"	Quercus agrifolia	Live Oak	72" H., 72" W., 72" Sp.

BOUTIQUE UNLIMITED

151 Airport Road
Plant Photos



Arctostaphylos 'Carmel Sur' - Manzanita



Arctostaphylos 'Howard McMinn' - Manzanita



Coprosma 'Verde Vista' - No Common Name

BOUTIQUE UNLIMITED

151 Airport Road
Plant Photos



Miscanthus Transmorrisonensis - Evergreen Miscanthus



Muhlenbergia Rigens - Deer Grass

BOUTIQUE UNLIMITED

151 Airport Road
Plant Photos



Raphiolepis Indica 'Ballerina' – Indian Hawthorne



Rosmarinus Prostata - Rosemary



Westringia Fruticosa 'Morning Light' – Coast Rosemary

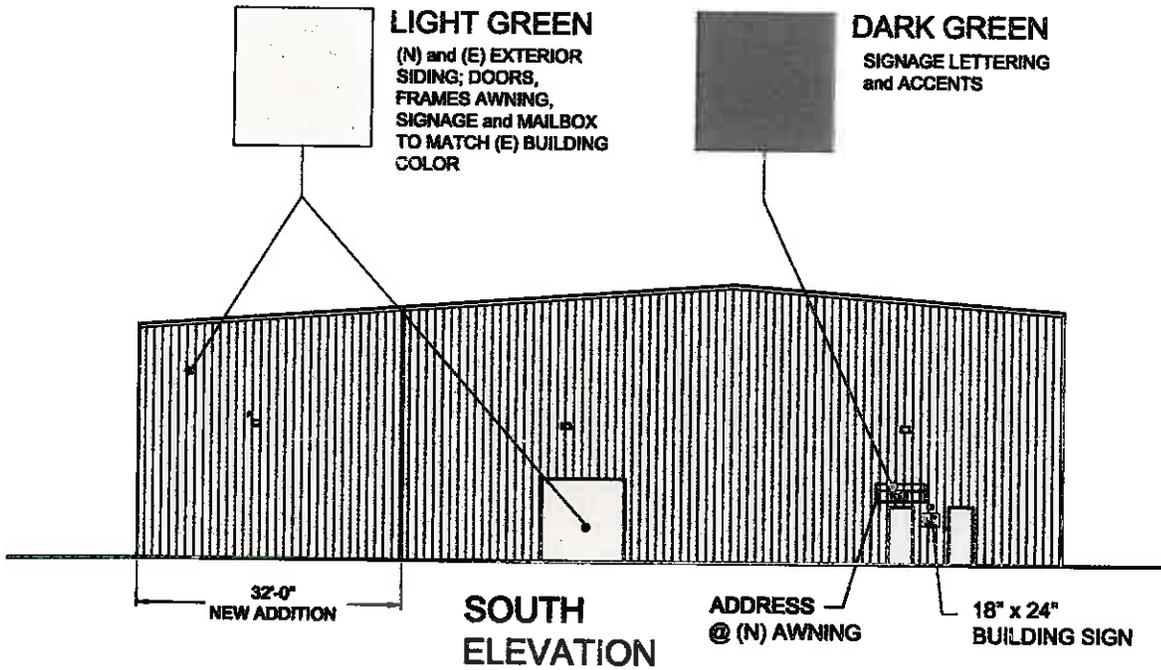
BOUTIQUE UNLIMITED

151 Airport Road
Plant Photos



Magnolia G. 'Little Gem' - Magnolia

EXHIBIT 9 Handed out at Meeting



BUILDING COLORS and SIGN PROGRAM

SIGN PROGRAM CONSISTS OF 1) NEW BUILDING SIGN AFFIXED TO BUILDING AT ENTRY; 2) ADDRESS AT NEW AWNING; AND 3) REPAINTED ADDRESS AT EXISTING MAILBOX ON AIRPORT DRIVE. NO ADDITIONAL SIGNAGE WILL BE ADDED WITHOUT PRIOR APPROVAL FROM CITY.

