

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, OCTOBER 17, 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. Meeting Minutes of October 3, 2017 Planning Commission Meeting
Recommendation: approve and file.

7. PUBLIC HEARINGS

- A. Project: Golden State Sciences: Medical Cannabis Level 2 Manufacturing (Type 7), Distribution (Type 11)
- Case No.: CUP 2016-011(a) 17 (First Amendment to CUP 2016-011)
- Applicant: Ryan Littman, Representative Chris Madson.
- Location: 190 San Antonio Drive
- Consideration: Amendment to a previously approved CUP that allowed renovation to a portion of an existing 13,500 square foot structure. 7,900sf was to be renovated for Level 1 Medicinal Manufacturing use (CA Type 6) with 2,700 sf to remain as Administrative Space and 2,900 sf to remain vacant as dry

storage area. The Amendment would allow Level 2 (CA Type 7) Manufacturing in the manufacturing space, dry storage and loading / unloading related to Distribution in the previously vacant (2,900 sf) space located in the western portion of the structure and use of one office (120 sf) for Distribution Administration.

Recommendation: Staff recommends that Planning Commission 1) review request for Amendment to Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution approving Conditional Use Permit 2016-011(a) 17.

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.

B. Project: Boutique Unlimited: Medical Cannabis Manufacturing Level 2 (CA Type 7)

Case No.: CUP 2016-008(a) 17 (First Amendment to CUP 2016-008)

Applicant: Isaiah Dawid

Location: 151 Airport Drive

Consideration: Amendment to a previously approved CUP that allowed renovation of an existing 15,592 square foot structure. The purpose / allowed use was Cannabis Cultivation. A second floor of 15,572 sf was to be added inside the existing space. An expansion to the structure – 9,508 square feet of floor area in two stories was to be added. Although internal floor space would total 40,652 sf, plant canopy could not exceed 22,000 sf. This Amendment would allow Level 2 (CA Type 7) Manufacturing in the north-west corner of the first floor. To accommodate this change in use, Cannabis Canopy will be reduced by approximately 1,350 sf and approximately 1,900 sf of floor area will be re-allocated to Manufacturing Use. The size/foot print of the structure and/or site plan do not change.

Recommendation: Staff recommends that Planning Commission 1) review request for Amendment to Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution approving Conditional Use Permit 2016-008(a) 17.

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.

C. Project: King City Cultivation: Medical Cannabis Cultivation (CA Type 3B)

Case No.: CUP 2016-010

Applicant: The Tribe (Corey Barnett)

Location: Northeast Corner of San Antonio Drive and Don Bates Way

Consideration: Conditional Use Permit 2016-010 (CUP) to develop a parcel located at the northeast corner of Don Bates Way and San Antonio Drive (APN 026-521-011). The projected development is on approximately 4.2 acres and includes 8 new structures. The 4 larger will be used for Cannabis Cultivation in a greenhouse format; the smaller 4 (one associated with each larger structure) will be used for administration, employee changing areas, drying, curing and trimming. The City has required the project to also be designed so that, if necessary, it may be readily subdivided into 4 parcels without changes to the project as proposed by the CUP. The potential for such subdivision (parcel map) has been included in this environmental assessment as part of the project.

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 2016-010 and adopting Finding of Consistency

Environmental Determination: King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. King City has conducted an initial study of the project and has determined the project is fully within the scope of the prior analysis by the MND. The Adoption of a Finding of Consistency has been recommended per CEQA Guidelines Section 15162 and has been noticed for Public Review

D. Project: King City Cultivation: medical Cannabis Cultivation (CA Type 3B) Manufacturing (CA Type 7) and Distribution (Type 11)

Case No.: CUP 2016-009

Applicant: The Tribe (Corey Barnettt) and King City Cultivation (Brandon Gesicki)

Location: Industrial Way

Consideration: Conditional Use Permit 2016-009 (CUP) to develop a parcel located on Industrial Way (APN 026-351-036). The projected development is on approximately 2.4 acres and includes 4 new primary structure and 2 secondary structures. The 2 larger structures in the south will be used for Cannabis Cultivation in a greenhouse format; the smaller 2 in the south (one associated with each larger structure) will be used for administration, employee

changing areas, drying, curing and trimming. The two (2) structures in the north will be for manufacturing and Distribution. The city has required the project to also be designed so that, if necessary, it may be readily subdivided into 4 parcels without changes to the project site plan as proposed by the CUP. The potential for such subdivision (parcel map) has been included in this environmental assessment as part of the project.

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 2016-009 and adopting Finding of Consistency

Environmental Determination: King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. King City has conducted an initial study of the project and has determined the project is fully within the scope of the prior analysis by the MND. The Adoption of a Finding of Consistency has been recommended per CEQA Guidelines Section 15162 and has been noticed for Public Review

E. Project: Elite Molecular, LLC: Medical Cannabis Cultivation (CA Type 3A), Nursery (CA Type 4), Manufacturing Level 2 (CA Type 7), Transportation / Distribution (CA Type 11)

Case No.: CUP 2017-009

Applicant: David Bonvillain

Location: 101 Airport Drive

Consideration: Renovation of an existing 10,500 square foot structure which will include re-construction of the northern portion of the structure (2,800 sf). The footprint of the existing structure will not expand. Although internal floor space will total 10,500 sf, Cultivation and Nursery operations may be "stacked". However, plant canopy in the Cultivation Area cannot exceed 22,000 sf and Nursery canopy cannot exceed 25,000 sf.

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 2017-009.

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. NON-PUBLIC HEARINGS

- A. Project:** Substantial Conformance Determination for Mobilitie, LLC
Conditional Use Permit Case Numbers: CUP 2017-013,
CUP 2017-014 and CUP 2017-015.
- Consideration:** Planning Commission will consider taking action on a
substantial conformance determination request to reduce
the height of the previously approved Small Cell Site light
poles from 32'6" feet to 30' feet for Mobilitie, LLC for
CUP2017-013, CUP2017-014 and CUP 2017-015.
- Recommendation:** Staff recommends the Planning Commission find the
applicant's request to be in substantial conformance with
the approved Conditional Use Permits provided an
amended emission report is submitted showing no impact.
- Requested by:** David Downs, Mobilitie, LLC, Applicant for CUP 2017-013,
CUP 2017-014, and CUP 2017-015
- Environmental
Determination:** Staff has found the project categorically exempt, pursuant
to Section 15303 of the California Environmental Quality
Act ("CEQA") Guidelines: New Construction or Conversion
of Small Structures, Class 3 (b).

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

November 2017

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

December 2017

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

CUIP: Conditional Use Permit

EIR: Environmental Impact Report

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

LLA: Landscaping and Lighting District

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

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

MOU: Memorandum of Understanding

MND: Mitigated Negative Declaration

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

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

NEPA: National Environmental Policy Act

SOI: Sphere of Influence.

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

TOT: Transient Occupancy Tax

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

VMT: Vehicle Miles Traveled

Planning Commission Minutes

October 03, 2017

1. Call to Order

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

2. 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: Principal Planner, Don Funk; Assistant Planner, Maricruz Aguilar-Navarro; Admin. Asst./Deputy City Clerk, Erica Sonne.

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: September 19, 2017

Action: Motion made by Commissioner Barbree to approve minutes of September 19, 2017. Seconded by Commissioner Raschella. Motion carried 5-0.

7. Public Hearing Items

A. Project: Amend Chapter 16.12 of Title 16 of the Municipal Code Adding Section 16.12.340 Requiring Findings of Facts for Subdivisions Related to Cal. Gov. Code Section 66474.02

Case No.: ZC 2017-004

Applicant: City of King

Location: Citywide

Consideration: Recommendation to The City Council Re: An Ordinance Amending Section 16.22 Of Chapter 16 of the King City Municipal Code as Part of Disaster Resiliency Long Term Planning

Recommendation: Staff recommends that Planning Commission 1) review the Ordinance, 2) receive public comment 3) provide recommendation

to the City Council regarding the Ordinance that would amend Section 16.22 Of Chapter 16 of the King City Municipal Code as Part of Disaster Resiliency Long Term Planning

Environmental
Determination:

The ordinance is exempt from having to comply with the requirements of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15061(b)(3) which states: "CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA". There is no possibility the City's activity in adopting this ordinance, as mandated by the State, will have a significant, adverse effect on the environment.

Principal Planner Funk introduced this item.

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

Action: Motion made by Commissioner Raschella to approve the Resolution 2017-194 which provides a recommendation to the City Council regarding the Ordinance that would amend Section 16.22 Of Chapter 16 of the King City Municipal Code as Part of Disaster Resiliency Long Term Planning. Seconded by Commissioner Lee. Motion carried 5-0.

8. Non-Public Hearing Items -

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports- Five cases will be up on the October 17th meeting for Cannabis. Commissioner Raschella will be absent.

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:18 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 7A

DATE: OCTOBER 17, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR

BY: SCOTT BRUCE, PRINCIPAL PLANNER

**RE: CUP AMENDMENT 2016-011(a)17, MEDICAL CANNABIS
MANUFACTURING (TYPE 7); DISTRIBUTION / TRANSPORTATION (CA
Type 11), 190 EAST SAN ANTONIO 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.

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 were allowed in the M-1, M-2 and M-3 Districts and in the ERBP. In August 2017, the City Council approved changes to the Zoning Code to allow Manufacturing Level 2 (CA Type 7) and Distribution / Transportation (CA Type 11). On March 21, 2017, the Planning Commission approved CUP 2016-011 to allow Manufacturing Level 1 (CA Type 6) on this site. On June 30, 2017 an Operations Permit was approved by the City Manager. Occupancy and Operations may not occur until all the Conditions of Approval (CUP and Operations Permit Approval) have been met.

CUP 2016-011(a)17 is an Amendment is to add Manufacturing Level 2 (volatiles) (CA Type 7) and Distribution / Transportation (CA Type 11) to the allowed use(s) on this site, located at 190 East San Antonio Drive, being in the East Ranch Business Park (ERBP).

DISCUSSION:

Overview:

The proposed use is located in an existing 13,500 sf structure, on a 1.36 lot, located on the west side of San Antonio Drive, previously occupied in part by Pete's Auto Repair.

- The parcel to the north is developed and is the site of Kasey's fitness Academy.
- The parcel to the south is developed, the building is currently vacant.
- The parcel to the west is the location of the L.A. Hearne Headquarters – the portion of that lot abutting the subject site is used for vehicle / truck parking.

The current use, as approved by CUP 2016-011, allows manufacturing of "... *cannabis concentrate including the production, preparation, propagation and compounding of manufactured medical cannabis directly or indirectly by extraction methods, or independently by means of chemical synthesis for packaging or repackaging which may include labeling or relabeling.*" **See Document, Section G**

This amendment does not change the Manufacturing process, materials or quantities of materials used.

The process applies carbon dioxide (CO₂) to extract cannabis oils by passing the CO₂ through the plant, then separating the oils and other medicinal components. Food grade alcohol is used to clean waxy leftovers. **See Document, Section G, Exhibit 6.**

The CUP Plan Set Package indicates that the proposed uses will be located in an existing structure. No significant changes to the structure, footprint or to the building exterior (beyond cosmetics) are indicated. The applicant has indicated that three shifts of 3 - 18 persons are anticipated.

This amendment adds Distribution use. One office will now be used for Distribution Administration and the previously unused storage area to the western portion of the building will now be used for shelving and packaging materials. The primary function will be to distribute GSS product. Distribution of others' product may occur in the future but is not part of this Amendment.

CUP Information:

Architecture:

The existing structure is a metal structure with the building entry facing San Antonio Drive. It covers 22.8% of the overall lot. The existing materials and colors are consistent with those of the surrounding area and will not be changed.

Floor Plan and Interior Uses:

The applicant will make improvements to 7,900sf of the interior. 2,700sf will remain as office space, 2,900 sf will be for storage or future growth. (Total equals 13,500 sf).

The 2,900sf area will now be used for shelving and packaging materials. One office in the northeast corner of the building will be used for Distribution Administration. See Exhibit 3

Landscape:

The primary landscaped area is on the east side of the structure, between it and San Antonio Drive. The area has existing landscaping, rather neglected (most probably related to the building being vacant for a period of time). Landscaping covers 10.9% of the lot (approximately 6,500 sf).

Proposed landscaping includes Evergreen pear trees, Purple Flowering Plum trees, yellow daisies, white flowering Australian Fuchsia, a variety of perennials. **See Exhibit 4.**

Parking, Paving:

No new access, parking or paving is proposed. The existing surface is asphalt along the southern side of the building and in the parking area. One access drive is present to the south side of the structure. **See Exhibit 2.**

Signage:

Signage will be limited to an address / street number for identification by emergency response personnel and deliveries.

Security:

Fencing: The facility will be surrounded on three sides by a non-climbing chain link fence with small square visibility with privacy screening and barbed wire tops, of a height to be determined by the City. Fencing facing San Antonio Drive will consist of eight (8) foot high wrought iron.. 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 included building mounted and 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 R**

Cameras: Security cameras will be mounted on all exterior doors, perimeter fencing and entry gates. At least 30 exterior motion sensor / night vision cameras will be placed with at least 25 interior motion / night vision cameras. The 24/7 surveillance will be accessible by the City of King Police Department through real time live access feed. **See Document, Section H.**

This Amendment will not impact Landscape, Parking, Paving, Signage or Security.

Solid Waste: Daily plant waste will be about 25 lbs (approximately 0.8 cubic feet after grinding). The entire plant is used and approximately 99% of cannabinoids are removed. Plant wastes are rendered unusable by grinding the remaining plant material and combining it with non-marijuana material.

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,**

The proposed Amendment will not significantly impact solid waste quantities. No cannabis product will be added to solid waste disposal

Water: Water use will not be significantly different than other facilities in the Business Park Hand washing is likely the largest water user.

Power: Power use general consistent with “normal office (business) park use” is anticipated. Lighting is consistent with general administrative / manufacturing needs, the process itself takes minimal amounts of power. The largest use type may be air-conditioning – the manufacturing area (approximately 4,700 square feet) must stay at 74 degrees Fahrenheit.

Manufacturing Process: The manufacturing process applies Carbon Dioxide (CO₂) (max 8, 150lb tanks on-site) at any one time to extract medical cannabis oils using state of the art high pressure closed loop system. Liquid is passed through the plant, separating essential oils and other medicinal components. During the process the CO₂ evaporates and pure medicine is left. Food grade ethyl alcohol is used to clean waxy plant leftovers and to clean the machinery. **See Document, Section G, Exhibit 6.**

This Amendment will not impact Water Use, Power Use or the Manufacturing Process. Use of additional solvent types will require approval at discretion of Community Development Director or designee and Chiefs of Fire / Police.