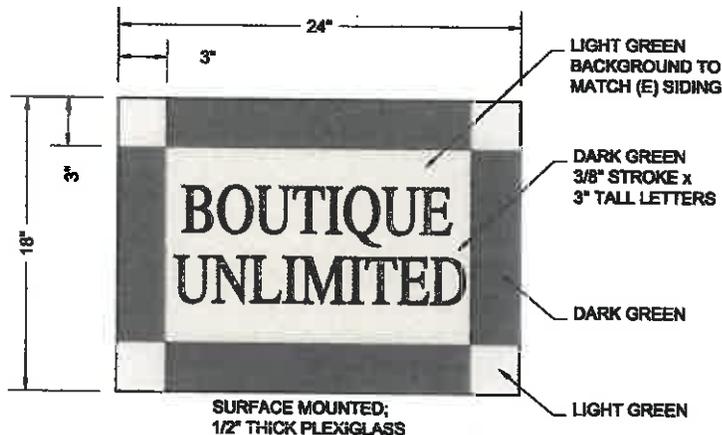
A NEW PROJECT for
BOUTIQUE UNLIMITED
151 AIRPORT DR KING CITY, CA.

PG 1 of 2

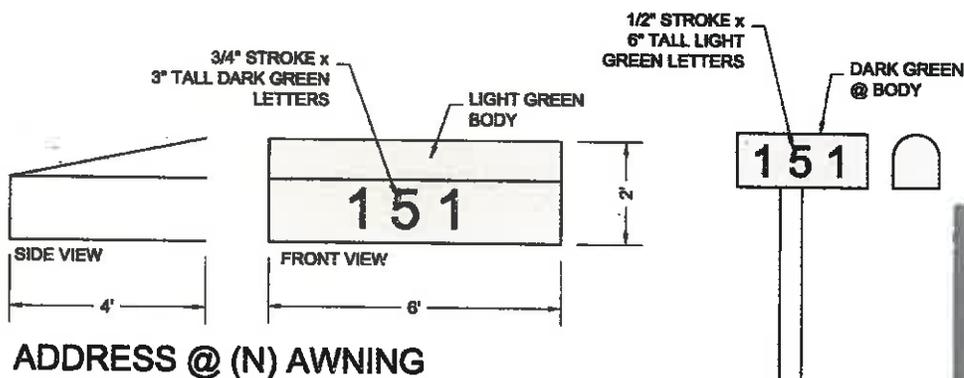
Color: Sherwin Williams

Light Green - SW6162, Ancient Marble