Regulatory Permit Related Information:

Shipping and Transport: Cannabis will be transported to and from the facility in unmarked vehicles known only by the partners. When licenses are available from the State transport will be restricted to licensed Transporters. Transactions will be recorded on a manifest with details regarding the driver, vehicle, weight and / or count of all products. Cameras will be placed to record delivery to and shipping from the facility. **See Document, Section G.**

This Amendment adds GSS as a “licensed” Distributor / Transporter intended as the primary Transporter. Others may be used but GSS will be the Primary. The previously described loading area will be used by GSS.

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. Ventilation will pass through a series of HEPA and Syneco systems or similar. **See Document, Section I.**

This Amendment does not impact Odor Control.

Security, Interior: Two armed guards will be on site at any time the facility is in operation. One will be on site at all times. Unescorted access to the facility will be allowed only to those Golden State Sciences personnel who have their own door code and access card. The building access system tracks all 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.**

This Amendment does not significantly impact Security. The Distribution / Transportation area will be on a separate Security Network but connected to the same security hub.

Employee Vetting: No person under 21 years of age will be employed on this site. The employee vetting process is being finalized at this time. At present it is anticipated that 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. **See Document, Section C, d.**

Employee Training: Initial and on-going training in manufacturing and machine safety, OSHA and personal protective equipment requirements, documentation, testing, hazard response, chemical handling, labeling documentation and emergency procedures. **See Document, Section J.**

This Amendment does not impact Employee Vetting or Training. Vetting will be consistent as will the level of training, although Distribution / Transportation will cover different subject matter.

Quality Control: No food products are being made and would require an amendment to the CUP to allow their production. All source materials are tested for pesticides, fungus, pests, molds and contaminants. If a product were to be called into question a recall program will be put into action that insures that 99%+ of the product questioned is returned. **See Document, Section C, c and d.**

This Amendment does not impact Quality Control.

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.a. In addition, the City requires that an Indemnification Agreement be executed (draft completed, in process). **See Document, Section N.**

This Amendment adds Distribution / Transportation to the Scope of Regulatory Compliance, at the same level of detail.

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 and is therefore exempt from additional CEQA review. No unusual circumstances per CEQA Guidelines §15300.2 were found.

This project also qualifies as a Class 1 Categorical Exemption per CEQA Guidelines §15301 (Existing Facilities).

Note: The applicant has indicated that maximum employee count may reach 15 per shift with a maximum of 35 employees. This maximum (35) is more than anticipated during the September IS / MND but is significantly less than originally evaluated during environmental review for the Specific Plan. Standard employee generation rates for an Industrial Use are approximately 61 employees per acre. Business Park rates are higher. The proposed use may generate 35 employees on 1.3 acres over a period of three shifts.

Maximum employee counts remain the same.

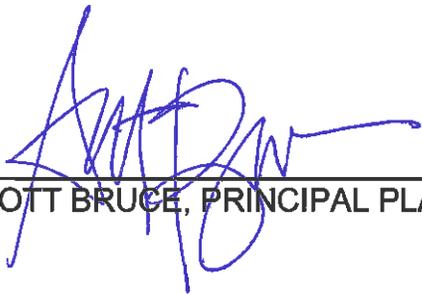
ALTERNATIVES:

1. Hear the item, invite public comment and approve the item as presented.
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. Existing Site / Structure
2. Site Plan / Parking / Access
3. Floorplan
4. Landscape
5. Camera Locations
6. Manufacturing / Shipping Process
7. Conditions of Approval
8. Resolution 2017 - 198

Submitted by:



SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:



DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

COA 2016-011(a)17

EXHIBIT 1

EXHIBIT: Photo of the facility at 190 East San Antonio Drive, King City, California

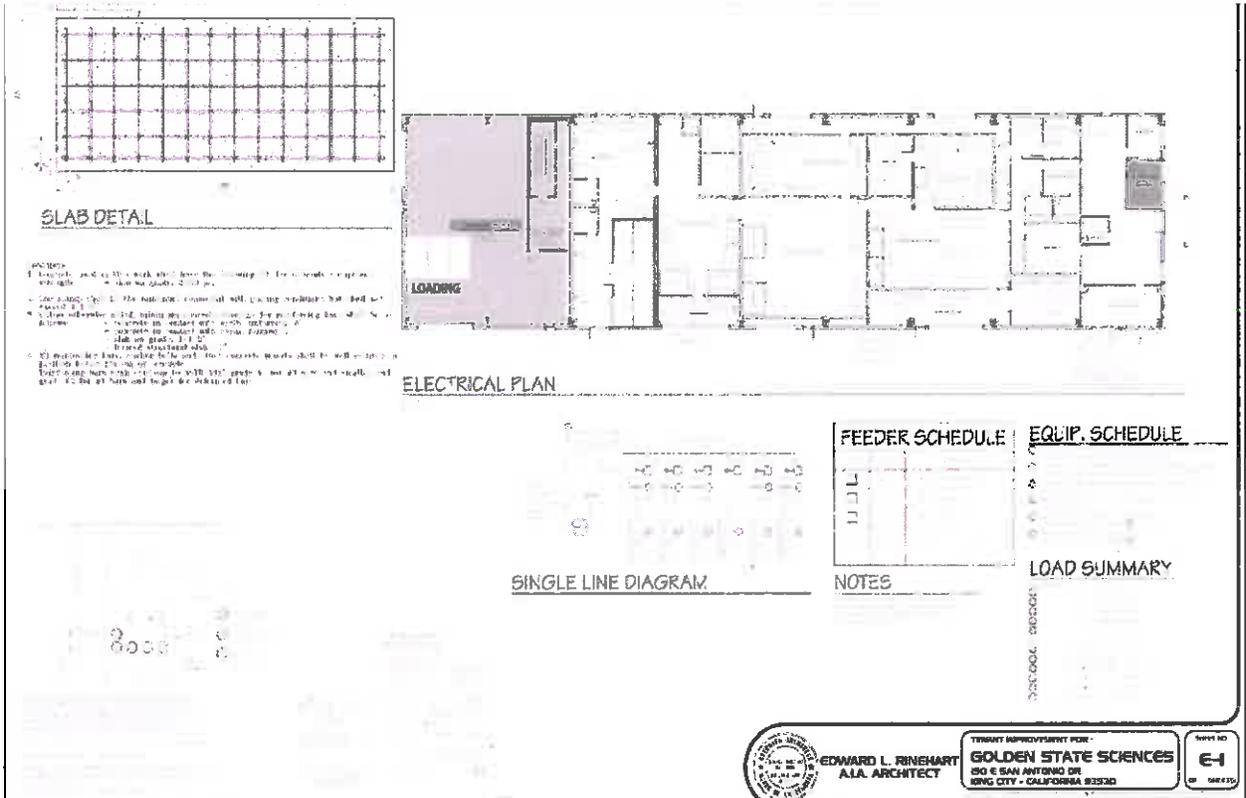


EXHIBIT: Aerial View Specifically Showing 190 East San Antonio Drive, King City, California



COA 2016-011(a)17

EXHIBIT 3



COA 2016-011(a)17

EXHIBIT 4



Golden State Sciences Conditional Use Permit Application 2016-011 Medical Cannabis Permit Application APN: 026-522-039

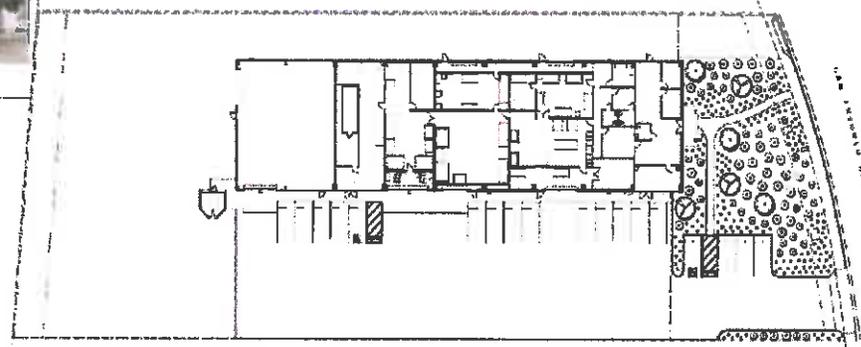


Plant Notes

1. All plants shown are to be planted in the area shown on the site plan. The plants are to be planted in the area shown on the site plan. The plants are to be planted in the area shown on the site plan.

PLANT LIST

- 1. [Symbol] [Plant Name]
- 2. [Symbol] [Plant Name]
- 3. [Symbol] [Plant Name]
- 4. [Symbol] [Plant Name]
- 5. [Symbol] [Plant Name]
- 6. [Symbol] [Plant Name]
- 7. [Symbol] [Plant Name]



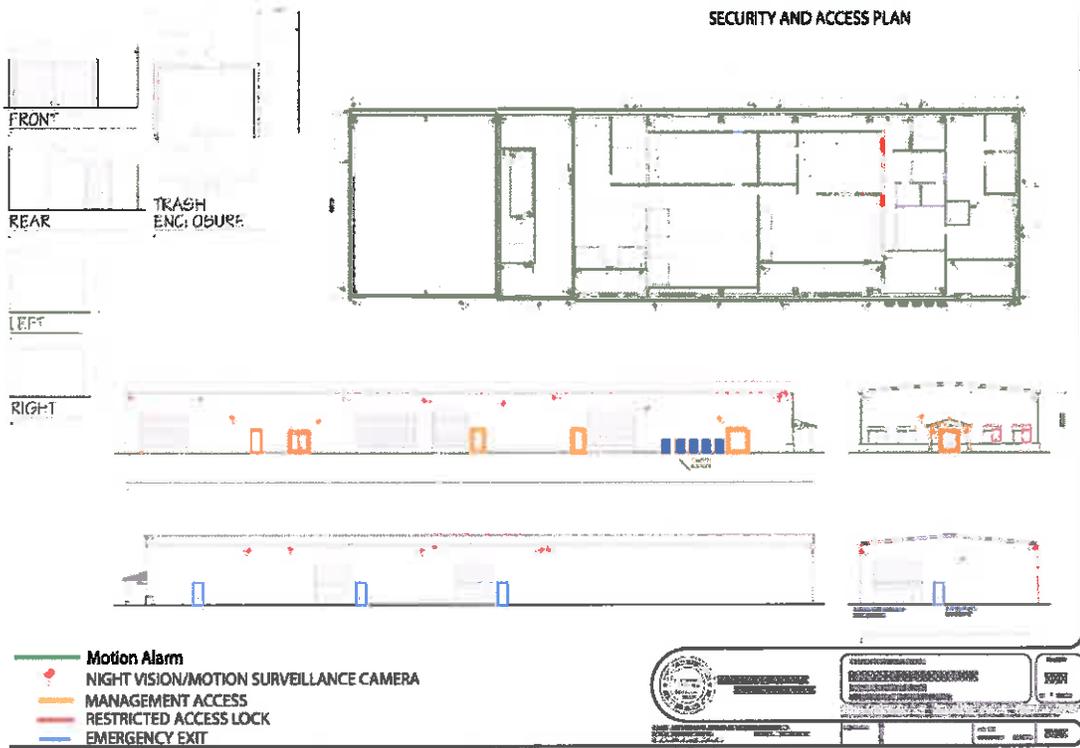
COA 2016-011(a)17

EXHIBIT 5



Golden State Sciences
Conditional Use Permit Application
APN: 026-522-039

EXHIBIT: Security Camera Locations



COA 2016-011(a)17

EXHIBIT 6

EXHIBIT: Manufacturing Process

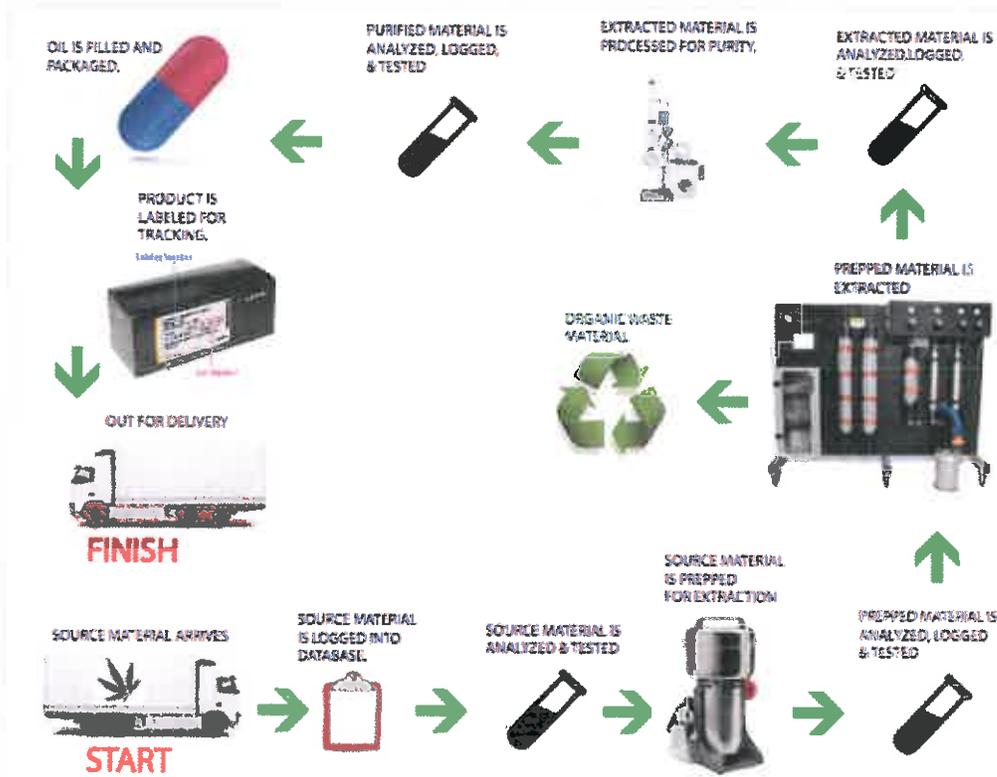




EXHIBIT No. 7

**Case Number: COA 2017 – 011(a)17
CONDITIONS OF APPROVAL**

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

SHEET INDEX	GENERAL NOTES	VICINITY MAP	61A:157:CS
<p>Sheet 68-100 1. All work shall conform to the City of King City Engineering Department's standards and specifications. 2. All work shall conform to the City of King City Engineering Department's standards and specifications. 3. All work shall conform to the City of King City Engineering Department's standards and specifications. 4. All work shall conform to the City of King City Engineering Department's standards and specifications. 5. All work shall conform to the City of King City Engineering Department's standards and specifications. 6. All work shall conform to the City of King City Engineering Department's standards and specifications. 7. All work shall conform to the City of King City Engineering Department's standards and specifications. 8. All work shall conform to the City of King City Engineering Department's standards and specifications. 9. All work shall conform to the City of King City Engineering Department's standards and specifications. 10. All work shall conform to the City of King City Engineering Department's standards and specifications.</p>	<p>1. All work shall conform to the City of King City Engineering Department's standards and specifications. 2. All work shall conform to the City of King City Engineering Department's standards and specifications. 3. All work shall conform to the City of King City Engineering Department's standards and specifications. 4. All work shall conform to the City of King City Engineering Department's standards and specifications. 5. All work shall conform to the City of King City Engineering Department's standards and specifications. 6. All work shall conform to the City of King City Engineering Department's standards and specifications. 7. All work shall conform to the City of King City Engineering Department's standards and specifications. 8. All work shall conform to the City of King City Engineering Department's standards and specifications. 9. All work shall conform to the City of King City Engineering Department's standards and specifications. 10. All work shall conform to the City of King City Engineering Department's standards and specifications.</p>		<p>61A:157:CS 1. All work shall conform to the City of King City Engineering Department's standards and specifications. 2. All work shall conform to the City of King City Engineering Department's standards and specifications. 3. All work shall conform to the City of King City Engineering Department's standards and specifications. 4. All work shall conform to the City of King City Engineering Department's standards and specifications. 5. All work shall conform to the City of King City Engineering Department's standards and specifications. 6. All work shall conform to the City of King City Engineering Department's standards and specifications. 7. All work shall conform to the City of King City Engineering Department's standards and specifications. 8. All work shall conform to the City of King City Engineering Department's standards and specifications. 9. All work shall conform to the City of King City Engineering Department's standards and specifications. 10. All work shall conform to the City of King City Engineering Department's standards and specifications.</p>