Dark Green - SW706, Attitude Gray



MAIN ENTRY

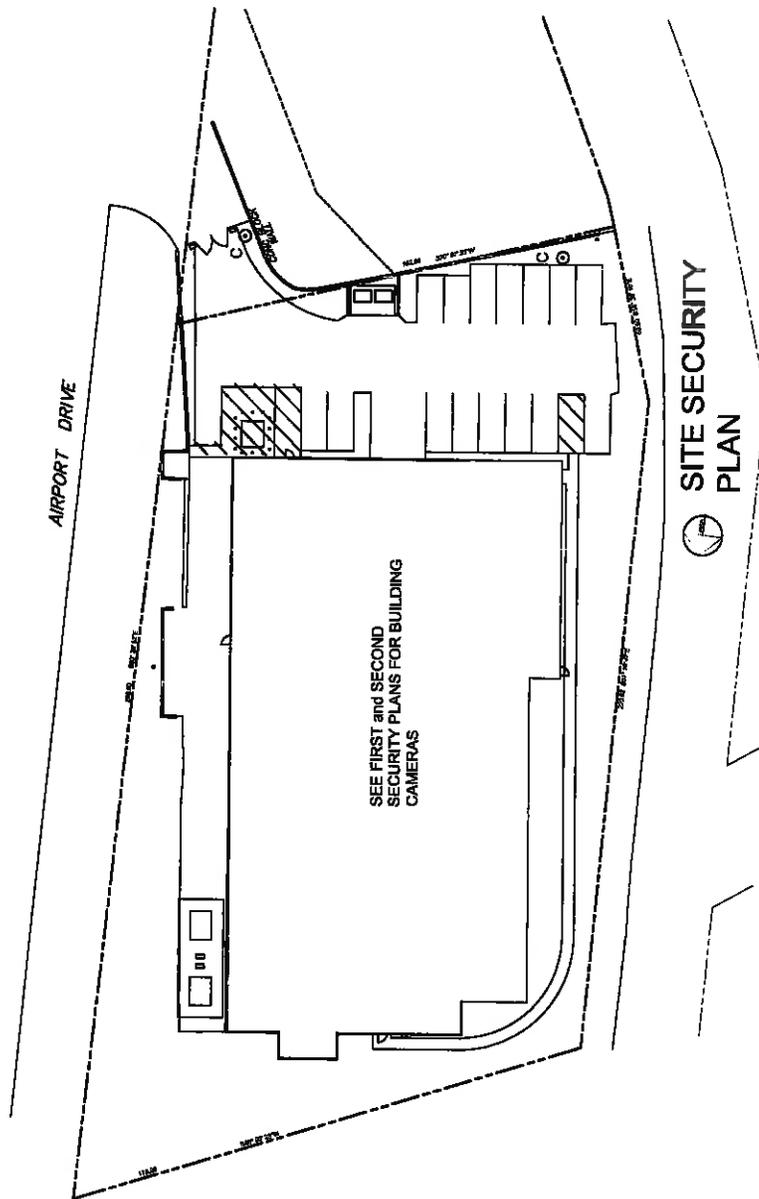


ADDRESS @ (N) AWNING

ADDRESS @ (E) MAILBOX

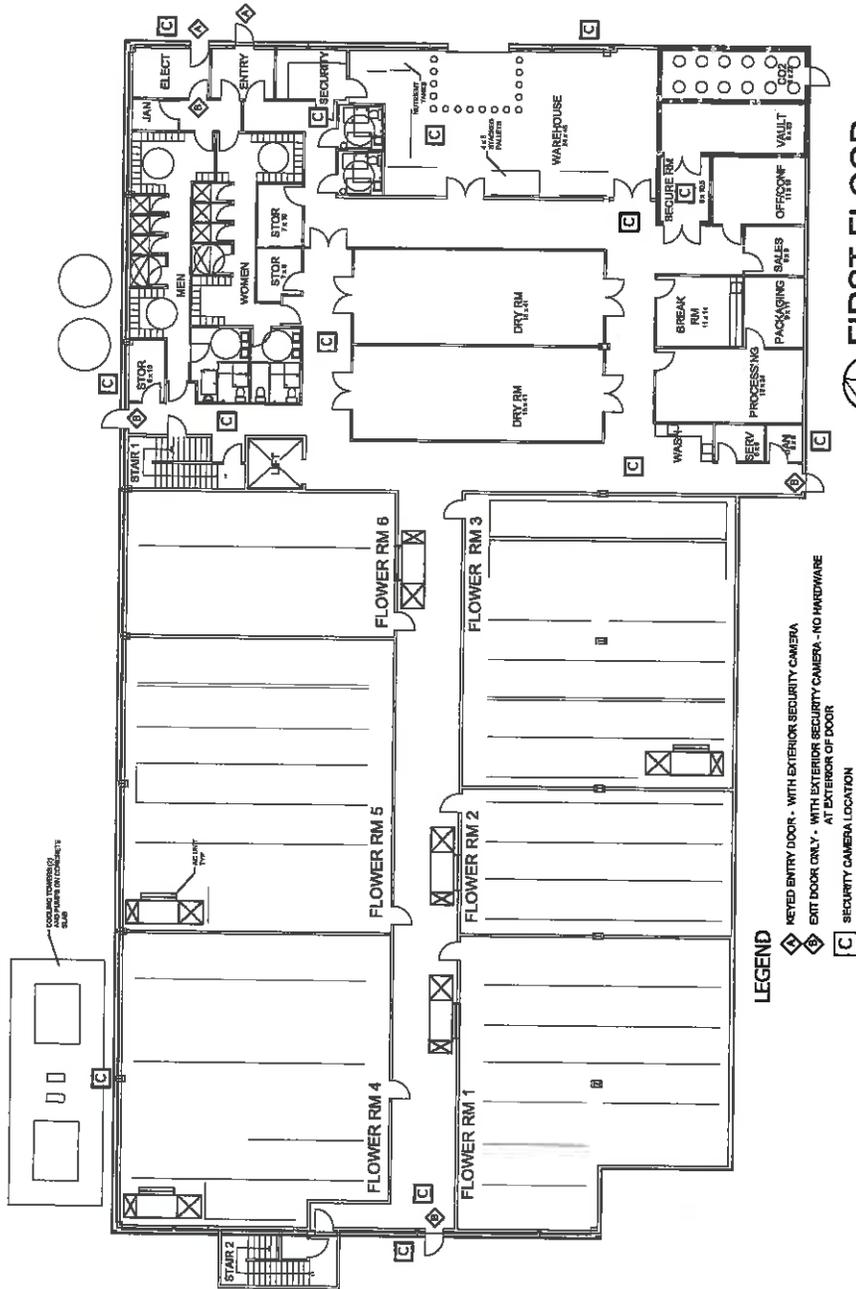
BUILDING SIGN PROGRAM

A NEW PROJECT for