SITE PLAN

PROJECT DATA

PROJECT NO. 61A:157:CS
 SHEET NO. 68-100
 DATE 07/15/17

ENGINEER'S SEAL
 RICHARD L. BURGARDT
 AIA ARCHITECT

SEAL
 GOLDEN STATE SCIENCES
 15700
 A-1

PART A - PROJECT INFORMATION: GOLDEN STATE SCIENCES (GSS)

1. Assessor's Parcel No(s): 026-522-039
2. Job Address: 190 East San Antonio Drive
3. Street Location: 190 East San Antonio Drive
4. Existing Zoning: East Ranch Business Park Specific Plan (ERBP)
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: ERBP SP
7. Project Description: CUP 2016-011(a)17 is an Amendment is to add Manufacturing Level 2 (volatiles) (CA Type 7) and Distribution / Transportation (CA Type 11) to the uses allowed use(s) in an existing 13,500 sf structure, on a 1.36 lot, located on the west side of San Antonio Drive, previously occupied in part by Pete's Auto Repair.

One office in the northeast corner of the structure will be dedicated to Distribution / Transportation (Type 11). The 2,900 storage area to the west will be used for shelving, storage and packaging materials.



PART B – GENERAL CONDITIONS AND REQUIREMENTS

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).

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Clerk. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed within 15 days of the Planning Commission's decision. Please refer to City of King Municipal Code Chapter 2.12.050

Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit and the Zoning Ordinance. This use permit is granted, and the conditions imposed, based upon the Applicant Package provided by the applicant. The Applicant Package is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the Applicant Package, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the Applicant Package. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and



process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to the approved site plan shall be permitted. (Include this note on the site plan.)

Please contact Scott Bruce via email at scottbruce11@gmail.com if you have any questions regarding the conditions of approval (COA).

GENERAL CONDITIONS:

1. All Conditions of Approval associated with CUP 2016-011 remain in force unless specifically amended herein
2. This Amendment, although requesting a Level 2, Type 7 permit does not amend the solvent types to be used (CO₂, Ethanol). Use of additional solvent types will require the approval of the Community Development Director or designee and Chiefs of Fire / Police.
3. Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee

PART C – SPECIFIC CONDITIONS AND REQUIREMENTS

COMMUNITY DEVELOPMENT DEPARTMENT :

1. **Allowed Use:** Level 2 (CA Type 7) (volatiles allowed) Cannabis Manufacturing. Also, Distribution / Transportation (CA Type 11). Cannabis Oils will be extracted and inserted into capsules, topicals and similar. No edible products will be produced without amendment to the CUP by the Planning Commission. Liquids / gasses are limited to CO₂ and Ethanol.
2. **Interior Renovation and Exterior:** The amendment is limited to Distribution / Transportation use in an office in the northeast corner of the building and shelving, storage (boxes and packaging materials (no Cannabis product) in the 2,900 room on the west end of the structure. No exterior changes are associated with this Amendment.
3. **Parking:** No amendment.
4. **Landscaping:** No amendment.
5. **Lighting:** No amendment.
6. **Signage:** No amendment..
7. **Fencing:** No amendment.

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:** No amendment.



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:** No exterior parking, curb / gutter / sidewalk or utility improvements are proposed. Scope of work shall conform with that found in the CUP / Regulatory Permit Package.
- 2 **Driveway Approach Revisions:** No amendment.
- 3 **Recycled Water Connection:** No amendment.

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.

- A. **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.
- B. **Security Cameras:** The previous camera location plan shall be revised to the satisfaction of the Chief of Police and the City's consultant, as needed, to include the new Use(s).
- C. **CO2:** To comply with City of King Municipal Code.
- D. **Alcohol:** To comply with City of King Municipal Code.
- E. **Spills / Cleaning:** No Amendment
- F. **Solid Waste:** No Amendment
- G. **Odor Control:** No Amendment
- H. **Air Quality:** No Amendment
- I. **Employee Background Checks:** No Amendment.
- J. **Hours of Operation and Employees:** No Amendment
- K. **Work Permits and Fees:** No Amendment.
- L. **Indemnification Agreement:** A signed Indemnification Agreement is required for each of the two additional uses (Type 7 and Type 11) and 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.
- M. **Record Keeping:** No Amendment



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- 198

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-011(a)17

WHEREAS, on **August 11, 2017**, Golden State Sciences submitted an application to allow Level 2, (CA Type 7) Manufacturing of Cannabis and Distribution / Transportation (CA Type 11) in an existing structure located at 190 San Antonio Drive East Ranch Business Park Specific Plan (ERBPSP)

WHEREAS, this submittal amends CUP 2016-011 which was approved **March 21, 2017**

WHEREAS, on **September 26, 2017**, a Letter of Completeness was sent to the applicant; and,

WHEREAS, the proposed use is allowed with the approval of a Conditional Use Permit in the ERBP (**Ordinance 2016-746 August 22, 2017**)

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

WHEREAS, the Project is Categorically Exempt under CEQA §15301 (Existing Facilities), and there are no applicable exceptions to the Categorical Exemption per CEQA Guidelines §15300.2;

WHEREAS, the Commission has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **October 17, 2017**;

WHEREAS, the establishment, operation and maintenance of the use as presented will not be detrimental to the health, safety, morals and general welfare of persons in the East Ranch Business Park (the Neighborhood);

WHEREAS, the establishment, operation and maintenance of the use as presented will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City;

WHEREAS, the Commission makes the followings findings of facts:

1. The purpose of the proposed use is to Manufacture Cannabis 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 (ERBP SP) – East Ranch Business Park Specific Plan.
3. The proposed use will be completely contained within an existing structure, no expansion of the existing structure will occur. One office in the northwest corner of the building will be used for Distribution purposes, vacant space (approximately 2,700 sf) in the western portion of the building will be used for shelving and storage.
4. Although Manufacturing Level 2 allow volatiles, no changes will be made to the previously approved proves (CO2 and Ethanol).
5. The entire lot will be fenced – existing fencing will be improved and / or replaced and new screening will be installed (wrought iron at San Antonio and woven slats around perimeter)
6. The existing lot is accessed at one point of entry. The southern portion of the lot is paved for parking, 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.
7. Existing landscaping will be removed and new landscaping will be installed per the Application Package. (CUP 2016-011).

8. 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 I Categorical Exemption per CEQA Guidelines Section 15301 and approves Conditional Use Permit Case No. CUP 2016-011(a)17.

This resolution was passed and adopted this **17th day of October 2017** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

ERICA SONNE DEPUTY CITY CLERK for MARICRUZ AGUILAR-NAVARRO, ASSISTANT PLANNER /
PLANNING COMMISSION SECRETARY



Item No. 7B

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 17, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

**RE: CUP AMENDMENT 2016-008(a)17, CANNABIS MANUFACTURING;
LEVEL 2 (CA TYPE 7); 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 were allowed in the M-1, M-2 and M-3 Districts and in the ERBP. In August 2017, the City Council approved changes to the Zoning Code to allow Manufacturing Level 2 (CA Type 7) and Distribution / Transportation (CA Type 11). On May 16, 2017, the Planning Commission approved CUP 2016-008 to allow Cannabis Cultivation (CA Type 3A) on this site. On June 30, 2017 an Operations Permit was approved by the City Manager. Occupancy and Operations may not occur until all the Conditions of Approval (CUP and Operations Permit Approval) have been met.

CUP 2016-008(a)17 is an Amendment is to add Manufacturing Level 2 (volatiles) (CA Type 7) to the allowed use(s) on this site, located at 151 Airport Drive, being in the M-1 Zoning District, outside of the East Ranch Business Park.

DISCUSSION:

Overview:

The proposed use is located in a portion of 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 (15,572 sf) as well as an addition to the west side of the structure were proposed and approved with the original CUP. 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 Applicant proposes to replace approximately 1,900 sf of Cultivation Area (1,356 sf of canopy) with Level 2 Manufacturing, located in the northwest corner of the building on the 1st floor. **See Exhibit 2**

- The parcel to the north is vacant and also owned by Zayrich Properties, LLC – an Application is in process for cultivation and manufacturing.
- 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. In addition, Type 2 Manufacturing would be allowed,

Cultivation: 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.

Manufacturing: The entire plant will be used to prepare marketable products. Oils which will be used to for creams, tinctures, topicals and vapor devices will be produced.

CUP Information:

Architecture:

The existing structure is a metal structure with the building entry facing south, accessed from Airport Road. It site 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.

This amendment does not substantially alter the color palette, the site improvements or the exterior of the structure. One new entrance will be created on the west side. Dumpster area may be increased to allow for Manufacturing related non-organic material.

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.

This amendment will replace 1,930sf of Cultivation area with Manufacturing Space. The floor plan will be amended as shown on Exhibit 2.

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 .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.

This amendment does not affect the approved site / landscaping plan.

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.. 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.

This amendment does not affect the approved parking / paving configuration.

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.

Not impacted by this Amendment.

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.. 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.**

This Amendment will not impact perimeter fencing. Exterior security cameras will include a camera to monitor the new entrance on west side.

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.

Solvents:

N-Butane, Liquid CO2 and Ethanol (Ethyl Alcohol) will be used in manufacturing procedures. All solvents will be stored in a locked and seismically secure location. Butane and CO2 will each have independent storage locations. Ethanol will be stored in a locked medical cabinet inside of the manufacturing lab. Final quantities, deliveries and safety components must be approved by Fire and Police.

The Applicant has provided the following information regarding the handling and storage of volatiles:

LP-Gas will be used as the solvent for the closed-loop Butane and Propane extraction equipment only in the C1D1 extraction room. All LPG will be recollected in the collection vessel and pressured down before product is removed from the extraction equipment.

Liquid CO2 will be used as a solvent for the closed-loop CO2 extraction equipment only in a C1D2 extraction room. All CO2 will be recollected in the an accumulation vessel to be reused on future extraction operations.

Ethanol alcohol is used as a solvent for post-extraction processing and further product refinement (winterization). This will be introduced to the product that is removed from the LPG and CO2 extraction equipment, inserted into a spark-resistant freezer, filtered, and further refined by rotary evaporation. Rotary evaporation will introduce heat, vacuum, and agitation to evaporate and recapture the ethanol alcohol.

LPG Storage and Handling:

An appropriate lockable, ventilated enclosure of metal exterior will be installed for the outside storage of LP-Gas tanks. This will also have vehicle protection via bollards around the storage area as well as restriction of public-access via fencing.

LP-Gas will be stored at least 10 feet from all building ingress/egress, HVAC intakes, and sidewalks.

If the outside storage and transfer area of LP-Gas is above the maximum allowable quantity of flammable gas, it shall be located a minimum of 25 feet away from other buildings, building openings, property lines, public streets, and other storage/transfer areas.

Ethanol Storage and Handling:

Storage shall be in approved flammable liquid cabinet and stored in amounts limited to the minimum required for operations. If storage volume exceeds the maximum allowable quantity, outside storage will be required with the same vehicle and public restriction and clearance from building openings, HVAC intakes, property lines, and public streets.

CO2 Storage and Handling:

Liquid CO2 will be stored and anchored in the same CO2 room as the adjacent cultivation operations. The liquid CO2 tanks will have a dedicated distribution line that only feeds the CO2 extractors in the manufacturing area.

Solid Waste:

Cultivation: 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.

Manufacturing: Waste material from Manufacturing is estimated at 1 or 2 cubic yards per week – similar in volume to the existing condition. Any waste (less than 2%) of waste that includes psychoactive cannabinoids will be mixed with other material (more than 50%) to render it unusable. Non-organic materials will be disposed of separately.

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..**

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.

This Amendment will reduce the amount of water being used by reducing area in Cultivation and replacing it with Manufacturing.

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.

This Amendment will reduce the amount of power being used by reducing area in Cultivation and replacing it with Manufacturing.

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.

This Amendment adds Manufacturing Use. Oils for creams, tinctures ,topicals and vapor products will be produced. Some cannabis material from outside cultivators may be processed at this location.

Shipping and Transport: Cannabis bud **and Manufactured products** 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 **and Manufacturing** 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, including the Manufacturing area, 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 21 will not be allowed on site. Security personnel will monitor employee and guest access and record all visits and access to secure areas by identity.. **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**

This Amendment does not affect the Employee Vetting process.

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.

Manufactured products will be spot checked internally and tested by an independent, licensed Type 8 testing facility.

See Document, Section C.

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).