BOUTIQUE UNLIMITED
 151 AIRPORT DR KING CITY, CA.



LEGEND
 POLE MTD SECURITY CAMERA
 C ○ POLE MTD LED FIXTURE (18')

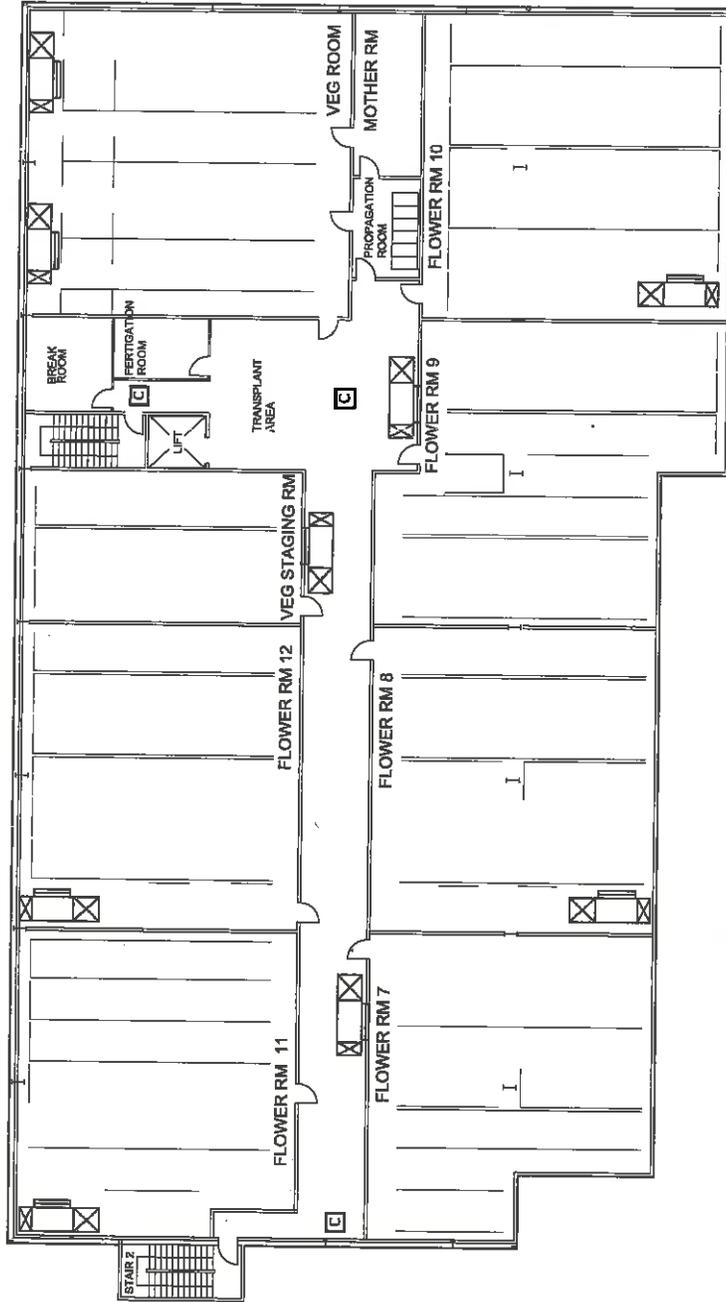
A NEW PROJECT for
BOUTIQUE UNLIMITED
 151 AIRPORT DR
 KING CITY, CA.