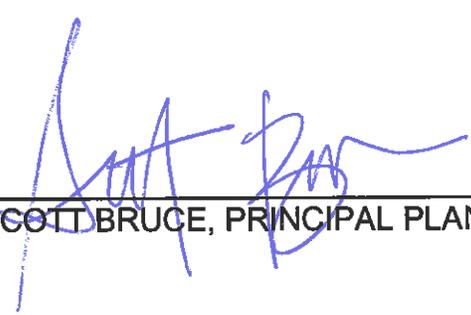
ALTERNATIVES:

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. Floor Plan
3. Site Plan / Parking / Access
4. Landscape
5. Camera Locations, Security Lighting
6. Signage
7. Conditions of Approval
8. Resolution 2017 - 197

Submitted by:



SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:



DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

COA 2016-008(a)17

EXHIBIT 1



View looking at front (west facing) of building

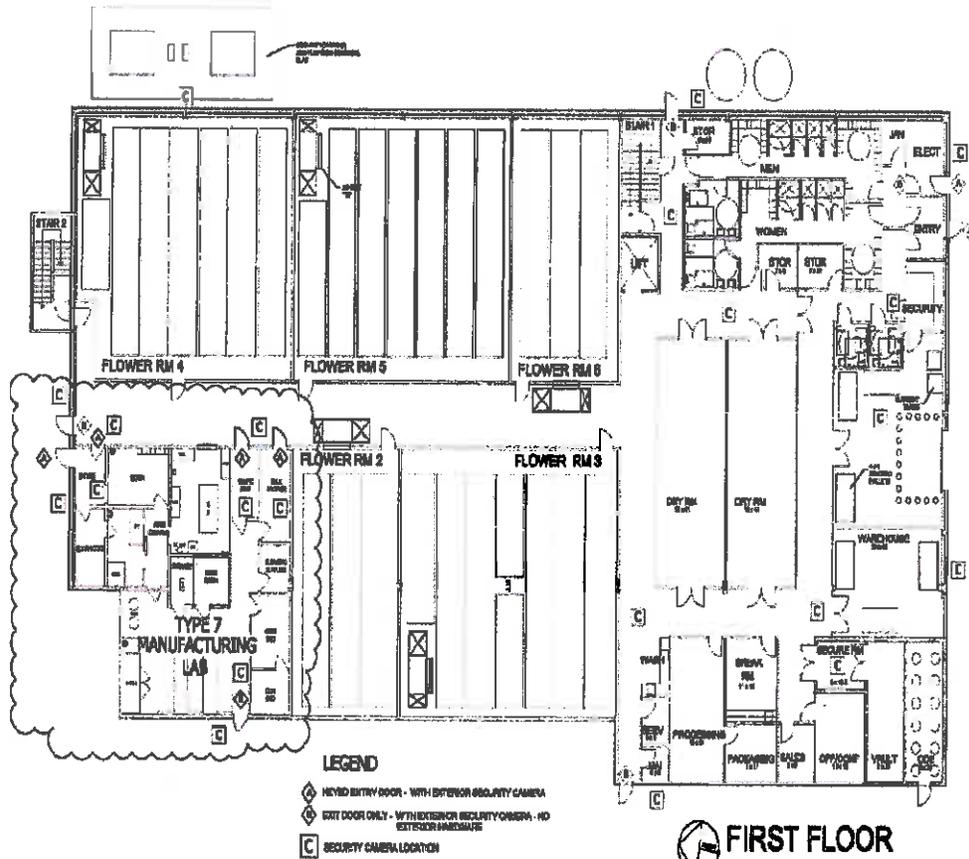
COA 2016-011(a)17

EXHIBIT 2

BOUTIQUE UNLIMITED, INC.

Page 33

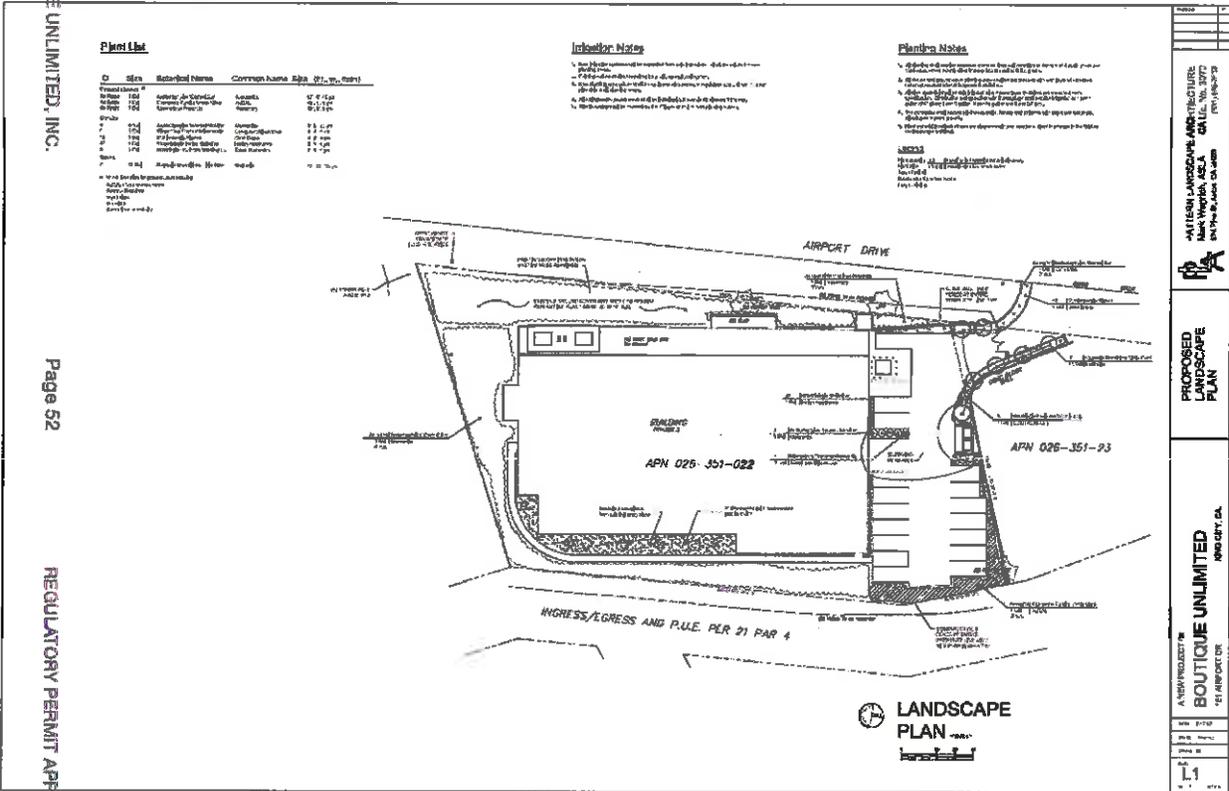
REGULATORY PERMIT APPLICATION



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

 **FIRST FLOOR
SECURITY PLAN**

COA 2016-008(a)17
EXHIBIT 4



Diaphorhiza - Yellow

Malvaceae - Yellow

Malvaceae - Yellow

Malvaceae - Yellow

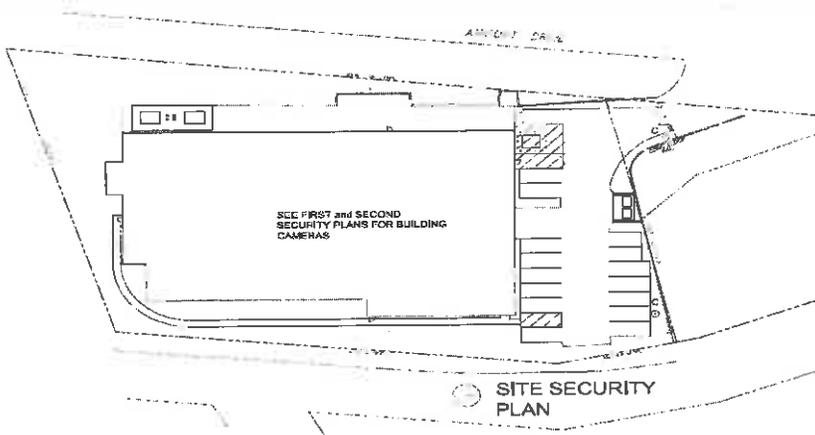
COA 2016-008(a)17

EXHIBIT 5

DRAWN: TBC

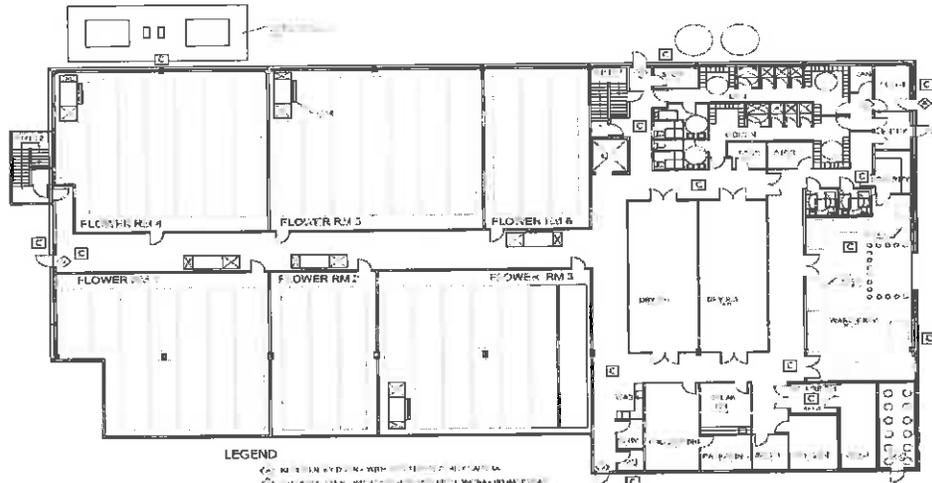
PAGE: 23

REVISIONS: PERMIT APPLICATION



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

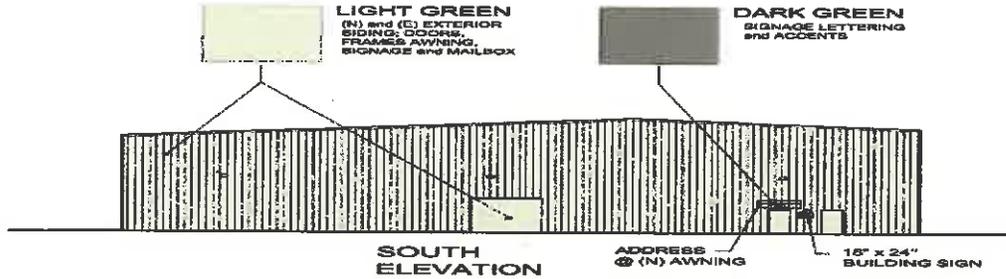
LEGEND
 POLY MTD SECURITY CAMERA
 (OLE MTD LHT FIXTURE (1))



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

FIRST FLOOR
 SECURITY PLAN

EXHIBIT 6



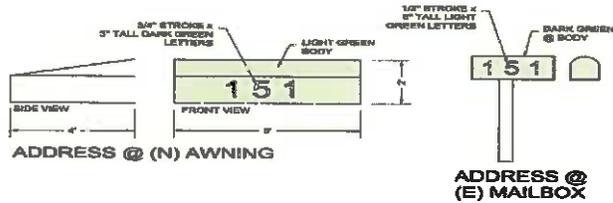
BUILDING COLORS and SIGN PROGRAM

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.



MAIN ENTRY



BUILDING SIGN PROGRAM

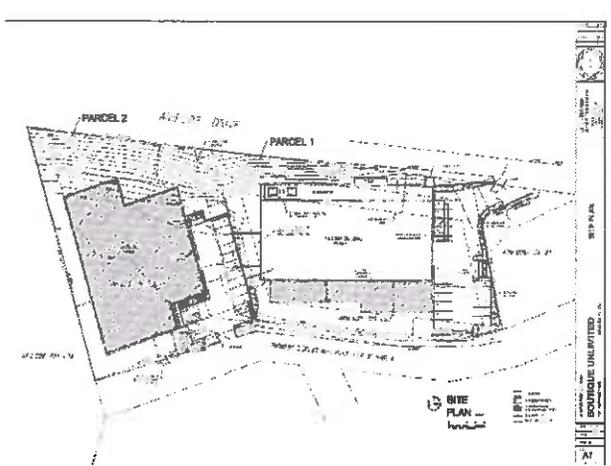
A NEW PROJECT for
BOUTIQUE UNLIMITED
151 AIRPORT DR KING CITY, CA.



EXHIBIT No. 7

**Case Number: COA 2016-008(a)17
CONDITIONS OF APPROVAL**

NOTICE TO PROJECT APPLICANT



In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART A - PROJECT INFORMATION: BOUTIQUE UNLIMITED

1. Assessor's Parcel No(s): 026-351-022
2. Job Address: 151 Airport Drive
3. Street Location: 151 Airport Drive
4. Existing Zoning: M-1 Light Industrial
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: Adjacent to ERBP SP
7. Project Description: The proposed use is located in a portion of 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 (15,572 sf) as well as an addition to the west side of the structure were proposed and approved with the original CUP. 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 Applicant proposes to replace approximately 1,900 sf (1,356 sf of canopy) of Cultivation Area with Level 2 Manufacturing, located in the northwest corner of the building on the 1st floor.



PART B – GENERAL CONDITIONS AND REQUIREMENTS

On September 27, 2016 the City Council approved Ordinances 2016- 728, 729 and 730, amending Municipal Code 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).

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed within 15 days of the Planning Commission's decision. Please refer to City of King Municipal Code Chapter 2.12.050

Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit and the Zoning Ordinance. This use permit is granted, and the conditions imposed, based upon the Applicant Package provided by the applicant. The Applicant Package is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the Applicant Package, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the Applicant Package. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law.



The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to the approved site plan shall be permitted. (Include this note on the site plan.)

Please contact Scott Bruce via email at scottbruce11@gmail.com if you have any questions regarding the conditions of approval (COA).

GENERAL CONDITIONS:

1. All Conditions of Approval associated with CUP 2016-008 remain in force unless specifically amended herein.
2. Additional information regarding the Manufacturing process, including quality control; and, storage and amount of solvent used in the process will be provided to the satisfaction of the Community Development Director and Fire and Police chiefs.
3. Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee

PART C – SPECIFIC CONDITIONS AND REQUIREMENTS

COMMUNITY DEVELOPMENT DEPARTMENT :

1. **Allowed Use:** Level 2 (CA Type 7) Manufacturing in addition to Cannabis Cultivation (CA Type 3A), as previously approved.
2. **Interior Renovation and Exterior:** This amendment is limited to a new use in the northeast corner of the previously approved structure. 1,900 sf of floor area will be now be used for Type 7 Manufacturing, replacing the previous use in that area. The Manufacturing space will be physically separated from the remainder of the facility. One door to the exterior (new to this amendment) and one door to the interior are permitted. No exterior changes are associated with this Amendment.
3. **Parking:** No amendment..
4. **Landscaping:** No amendment.
5. **Lighting:** No amendment.
6. **Signage:** No amendment.
7. **Fencing:** No amendment.

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:** No Amendment



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:** No amendment
- 3 **Driveway Approach Revisions:** No amendment.
- 4 **Irrigation:** No amendment
- 5 **Sanitary Sewer:** No amendment

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.

- A. **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.
- B. **Security Cameras:** The previous camera location plan shall be revised to the satisfaction of the Chief of Police and the City's consultant.
- C. **Solvents:** The Applicant has indicated that Butane, CO₂ and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be to the satisfaction of the City of King Fire and Police Departments in compliance with Municipal Code Section 17.03.270 (a) and (b).
- D. **Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- E. **Odor Control:** No Amendment
- F. **Air Quality:** Venting of Solvents, CO₂ and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.
- G. **Employee Background Checks:** No Amendment
- H. **Hours of Operation and Employees:** Hours of operation will remain 24 hours a day 7 days a week. The maximum number of employees (48) has not changed nor has the maximum per shift (16).
- I. **Work Permits and Fees:** No Amendment
- J. **Indemnification Agreement:** A signed Indemnification Agreement for this Manufacturing Operation 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 Municipal Code 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 Municipal Code Section 17.03.180.



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. 2017-197

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-008(a)17

WHEREAS, on **September 12, 2017**, Boutique Unlimited submitted an application to amend a previously approved Conditional Use Permit (**CUP 2016-008, May 16, 2017**) to add Level 2 Manufacturing (CA Type 7) in an existing structure located at 151 Airport Drive

WHEREAS, on **September 26, 2017** a formal Letter of Completeness was sent to the applicant.

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 2016-745 August 22, 2017**);

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; no endangered, rare or threatened species are present; approval of the proposed use will not result in significant impacts to traffic, noise, air quality or water; the site can be adequately served by all required utilities and services; none of the exceptions to the exemption under CEQA Guidelines §15300.2 are applicable; 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 **October 17, 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 (Manufacture Cannabis oils and products) 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 replace 1,900 square feet of previously approved Cultivation with Manufacturing, all contained within the previously approved floor area . No new floor area is added.
4. The entire lot will remain fenced – existing fencing will be improved and / or replaced and new screening will be installed.
5. The existing lot will remain 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 previously approved CUP 2016-008 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(a)17

This resolution was passed and adopted this **17th day of October, 2017** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

ERICA SONNE DEPUTY CITY CLERK for MARICRUZ AGUILAR-NAVARRO, ASSISTANT PLANNER /
PLANNING COMMISSION SECRETARY



Item No. 7C

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 17, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP 2016-010, MEDICAL CANNABIS CULTIVATION (CA TYPE 3B): DON BATES WAY AND SAN ANTONIO DRIVE, CITY OF KING

RECOMMENDATION:

Staff recommends the Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2016-010.

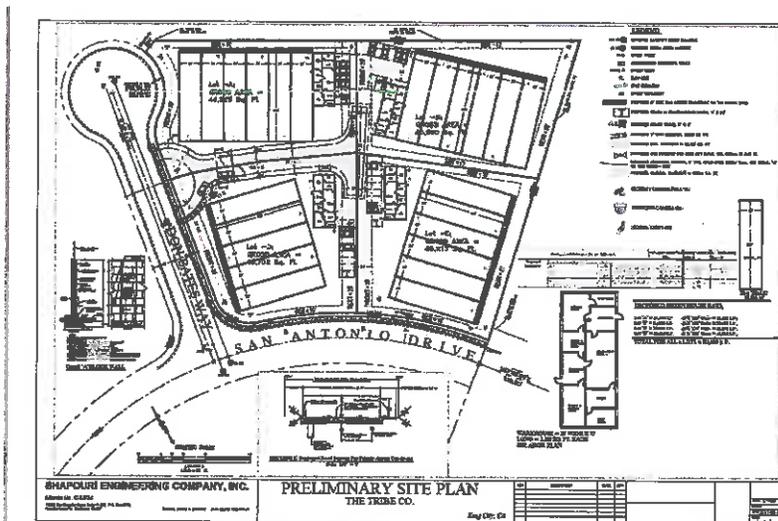
BACKGROUND:

In September 2016 the City Council approved an 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, the Code has been amended twice (June and August 2017) and 12 Permits have been approved through the CUP and Operations Permits processes. Staff has been in regular discussion with potential Medical Cannabis applicants. This current application is for four primary (with ancillary) structures for Cannabis Cultivation on a vacant site at the corner of Don Bates Way and San Antonio Drive.

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

As noted above, CUP 2016-010 is a Proposal to develop a parcel located at the northeast corner of Don Bates Way and San Antonio Drive. (APN 026-521-011). The site is approximately 4.2 acres in size, four (4) structures (greenhouse type) are proposed for Cannabis Cultivation (Type 3B, mixed light)). One ancillary structure for administration and production operations will be located adjacent to each greenhouse. The City has requested that the project to be designed so that, if necessary, it may be readily subdivided into four (4) parcels without changes to the site plan as proposed in the CUP. The potential for such subdivision has been included in this environmental assessment as part of the project. Using this approach, a site plan approved by the Commission should not have to be amended if the State regulations eventually require one parcel per Permit.



DISCUSSION:

Overview:

The proposed structures are located on a 4.2 acre site. The site and the surrounding area are located in the East Ranch Business Park Specific Plan which has underlying zoning of Light Industrial

- The parcel to the north is the site of the WalMart warehouse.
- The parcel to the east is vacant

- To the south is San Antonio Drive
- To the west is Don Bates Way with a vacant parcel beyond the site.



Proposed operations will utilize natural light, LED lights, hydroponics / aeroponics and organic fertilizers / pesticides.

The site is vacant and generally flat. Site access will be from Don Bates Way. Four (4) single story buildings are proposed to allow Cannabis Cultivation, compliant with future State License 3B (indoor, mixed light). While total allowed plant canopy space under a future 3B license is limited to 22,000 sf, additional allowed activities include: harvesting, drying, curing and trimming of cannabis. The applicant is also proposing separate structures of approximately 2,160sf in size, adjacent to each Cultivation area where the harvesting, drying, curing and trimming will occur. Administrative offices will also be located there.

The CUP Plan Set Package indicates that three (3) Cultivation structures will have a footprint of 21,600sf in size, with one (1) being 18,000 sf in size. Total footprint area will be approximately 91,550 sf. Total impervious area will be approximately 66%.

Building Setbacks: Buildings will be set back from Don Bates Way a minimum of 20' (front yard) and from San Antonio Drive a minimum of (10'). Note that the minimum setback condition occurs in a limited number of places street due to configuration of the street and the angle of the structures. A landscaped strip and a cut face block wall will be located along both street frontages. All perimeter setbacks will be taken from property line.

It appears that the state regulations will ultimately allow more than one permit per lot of record. However, because future state requirements are unclear, a Preliminary Tentative Tract Map has been prepared (not yet submitted) which would create an individual lot for each structure. Reciprocal agreements / easements will allow joint access / utilities should individual parcels be required.

CUP Information:

Architecture:

The proposed structures can be described as "Greenhouses" of rigid construction using steel frame and heavy duty acrylic panels to allow light transmission. Walls with fans will be composed of metallic panels. Roofs will be acrylic panels. Warehouse / Administrative buildings will be tan in color. Buildings will be a maximum 20' in height. **See Exhibits 3 and 7.**

Floor Plan and Interior Uses:

As noted above, maximum canopy space (plant tip to plant tip) per structure is 22,000 sf. Floor area of proposed structures varies as noted above. These structures are currently proposed with gravel floors. Per the City's Building Official, this type of construction is allowed if footings are provided for the steel frame.

As you will remember, all interior runoff must go into the City's Sanitary Sewer System. In this case, the Applicant indicates that there will be no runoff based on their hydroponic grow type. A SWPPP has been prepared and submitted to with the Regional Water Quality Control Board. Ultimate implementation of the CUP and of the Operating Permit will require Water Board Approval .

Landscape:

The site will be landscaped per plans as submitted. The primary landscaped areas will be adjacent to the entry off of Don Bates Way, in the center of the site near San Antonio Drive and in the eastern portion of the site. Bio basins will be located between buildings in the central portion of the site and to the east . Planter areas in the drive / parking area and building fronts will be present.. Landscaped area is approximately 62,260 or 34% of the site.

Proposed landscaping includes Kari Foerster Reed Grass, Deer Grass, Warriner Lytle Buckwheat, Heavenly Bamboo, Lyle Grass, Manzanita, Spreading Lantana, Sugar Bush, Dwarf Coyote Bush, Lowfast Cottoncreeper, Acacia Redolens "Low Boy", Incense Cedar, Weeping Bottle Brush, Purple Robe Locust and Coast Live or Island Oak. **See Exhibit 5.**

Grading:

The site is generally flat, draining from north to south. Grading will be minimal – resulting in the movement of approximately 5,000 cubic yards of material. Over excavation and re-compaction will occur in the area of the access drive and administrative buildings. No pads will be built for the greenhouses given the type of construction proposed.

Access, Parking, Paving:

The gate guarded access to the site is from Don Bates Way. A manned guard shack is present. The configuration includes a turn-around area for those not granted access. A paved travel way (28' in width) with sidewalk on each side will extend to the east to the project core around which the four greenhouse locations are situated. Paved parking is constructed to adjacent to each of the four (4) facilities. **See Exhibit 2.**

Seven (7) parking spaces are provided for the smaller Cultivation structure / Administrative facility and eight (8) for each of the larger facilities. Parking equals minimum requirements (1 per 3 employees on largest shift but not less than 1 per 3,000 sf of floor area). The maximum number of employees for any building on any shift is 10.

Signage:

A single faced monument sign is proposed for the entry at Don Bates Way. Text will be limited to company names / occupants of each building. The logo will be for the project in general and not Cannabis related. The base of the sign will be 9'8" in length, the height will be 5'11" from the bottom of the base to the top of the sign.

Building signage will be limited to addresses, on-site signage will be limited to directional signage for deliveries and emergency response personnel. **See Exhibit 6.**

Security:

Fencing: Fencing along the public streets rights of way will be split faced block six (6) feet in height with two (2) feet of wrought iron at the top, curved to the outside. The block wall will have a strip of landscaping 4' in width at its base. The facility will be surrounded on the north and east sides by a non-climbing chain link fence with small square visibility with privacy screening and barbed wire tops, of a height to be determined by the City. As noted above, the entry from Don Bates Way has a manned guard shack and entry gate.

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 include building mounted and 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.

Cameras: Security cameras with motion sensors and night vision will be mounted on all exterior doors, perimeter fencing and entry gates. Interior motion / night vision cameras will be placed per the Application Package concept. The 24/7 surveillance will be accessible by the City of King Police Department through real time live access feed. A City of King camera will be placed by applicant at the Don Bates Way gate. The document also proposes internal security camera locations.

Solid Waste: One locked dumpster location is located near each facility, to be used by that facility. For Cultivation site, daily plant waste will be approximately 2.5 cubic yards per structure per week (approximately 480 lbs per week or 70 per day). Dimensions of a six yard dumpster are approximately 6'8"W, 6'6"L, 5'4"

The Company does not use manure or compost material in its operations so it will not be part of its waste disposal. The entire plant is used and approximately 99% of cannabinoids are removed. Typically, the only portions of the plant included in the waste material are those non-usable portions such as the roots, trimmings during vegetation, post extraction pulp or decayed non-beneficial material. Conversation with Waste Management indicates that, there are currently no State of California regulations for solid waste. **See Application, Section J.**

Water: The Mitigated Negative Declaration (MND) that resulted from the Initial Study prepared during evaluation of the Zone Change estimated water use for Cultivation at 2,640 gallons per day (gpd). Water use for Nurseries was estimated at 6,314 gpd. Water use as indicated by the Applicant for this total project will be approximately 400 gallons per day (gpd) per structure, equaling approximately 1600 gallons per day per site. This low use can rate be achieved because of the hydroponic and aeroponic growing techniques use by the Tribe. **See Exhibit 4**

Water (Landscaped Area): The Applicant has prepared a detailed landscaping plan with irrigation and detailed water analysis in conformance with the State of California's Department of Water Resources. **See Exhibit 5**

A number of water conservation measures are employed including drip irrigation, weather or moisture based controllers, non-invasive/ climate appropriate species and similar. The estimated yearly water use for this site is 344,324 gallons (1.06 ac/ft). This number is not included in the analysis of water use under the previous MND – outdoor / landscaping water is common for all sites in the ERBP, regardless of land use.

On-site plumbing to access future recycled water (purple pipe) in San Antonio Drive will be required for landscape as well as Cannabis irrigation, to the maximum amount feasible.

Power: The Applicant estimates 1,920 Amps for each structure as the 80% power allocation for lighting and air conditioning (2,400 Amps as the 100% power allocation). Note that because of the greenhouse configuration (natural light and lower heat gain) the maximum power use will be limited in duration. 900 watt LED lights will be used in place of 1,000 watt High Pressure Sodium lights. Power use is anticipated to be less than 20% of that of an all artificial light (3A) facility with High Pressure Sodium lights.

Noise: Given the nature of greenhouse operations no noise related issues have been identified.

Regulatory Permit Related Information:

The item before the Commission is the consideration of a Conditional Use Permit to allow construction of four (4) Indoor Cultivation / Greenhouse facilities (primary and ancillary structures). (Future CA License Type 3B (mixed light). A site plan has been provided and infrastructure plans are being reviewed by the City Engineer. A separate Operations Permit will be required for each structure.

Each of the Cultivators on site propose 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..

Employee Traffic:

The applicant has indicated that maximum employee count will run between 6 and 10 per structure (cultivation + warehouse / admin) shift with a maximum of 40 employees on site at any one time. Not all buildings will have the same numbers of employees as cultivation / warehouse employee counts will differ. Daily maximum count would be 120 given three shifts.

Standard employee generation rates for an Industrial Use are approximately 61 employees per acre with Business Park rates higher. This site is 4.2 acres in size. Therefore, under Industrial Use it could be expected to generate up to 256 employees.