**FIRST FLOOR
SECURITY PLAN**

- LEGEND**
- ◇ KEYED ENTRY DOOR - WITH EXTERIOR SECURITY CAMERA
 - ◇ EXIT DOOR ONLY - WITH EXTERIOR SECURITY CAMERA - NO HARDWARE AT EXTERIOR OF DOOR
 - SECURITY CAMERA LOCATION

A NEW PROJECT for
BOUTIQUE UNLIMITED
 151 AIRPORT DR
 KING CITY, CA.



**SECOND FLOOR
SECURITY PLAN**

A NEW PROJECT for
BOUTIQUE UNLIMITED
 151 AIRPORT DR
 KING CITY, CA.

EXHIBIT No. 13

Case Number: COA 2016 - 008 CONDITIONS OF APPROVAL

GENERAL CONDITIONS:

(Applicant should contact Scott Bruce, if there are questions on the following conditions of approval "COA").

- 1 **Project Description:** Conditional Use Permit ("**CUP**") Case No. 2016-008 to allow Medical Cannabis Cultivation located at 151 Airport Drive The property is located in the M-1 (Light Manufacturing) District; the proposed use is allowed in the M-1 District with an approved Conditional Use Permit.
- 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. 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 **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT :

1. **Allowed Use:** Medical Cannabis Cultivation (CA Type 3A) use is allowed.
2. **Interior Renovation and Exterior:** The proposed use will be contained within the existing structure and a footprint expansion of approximately 4,800 sf. A second floor will be added within the entire structure – maximum height will remain at 33 feet (existing structure height). Interior renovation will conform to plans as presented and will include a maximum of 40,652 sf. Maximum plant canopy for plants at all stages is 22,000 sf. Although the footprint will increase by approximately 4,800 sf the total impervious surface of the site will decrease by approximately 7,500 sf.

Exterior building changes are limited to the new addition (to the west and stairwell to north) and repainting. The modular office to the south will be removed as will the loading dock to the north. Colors will be as presented (Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray). Minor interior changes, which are determined by the Community Development Director to be substantially in conformity with the plans and Application Package as presented may be granted by the Community Development Director.
3. **Parking:** Parking will conform to the Plan and Application Package as Submitted. No new parking area will be installed. Parking improvements will be limited to restriping, as needed.
4. **Landscaping:** Landscaping will conform to plans and Application Package as submitted. Irrigation Plans shall be presented to and approved by Building Official prior to Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.
5. **Lighting:** Security Lighting is proposed to be mounted on the structure and on two poles in the parking area not to exceed 30 feet in height. A lighting plan must be approved before installation. All new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky.
6. **Signage:** No signage has been requested at this time with the exception of property address. Any additional signage shall conform to the requirements of Section 17.03 of the City of King Zoning Code. Additional signage may be approved by the Community Development Department and may be submitted to the Planning Commission at the Director's discretion.

7. **Fencing:** New fencing to the west, north and east will be eight (8') in height and will be "no climb" chain link with vertical slats woven into the chain link. A "no climb" fence will be placed on the existing block wall to the south and southwest, height will be eight (8) feet from adjacent grade. Screening material will be reviewed by Staff with a determination of condition / requirement for replacement of damaged areas to be presented to Planning Commission every three (3) years.