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. A maximum of two semi-truck and trailers are anticipated per week – providing fertilizers and materials. **See Application Sections E and F .**

Odor Control: The Odor Control Program will operate in conformance with the requirements of Municipal Code Section 17.03.210 (i). It Includes a high pressure fog atomizing system with an essential oil mixture. Nozzle rings are attached to external vents or ducts allowing the fog to mix with the exhausting air. **See Application Section i.**

Site Security: A manned (24 /7) guard station will be located at the entrance. Visitors will be stopped at the gate and verified prior to being allowed site access. Once accepted they will be escorted to the appropriate parking or delivery area. Once parked, visitors are escorted to the appropriate facility. Once a visitor's business is completed they will be escorted off the property by a security guard.

Entries to facilities is protected via biometric sensor control. Credentials are verified by Administrative personnel. Employees will have employee badges and are allowed into specific areas within the facility, depending on their responsibilities. Visitors will be accompanied by authorized personnel at all times during their visit. Persons under the age of 21 will not be allowed on site. Cameras will be located in warehouse and greenhouse, acceptable to King City Police Department at all times. **See Application Section H.**

Employee Vetting: No person under 21 years of age will be employed on this site. It is anticipated that 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..

Employee Training: Initial and on-going training in preventing contamination, grow techniques (including approved pesticide application in conformance with the requirements of the Monterey County Ag Commissioner) and inventory security / control. OSHA and personal protective equipment requirements, documentation, testing, hazard response, chemical handling, labeling documentation and emergency procedures. The training will provide information to employees enabling them to maintain compliance with the State's evolving Cannabis regulations and the Tribe's hydroponic / aeroponic growing process, systems and methods.

Quality Control: All cultivated and processed material will be sent to a Type 11 licensee for batch testing for pesticides, fungus, pests, molds and contaminants. and to a Type 8 Testing Laboratory before distribution to a Dispensary. If a product were to be called into question the remaining inventory will be quarantined and all customers notified. All material will be returned.

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. In addition, the Applicant has executed the City's required Indemnification Agreement.

ENVIRONMENTAL COMPLIANCE:

King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan.

Staff has conducted an Initial Study related to this proposed project (CUP 2016-010) and has determined the project is fully within the scope of the prior analysis by the MND. The Adoption of a Finding of Consistency has been recommended per CEQA Guidelines Section 15162 and has been noticed for Public Review.

ALTERNATIVES:

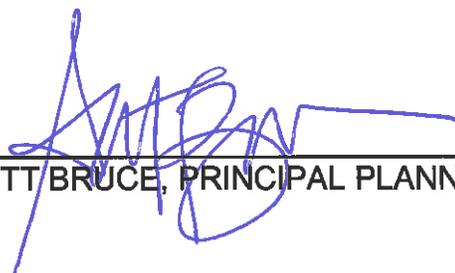
1. Hear the item, invite public comment and approve the item as presented.
2. Deny the item. If the Planning Commission wishes to deny the CUP, the item needs to be continued, directing Staff to return with a Resolution of Denial.
3. Provide alternative direction to Staff.

ATTACHMENTS:

1. Site Location
2. Site Plan
3. Floor Plan – Admin / “Headhouse”
4. Hydroponic Process
5. Landscape Plan
6. Signage
7. 3D Site View
8. Greenhouse Examples
9. Conditions of Approval
10. Resolution 2017 – 196
11. Initial Study

Exhibits may be made available for public review at front counter, City of King City Hall, 212, South Vanderhurst, King City, CA

Submitted by:



SCOTT BRUCE, PRINCIPAL PLANNER

Approved by: _____

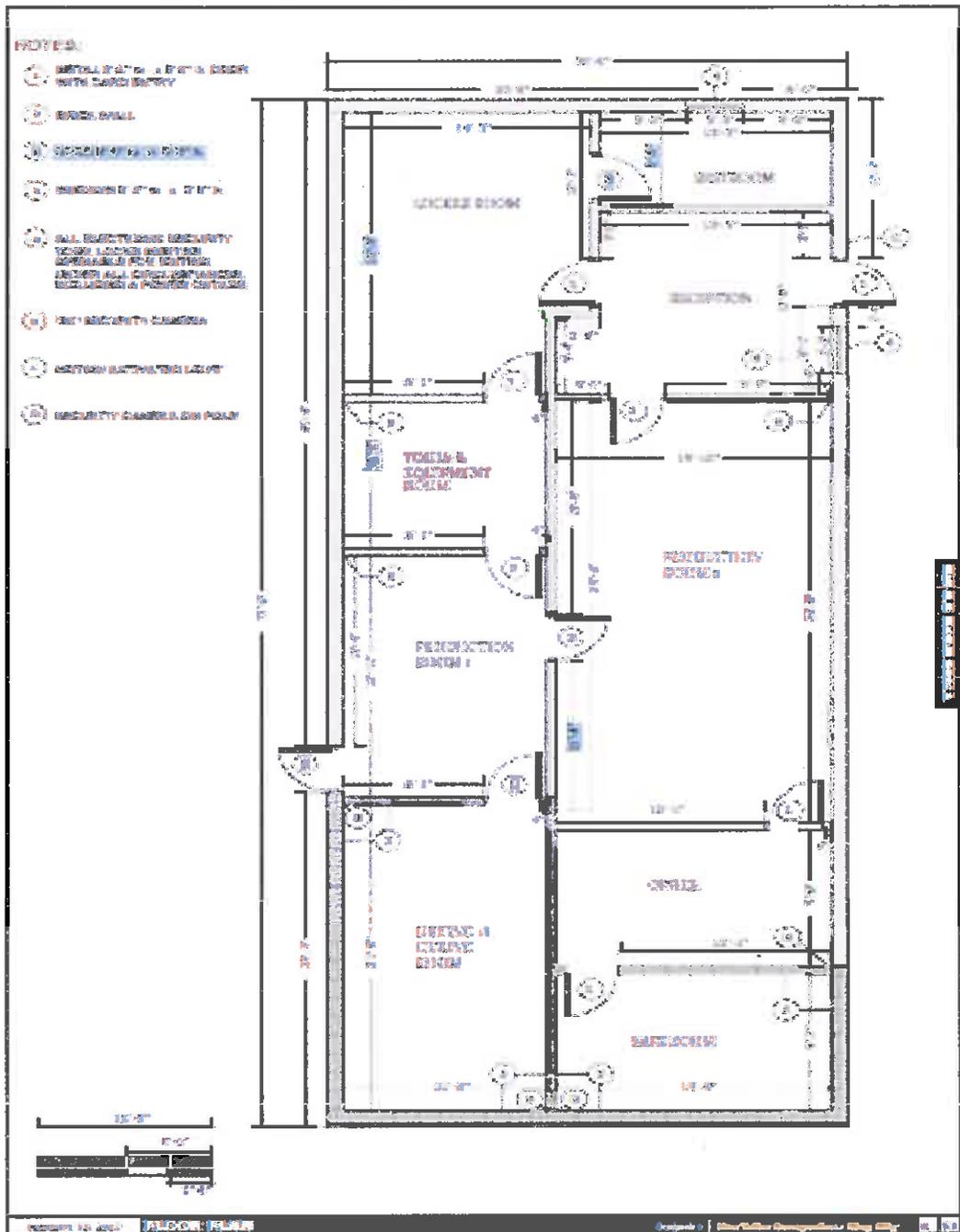
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

COA 2016-010
EXHIBIT 1



COA 2016-010

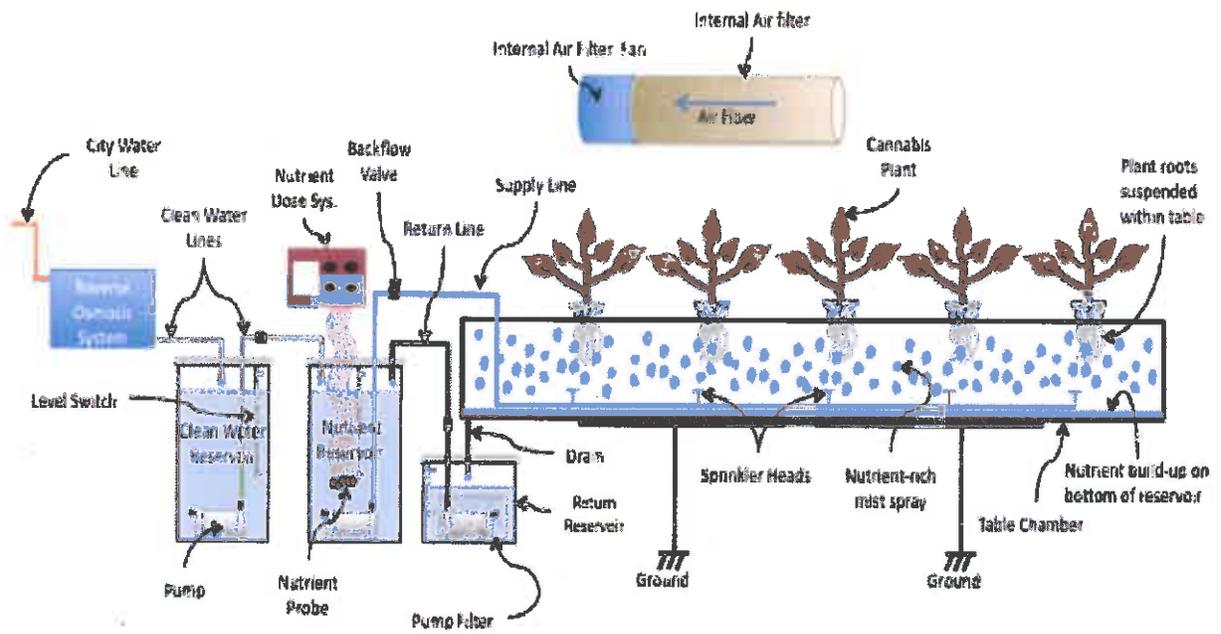
EXHIBIT 3



Administrative Space / "Headhouse"

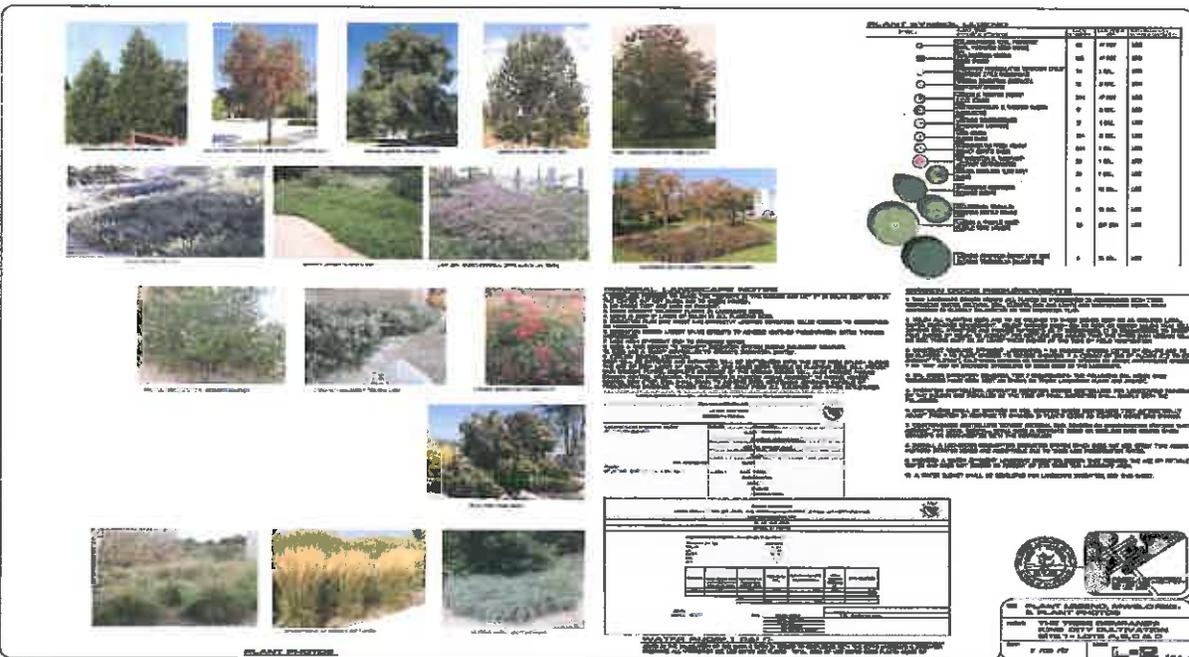
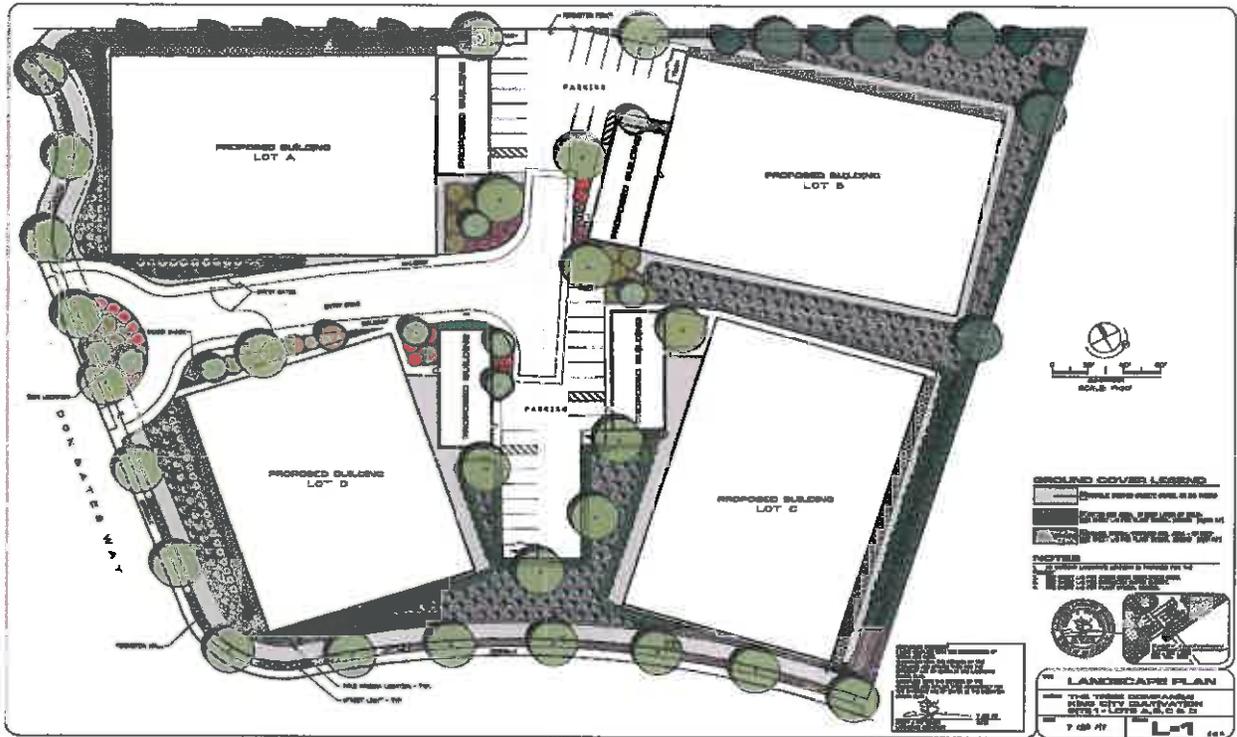
COA 2016-010