BUILDING AND SAFETY DEPARTMENT: (No application for Building Permit has been submitted. An application must be submitted after CUP approval and prior to any interior renovations).

Building Plans: All Planning Commission COA shall be imprinted on plans submitted for building permits.

1. **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package
2. **Sprinklers:** Building is currently sprinkled with sprinklers to remain and be fully operational. Expansion area will be sprinkled.

PUBLIC WORKS DEPARTMENT: (The Applicant should contact Octavio Hurtado, Hanna & Brunetti 408-842-2173, ohurtado@hannabrunetti.com.) to discuss the following COA as needed).

1. **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package.
2. **Sidewalk:** Sidewalk (to match existing) will be extended along the entire Airport Road frontage.
3. **Driveway Approach Revisions:** Sidewalk to be at 2% maximum cross fall per ADA requirements.
4. **Irrigation:** The Applicant will be required to utilize recycled water if made available to the site in the future when the City upgrades its wastewater treatment plant.
5. **Sanitary Sewer:** The site is currently served by septic system. At this time the Applicant plans to install a lift station to move effluent to the City sanitary sewer line in Airport Drive. An alternative is to lay new line in the existing easement to the west – to the City sanitary sewer line in San Antonio Drive. City Engineer must approve plans for sewer and sewer must be installed prior to occupancy.

All interior runoff from irrigation and cleaning shall be directed to city sanitary sewer system.

REGULATORY PERMIT:

Renovations shall comply with and Operations be subject to full compliance with Section 17.03 of the City of King Zoning Code as amended and the Regulatory Application Package.

- Regulatory Permit:** The Regulatory shall be approved by the City Manager and is in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit.
- Security Cameras:** Security cameras shall be installed in quantity and location per the Regulatory Application. City of King Police personnel shall have access to the system for real time review. One camera that is part of the City's City wide system shall be installed at the driveway access to the street.
- CO2:** CO2 storage (if any) shall be in compliance with Section 17.03.270 (b)
- Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- Odor Control:** Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (i) of the City of King Zoning Code. At the beginning of operations City Staff shall inspect for odor not less than once monthly for a period of no less than three months. In the event that compliance has not been achieved, mechanical equipment and the City Code will be reviewed. In the event that compliance is not achieved, Staff shall make a recommendation to City Council per

Section 17.03.240 of the City Zoning Code. Odor caused by outdoor dumpsters will be addressed in a similar manner.

- F. **Air Quality:** Venting of CO₂ and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.
- G. **Employee Background Checks:** Employees shall be vetted (background checks) to the satisfaction of the City of King Chief of Police and in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Zoning Code. A third party perform the check, that Party suggested by City's Consultant (HdL) and accepted by Applicant and City of King. Results will be provided to Applicant, HdL and City of King Police Chief. Police Chief to verify.
- H. **Hours of Operation and Employees:** The Applicant has indicated that the facility will potentially be in operation 24 hours a day 7 days a week. A maximum of 48 persons will be employed, a maximum of 16 per shift. On-site parking will be sufficient to cover overlap periods.
- I. **Work Permits and Fees:** Work Permits shall be issued in conformance with Section 17.03.070 (a). Fees shall be as set by the City Council.
- J. **Indemnification Agreement:** A signed Indemnification Agreement shall be in place prior to Issuance of the Regulatory Permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall prevail over Hold Harmless and Indemnification Clause attached hereto.
- K. **Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.
- L. **Youth Education Information:** Youth Education Information consistent with the Regulatory Permit Application Package Section Q and Section 17.03.290 (c). The program shall be in place prior to Issuance of a Regulatory Permit. In the event that Section 17.03.290 is revised prior to issuance of Regulatory Permit the Program shall comply with the revised Code Section.