EXHIBIT 4



COA 2016-010

EXHIBIT 5



COA 2016-010

EXHIBIT 6



COA 2016-010

EXHIBIT 7



SHAPOURI ENGINEERING COMPANY -
10000 WILSON AVENUE SUITE 100
DUBLIN, CA 94568
P: 925-835-0333
F: 925-835-0334

CLIENT: COUNCILMAN
DATE: JAN 1, 2017

PROJECT: RENO CITY CENTER
PROJECT NO: 16011

PREPARED BY: SHAPOURI ENGINEERING COMPANY

A
07

COA 2016-010
EXHIBIT 8

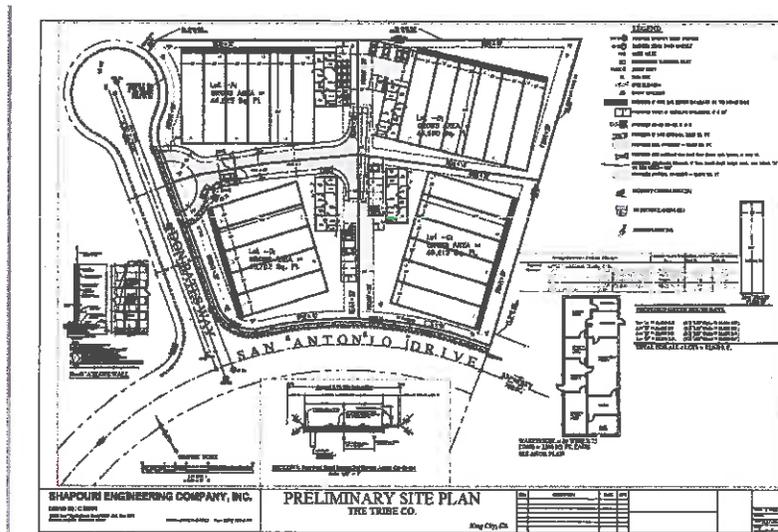




EXHIBIT No. 9

**Case Number: COA 2017 - 010
CONDITIONS OF APPROVAL**

NOTICE TO PROJECT APPLICANT

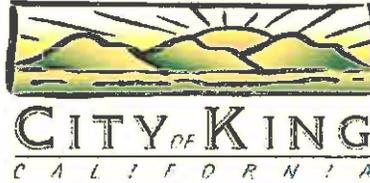


In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART A - PROJECT INFORMATION: THE TRIBE

1. Assessor's Parcel No(s): 026-521-011)
2. Job Address: (No current address assigned; see diagram, above, for location)
3. Street Location: NEC Don Bates Way and San Antonio Drive
4. Existing Zoning: M-1, East Ranch Business Park Specific Plan
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: East Ranch Business Park Specific Plan (ERBP SP)
7. Project Description: CUP 2016-010 is a Proposal to develop a parcel located at the northeast corner of Don Bates Way and San Antonio Drive. (APN's 026-521-011). The site is approximately 4.2 acres in size, four (4) structures (greenhouse type) are proposed for Cannabis Cultivation (Type 3B, mixed light). One ancillary structure for administration and production operations will be located adjacent to each greenhouse.



PART B – GENERAL CONDITIONS AND REQUIREMENTS

An environmental assessment/initial study was conducted and resulted in a Finding of Consistency to the previously prepared Mitigated Negative Declaration for the amendment of the City's Zoning Ordinance and the amendment of East Ranch Business Park Specific Plan (Ordinances 2016-728, 2016-729 and 2016-730) adopted by the City on September 27, 2016. The Notice of Intent to adopt a Finding of Consistency was published in the King City Rustler commencing a 20-day public review and comment period on ending on October 16, 2017. This project is required to comply with all applicable mitigation from the Mitigated Negative Declaration and the City of King Municipal Code (including Chapter 17.03 (Medical Cannabis Activity), Title 17 (Zoning)).

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Clerk. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed within 15 days of the Planning Commission's decision. Please refer to City of King Municipal Code Chapter 2.12.050

Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit and the Zoning Ordinance. This use permit is granted, and the conditions imposed, based upon the Applicant Package provided by the applicant. The Applicant Package is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the Applicant Package, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the Applicant Package. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and



approved pursuant to this use permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to the approved site plan shall be permitted. (Include this note on the site plan.)

Please contact Scott Bruce at 805.439.0617 or via email at scottbruce11@gmail.com if you have any questions regarding the conditions of approval (COA).

PART C – SPECIFIC CONDITIONS AND REQUIREMENTS

COMMUNITY DEVELOPMENT DEPARTMENT:

1. **Allowed Use:** Cannabis Cultivation (CA Type 3B) uses are allowed.
2. **Site Development:** The site is vacant and generally flat. Site access will be from Don Bates Way. Four (4) single story buildings are proposed to allow Cannabis Cultivation, compliant with future State License 3B (indoor, mixed light). While total allowed plant canopy space under a future 3B license is limited to 22,000 sf, additional allowed activities include: harvesting, drying, curing and trimming of cannabis. The applicant is also proposing separate structures of approximately 2,160sf in size, adjacent to each Cultivation area where the harvesting, drying, curing and trimming will occur. Administrative offices will also be located there.

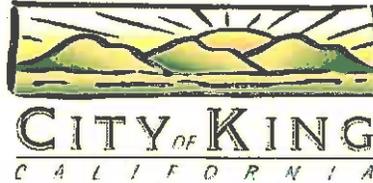
The CUP Plan Set Package indicates that three (3) Cultivation structures will have a footprint of 21,600sf in size, with one (1) being 18,000 sf in size. Total footprint area will be approximately 91,550 sf. Total impervious area will be approximately **XX** %.

Building construction materials and colors will be as presented in the Application Package – to the satisfaction of Community Development Director or designee. Ancillary structures shall be earth tone in color. Maximum structure height shall be 20'. Minor changes to the approved site plan and / or 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.

Setbacks shall be measured from property line.

Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee

3. **Parking:** Parking will conform to the Plan and Application Package as submitted. .
4. **Landscaping:** Landscaping is required to 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 and water retention areas shall be maintained in a healthy condition in perpetuity.
5. **Lighting:** Security lighting is required to be mounted on the structures and on poles in the parking area not to exceed 30 feet in height. A lighting plan must be approved by the Director 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:** One sign at the project entry has been requested. Signage shall conform to plans as submitted. Any additional signage shall conform to the requirements of Section 17.03 of the City of King Municipal Code and the requirements of the ERBP SP. 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:** Fencing abutting Don Bates Way and San Antonio Drive shall be six (6) feet of split faced block with two (2) feet of wrought iron, curved to the outside. All other perimeter fences) shall be "no climb" chain link, six (6') foot in height with one foot of barbed wire, to a maximum of eight (8) feet with screening as presented. Screening material shall be same or equivalent to the material presented to the Planning Commission or shall be to satisfaction of Community Development Director or designee.

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.

Fence along the northern portion of the parcel shall be located at north property line.

8. **Security:** Cameras, site access and security personnel shall be as presented in the Application Package. One camera compatible with the City of King Surveillance System will be placed at the Industrial Way entrance to the site.

BUILDING AND SAFETY DEPARTMENT: (No application for Building Permit has been submitted). An application must be submitted after CUP approval, prior to construction. All construction methods and materials are subject to the approval of the City of King Building Official

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 / Application Package.
- 2 **Sprinklers:** Buildings shall be sprinkled.
- 3 **Greenhouse Construction:** Gravel floors will be permitted – steel frame construction must include footings. Wall material must be of same opacity or greater as that presented to the Planning Commission. Moisture barrier of a minimum of 6 mil will be placed below gravel.
- 4 **Power:** Applicant shall show evidence of specific power source prior to Occupancy / Operations.

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

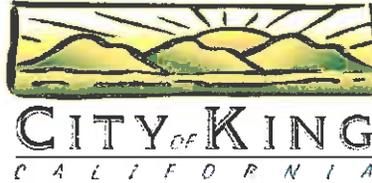
- 1 **Scope of Work Description:** Grading, utilities, parking and drainage are subject to City Engineer review and approval. Grading, drainage and site improvement shall conform to the Storm Water Pollution Prevention Plan (SWPPP) as approved by Central Coast Regional Water Quality Control Board.
- 2 **Right of Way Improvements:** Curb, gutter and sidewalks must be installed along the Don Bates Way and San Antonio Road frontages with 2% maximum cross-fall per ADA requirements (including areas of Driveway Approaches.)



- 3 **Recycled Water Connection:** A connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the Industrial Way Right-of-Way. Recycled water will be used for landscaping and cannabis irrigation to the maximum amount possible. A lateral line to the subject property will be installed by the City.
- 4 **Recycled Water, Water Quality Assessment:** The City may require a future water quality assessment to evaluate mass loading / nutrient balance, based upon the results of regular, ongoing analysis.
- 5 **Subdivision / Joint Access and Utilities:** The project as proposed takes access from Don Bates Way Road. Access onto the site, access to Water, and Sanitary Sewer are common infrastructure, used by both lots. Prior to any future subdivision, the applicant shall provide proof of joint access / infrastructure agreement, in a form acceptable to the City Attorney.
- 6 **Private Drive Structural Section:** The structural section of the private drive shall conform to the recommendation of a Registered Soils Engineer, licensed in the State of California.
- 7 **Private Drive Geometry:** Gate locations, queuing space and turning dimensions shall be submitted to the City Engineer and Police and Fire and receive approval from the same.
- 8 **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.

COMMERCIAL CANNABIS PERMIT: New Construction shall comply with and Operations be subject to full compliance with Section 17.03 of the City of King Municipal Code as amended and with the Application Package as approved.

- A. **Regulatory Permit:** Each grow site must obtain and maintain a commercial cannabis permit from the City Manager. Each commercial cannabis permit is in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit.
- B. **Security Cameras:** Security cameras shall be installed in quantity and location per the Application. Package 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 each driveway access from or exit to the street.
- C. **On-Site Security:** A roving security guard will be present on-site at any / all time(s) that employees are not present.
- D. **Internal Runoff:** All interior runoff from irrigation from the project site (if any) shall drain into the City's Sanitary Sewer system.
- E. **Solid Waste:** Solid waste disposal from the project site shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements, as applicable.



- F. Odor Control:** Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (i) of the City of King Municipal Code. At the beginning of operations, applicant shall obtain an inspection from the City 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 as determined by the City, mechanical equipment will be reviewed. In the event that compliance is still not achieved, City Staff may make a recommendation to City Council per Section 17.03.240 of the City Municipal Code.
- Odor caused by outdoor dumpsters will be addressed in a similar manner. Regardless, the project must comply with the current odor control requirements of the City King Municipal Code until an amendment takes affect.
- G. Pesticides and Fertilizers:** Shall comply with requirements of the Monterey County Agricultural Commissioner and in substantial conformance with the materials and quantities presented in the Application Package.
- H. Air Quality:** Venting shall be in compliance with Monterey County Air Resources Board Standards as applicable.
- I. 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 Municipal Code. A third party acceptable to the City shall perform the check. Results will be provided to Applicant, the City's monitoring consultant and City of King Police Chief. The Police Chief for a determination as to satisfaction.
- J. 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 10 persons per cultivation site may be employed. On-site parking will be sufficient to cover overlap periods.
- K. Work Permits and Fees:** Work Permits shall be required in conformance with Section 17.03.070 (a) of the Municipal Code as may be amended. Fees shall be as set by the City Council as updated from time to time.
- L. Indemnification Agreement:** A signed Indemnification Agreement shall be in place prior to issuance of the each commercial cannabis permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall supersede the Hold Harmless and Indemnification Clause attached hereto.
- M. Record Keeping:** Financial and Product Record for the project shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.



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; and Hanna & Brunetti,), employees and agents 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 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 or approvals taken related to 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.*

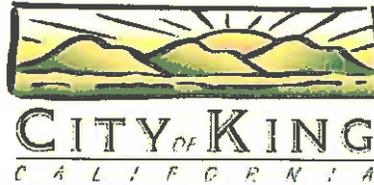
The applicant agrees to indemnify City and its elected officials, officers, contractors, consultants, attorneys, employees and agents for all of City's costs, fees, and damages incurred in enforcing the **indemnification** provisions of this Agreement.

The applicant agrees to defend, indemnify and **hold harmless** City, its elected officials, officers, contractors, consultants, attorneys, employees and agents 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 and indemnified parts 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- 196

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-010

WHEREAS, on **July 25, 2017**, **The Tribe Companies LLC** submitted an application to allow Cannabis Cultivation (CA Type 3B) in four (4) greenhouses, with ancillary structures, for a parcel located at the northeast corner of Don Bates Way and East San Antonio Drive.

WHEREAS, on **September 26, 2017** a formal Letter of Completeness was provided by the City;

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the ERBPSP with the approval of a Conditional Use Permit (**Ordinance 2016-745, August 22, 2017**).

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

WHEREAS, an Initial Study was prepared and a Public Notice filed indicating Intent to Find Consistency with the certified Mitigated Negative Declaration (MND) that was 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 for the amendment of the City's Zoning Ordinance and the amendment of ERBPSP (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and designation the ERBP Specific Plan. An initial study was prepared for the project, which determined that the project is fully within the scope of the prior analysis of the MND, such that the adoption of a Finding of Consistency is warranted;

WHEREAS, all notices have been provided as required by law;

WHEREAS, the Commission has reviewed the staff report, provided an opportunity for public testimony, and considered all other relevant information during the duly noticed public hearing on **October 17, 2017**; and

WHEREAS, after due consideration of the administrative record, the Commission desires to adopt a Finding of Consistency with the MND and approve **CUP No. 2016-010**.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of King as follows:

Section 1: The recitals are true and correct and are incorporated herein as if set forth in full.