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., Aleshire & Wynder, LLP attorneys; Hanna & Brunetti, Aleshire & Wynder, LLP 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, Aleshire & Wynder, LLP, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

- a. *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*
- b. *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., Aleshire & Wynder, LLP, Hanna & Brunetti,) 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, Aleshire & Wynder, LLP 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 which approval shall not be unreasonably withheld, conditioned or delayed:

- a. *The counsel selected by applicant to so defend City, which approval shall not be unreasonably withheld, delayed or conditioned;*
- b. *All significant decisions concerning the manner in which the defense is conducted, which approval shall not be unreasonably withheld, delayed or conditioned; and*
- c. *Any and all settlements.*
- d. *Any motions or court documents filed on behalf of the city.*

City shall have and retain the right to have the City attorney defend the City and its staff in connection with such proceeding. 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' actual and reasonable fees and costs arising from their support of the defense shall be paid by the applicant.

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. Notwithstanding the preceding, this obligation to indemnify shall not apply to any claim to the extent arising from the gross negligence or willful misconduct of the indemnified party or of any agent, employee or licensee of the indemnified party.

Conditional Use Condition Agreement:

The conditional use permit is **not** valid until all Conditions of Approval ("*COA*") and mitigated 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 conditions of approval and mitigated 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 Signature: _____ Date: _____

RESOLUTION NO. 2017-176**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-008**

WHEREAS, on **December 22, 2016**, Boutique Unlimited submitted an application to allow Cultivation of Medical Cannabis in an existing structure located at 151 Airport Drive

WHEREAS, on **January 11, 2017** a memo of additional items to be addressed was provided, discussions occurred and a formal Letter of Incompleteness was provided on **January 30, 2017**. Electronic confirmation of information sufficient to set a hearing date was provided **March 23, 2017** with a formal Letter of Completeness sent to the applicant on **May 5, 2017**.

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the M-1 District with the approval of a Conditional Use Permit (Ordinance 2016-729 September 27, 2016);

WHEREAS, the proposed project conforms to the requirements of Section 17.03 of the City of King Zoning Code;

WHEREAS, an Initial Study and the resulting Mitigated Negative Declaration (MND) were prepared to address potential cumulative impacts of the **September 27, 2016** changes to the Zoning Code;

WHEREAS, the project has been evaluated in relation to the previously prepared MND, no potentially significant impacts have been identified and the Project is Categorically Exempt under CEQA §15332 (Infill Development),

WHEREAS, the Commission has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **May 16, 2017**;

WHEREAS, the establishment, operation and maintenance of the use as presented will not be detrimental to the property, improvements, health, safety, morals and general welfare of persons in the surrounding area (M-1 District / neighborhood) and / or the City;

WHEREAS, the Commission makes the followings Findings of Facts:

1. The purpose of the proposed use (cultivate Cannabis for Medical purposes) is in accordance with the description, process and standards provided in the Application Package as reviewed by Staff and presented at the Public Hearing.
2. The proposed use is consistent with the General Plan Land Use Designation (LI) Light Industrial and the Uses and Standards of the Light Manufacturing (M-1) Zoning District.
3. The proposed use will be primarily contained within an existing structure that includes 15,592 sf of floor area on one floor. An additional 4,800 sf of footprint will added and a second floor will be included. Total floor area will be 40,652 sf. No more than 22,000 sf of plant canopy is permitted.
4. The entire lot will be fenced – existing fencing will be improved and / or replaced and new screening will be installed.
5. The existing lot is accessed at one point of entry. The southern portion of the lot is paved for parking. Total impervious area will decrease by approximately 7,500 sf. the eastern and northern portions of the lot are gravel. No vehicle access to the structure / deliveries will occur in these graveled areas. No new paving or laying of gravel will occur.
6. Existing landscaping will be removed and new landscaping will be installed per the Application Package.
7. All processes and interior construction / building improvements, security / operating procedures will be in conformance with the CUP / Regulatory Permit Application Package, as submitted and / or as conditioned (See COA's Exhibit 1: Attached) and with City of King Zoning Code section 17.03.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopts a finding of a Class 32 Categorical Exemption per CEQA Guidelines Section 15332 and approves Conditional Use Permit Case No. CUP 2016-008.

This resolution was passed and adopted this **16th day of May 2016** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE DEPUTY CITY CLERK / PLANNING COMMISSION SECRETARY