Section 2: The City has conducted an initial study of the project and has determined the project is fully within the scope of the prior analysis of the MND. There is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed in the MND. Additionally, there is no substantial new evidence of potentially significant off-site impacts or cumulative impacts that were not discussed in the MND, and no potentially significant adverse effects peculiar to the project. There are no previously identified significant effects, which as a result of substantial new information which was not known at the time the MND was adopted, determined to have a more severe adverse impact than discussed in the MND. The Commission further finds:

- a. The General Plan Land Use Map designates this area as LI (Light Industrial) and the City Zoning Map designates this area as PD Planned Development / East Ranch Business Park Specific Plan (ERBP SP). Ordinance 2017-746 (August 22, 2017) specifically allows the proposed Cannabis Cultivation, Manufacture and Distribution / Transportation uses. The subject property is proposed to be developed at an intensity and scale that is permitted in the ERBP SP and is compatible with surrounding uses.
- b. The future development of the subject property will not adversely impact existing City service systems or the traffic circulation system that serves the subject property beyond those analyzed by the MND.

- c. There are no unique topographic, soil, or geologic conditions at the site that will be impacted by this project, and no aspects of this project that will result in impacts to air quality, water supply or quality, plant life or animal life beyond those analyzed in the MND.
- d. There are no hazards or hazardous materials at the site or which would be created by the project beyond those analyzed by the MND.
- e. There is no evidence that the site contains any habitats for wildlife, unique, rare, or endangered plants or animals, or historic buildings or resources.
- f. All applicable MND mitigation measures from the MND have been applied to this project.

As this project does not fall within any of the categories identified by CEQA Guidelines section 15162, no subsequent environmental review is required. Therefore, the Planning Commission adopts a Finding of Consistency with the MND

Section 3: The Commission makes the following findings of facts:

- 1. The purpose of the proposed use (cultivate cannabis) 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 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 and / or the City;
- 3. The proposed use is consistent with the General Plan Land Use Designation (LI) Light Industrial and the Uses and Standards of the ERBP and the underlying (L-I) Zoning District.
- 4. The proposed uses will be contained within four (4) new single story structures that include a total of no more than 44,000 sf of cultivation canopy and four ancillary structures of approximately 2,150 square feet each.
- 5. The entire lot will be fenced – existing fencing will be improved and / or replaced and new screening will be installed. A split faced block wall with wrought iron on the top will be located along San Antonio Drive and Don Bates Way .
- 6. The existing lot is accessed (gated) from one point of entry at Don Bates Way.
- 7. Landscaping will be installed per the Application Package.
- 8. All processes and interior construction/building improvements, security/operating procedures will be in conformance with the CUP/ Application Package, as submitted and/or as conditioned (See COA's Exhibit 1: Attached) and with City of King Zoning Code Chapter 17.03 (Commercial Cannabis Activity).
- 9. Power and Water are available and are required to be provided prior to/concurrent with building construction.

Based on the foregoing and evidence in the administrative record, the Commission determines that the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. The Commission further determines that the use will not will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City. Therefore, the Commission approves Conditions Use Permit Case No. CUP 2016-009.

This resolution was passed and adopted this **17th day of October 2017** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

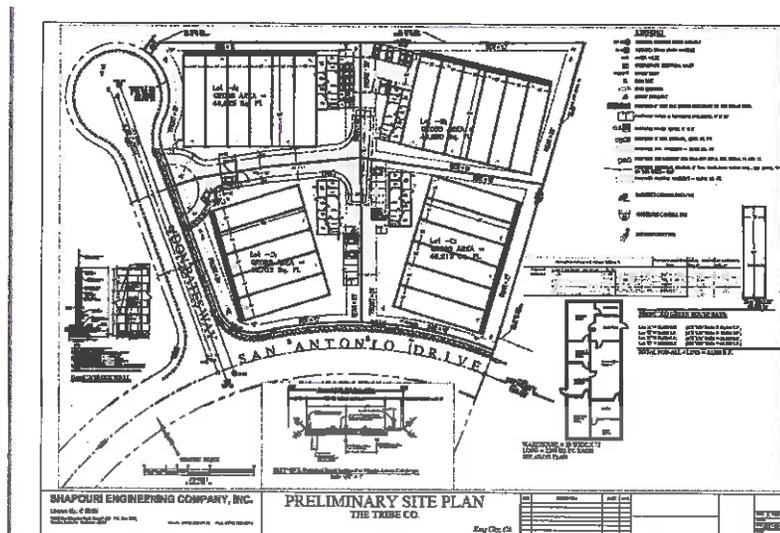
ERICA SONNE DEPUTY CITY CLERK for
MARICRUZ AGUILAR-NAVARRO,
ASSISTANT PLANNER / PLANNING COMMISSION SECRETARY

**INITIAL STUDY CHECK LIST (SEPTEMBER 11 ,2017)
CUP 2016-010**

A. BACKGROUND INFORMATION

1. **Lead Agency:** City of King
2. **Project Representative / Owner:** King City Cultivation – Rob Baruck; The Tribe, Corey Barnette
3. **Project Location:** Northeast Corner of San Antonio Drive and Don Bates Way
4. **Project, Project History and Approved Mitigated Negative Declaration Description:**

Project
The Applicant has applied for Conditional Use Permit 2016-010 (CUP) to develop a parcel located at the northeast corner of Don Bates Way and San Antonio Drive (APN 026-521-011) as generally depicted in the attached diagram, below. The projected development is on approximately 4.2 acres and includes 8 new structures. The 4 larger will be used for Cannabis Cultivation in a greenhouse format; the smaller 4 (one associated with each larger structure) will be used for administration, employee changing areas, drying, curing and trimming. The City has required the project to also be designed so that, if necessary, it may be readily subdivided into 4 parcels without changes to the project as proposed by the CUP. The potential for such subdivision (parcel map) has been included in this environmental assessment as part of the project.



History

In 2016, the City of King amended the Zoning Code and the East Ranch Business Park Specific Plan to allow Medical Cannabis Uses including Cultivation (CA Types 2A,2B, 3A,3B) Nursery (CA Type 4), Manufacturing (CA Type 6) and Testing (CA Type 8).

The potential impacts of these uses, their proposed land use and zoning designations, development densities and potential locations were evaluated. As a result of the analysis a Mitigated Negative Declaration was prepared. It was certified on September 26, 2017.

- | | |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. Certified MND Project Description: | The Certified MND Project Description is attached as Exhibit 1. |
| 6. Public Review Period: | 20 Days |
| 7. Other Public Agencies Requiring Approval: | N/A |
| 8. Address Where Written Comments May be Sent: | City of King
Community Development Department
212 South Vandenhurst Avenue
King City, CA 93930 |
| 9. Purpose For Initial Study: | The purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIR and Negative Declaration) can be made in the affirmative. |
| 10. Proposed Findings: | <p>The City of King is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. There was a Mitigated Negative Declaration ("MND") certified by the City Council on September 26, 2017.</p> <p>As noted above, the purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRs / ND's) can be made in the affirmative. The City must determine that on the basis of substantial evidence in the record, one or more of the following <i>paraphrased</i> findings does not exist:</p> <ol style="list-style-type: none">1. There are no substantial changes to the proposed project that will require major revisions to the certified MND or increase the severity of previously identified significant effects;2. There are no substantial changes due to circumstances under which the proposed project is undertaken that require modifications to the certified MND, due to new significant environmental effects or increase in severity of previous impacts; or3. There is no new information that was not analyzed in the certified MND. <p><i>Based on the initial study, the above findings of fact can be made and the Proposed Project will not have the potential to result in significant adverse environmental impacts. All the mitigation measures adopted in 2016 will apply. Therefore, the issues associated with the Proposed Project are adequately addressed in the 2016 certified MND.</i></p> |

Table 1 Environmental Impacts		
1. Aesthetics		9. Land Use/Planning
2. Agricultural Resources		10. Noise
3. Air Quality		11. Population/Housing
4. Biological Resources		12. Public Services
5. Cultural Resources		13. Recreation
6. Geology/Soils		14. Transportation/Circulation
7. Hazards/Hazardous Materials		15. Utility/Service Systems
8. Hydrology/Water Quality		16. Mandatory Findings of Significance

III. ENVIRONMENTAL SETTING

The Proposed Project is located at the Northeast Corner of San Antonio Drive and Don Bates Way in the East Ranch Business Park (ERBP). The ERBP is partially developed with industrial and business uses. The Proposed Project site is currently vacant.

Table 2 Surrounding Land Use (All ERBP SP with underlying L-1 GP Land Use)			
North:	WalMart Warehouse	East:	Vacant
South:	San Antonio Drive	West:	Don Bates Way

C. ENVIRONMENTAL CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Significant:	Known significant environmental impacts.
Unknown Potentially Significant:	Unknown potentially significant impacts, which need further review to determine significance level.
Potentially Significant and Mitigable:	Potentially significant impacts which can be mitigated to less than significant levels.
Not Significant:	Impacts that are not considered significant.
Impact Reviewed in Previous Document:	Adequate previous analysis exists regarding the issue; further analysis is not required (§15162 of the State CEQA Guidelines). The following Table includes reference to the Certified MND and identifies potential impacts as noted in that Document.

1. AESTHETICS:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Have a substantial adverse effect on a scenic vista?				X	X
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?				X	X

1. AESTHETICS:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		X
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X		X

Aesthetics Discussion:

The Project Proposes an increase to building height from 30' to 35'. Buildings are set back from San Antonio Drive by approximately 60 feet and from Metz Road by approximately 40 feet. A screening fence will be placed at the property line.

2. AGRICULTURAL RESOURCES:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a.	Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	X
c.	Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?				X	X

Agricultural Resources Discussion: Impacts as discussed in the 2016 certified MND analysis.

3. AIR QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X	X
b.	Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?				X	X
c.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	X

3. AIR QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
d.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X	X
e.	Create objectionable smoke, ash, dust or odors affecting a substantial number of people?			X		X
f.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment ?				X	X
g.	Conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.				X	X

Air Quality Discussion: Impacts as discussed in the 2016 certified MND analysis.

4. BIOLOGICAL RESOURCES		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?				X	X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?				X	X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?				X	X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	X
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	X

Biological Resources Discussion: Impacts as discussed in the 2016 certified MND analysis.

5. CULTURAL RESOURCES		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?			X		X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?			X		X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		X
d.	Disturb any human remains, including those interred outside of formal cemeteries?			X		X

Cultural Resources Discussion: Impacts as discussed in the 2016 certified MND analysis.

6. GEOLOGY /SOILS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant or Not Applicable	Impact Reviewed in Previous Document
Would the project:						
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X		
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the are or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)				X	X
ii)	Strong Seismic ground shaking?			X		X
iii)	Seismic-related ground failure, including liquefaction?				X	X
iv)	Landslides?				X	X
b.	Result in substantial erosion or the loss of topsoil?				X	X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X	X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	X

Geology/Soils Discussion: Impacts as discussed in the 2016 certified MND analysis.

7. HAZARDS/HAZARDOUS MATERIALS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	X
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?			X		X
e.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	X
f.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	X

Hazards/Hazardous Materials Discussion: Impacts as discussed in the 2016 certified MND analysis.

8. HYDROLOGY/WATER QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Violate any water quality standards or waste discharge requirements?				X	X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	X
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site?				X	X
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X		X

8. HYDROLOGY/WATER QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		X
f.	Otherwise substantially degrade water quality?				X	X
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X	X
h.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	X
i.	Inundation by seiche, tsunami, or mudflow?				X	X

Hydrology/Water Discussion: Proposed building coverage and impervious area conform to ERBP SP standards. A SWPPP has been prepared. Impacts as discussed in the 2016 certified MND analysis.

9. LAND USE AND PLANNING		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Physically divide an established community?				X	X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	X

Land Use and Planning Discussion: Impacts as discussed in the 2016 certified MND analysis.

10. NOISE		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?				X	X
b.	Expose persons to or generate excessive groundborne vibration or groundborne noise levels?				X	X
c.	Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	X

10. NOISE	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	X

Noise Discussion: Impacts as discussed in the 2016 certified MND analysis.

11. POPULATION AND HOUSING	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	X
c. Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?				X	X

Populations and Housing Discussion: Impacts as discussed in the 2016 certified MND analysis.

12. PUBLIC SERVICES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
a. Fire protection?				X	X
b. Police protection?				X	X
c. Schools?				X	X
d. Parks or other recreational facilities?				X	X
e. Water Service System?				X	X
f. Sewer System?				X	X
g. Other governmental services? (power)				X	X

Public Services Discussion:

Impacts as discussed in the 2016 certified MND analysis.

13. TRANSPORTATION/CIRCULATION	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?				X	X
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X		X
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X	X
e. Result in inadequate emergency access?			X		X
f. Result in inadequate parking capacity?			X		X
g. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				X	X

Transportation/Circulation Discussion:

Impacts as discussed in the 2016 certified MND analysis.

14. UTILITIES & SERVICE SYSTEMS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		X

e.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	X

Utilities & Service Systems Impact Discussion:

Impacts as discussed in the 2016 certified MND analysis.

D. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:			
<input checked="" type="checkbox"/>	✓ PRC		
B. General Plan			
	Land Use Elements		
	Housing Element		Conservation Element
	Circulation Element		Noise Element
	Seismic Safety/Safety Element		Land Use
	Economic Development		
C. Zoning Ordinance & Specific Plan			
<input checked="" type="checkbox"/>	Specific Plan and Zoning		
✓	East Ranch Business Park Specific Plan	✓	Title 17, Section 17.03
D. Project Plans			
✓	Site Plans and CUP Submittal		
E. Other Sources of Information			
	Field Work/Site Visit		Ag. Preserve Maps
✓	Calculations		Flood Control Maps
		<input checked="" type="checkbox"/>	Other studies, reports (e.g., environmental documents) ✓ Certified MND September 2016
✓	Traffic Study	✓	Topographic maps
	Records		Soils Maps/Reports
	Grading Plans		Plant maps
✓	Elevations/architectural renderings		Archaeological maps and reports
	Published geological maps		(Others)

EXHIBIT 1

III. PROJECT DESCRIPTION

In January, 2016, the City of King (or “City”) approved several modifications to : 1) the General Industrial (“M-1” and “M-2”) zoning designations; 2) the East Ranch Business Park Specific Plan (“ERBP-SP”), and 3) changed the M-1 zoning in the ERBP-SP to Planned Development District (“PD”). These zoning changes allowed, through the approval and issuance of Conditional Use Permits (“CUP’s”), the cultivation of medical cannabis. At that time, the City also prepared an Initial Study (“IS”) and Mitigated Negative Declaration (“MND”) which examined the potential environmental impacts of these proposed actions. The areas zoned M-1 and the ERBP-SP are located in the northeast corner of the City near the Mesa del Rey Airport. The areas zoned M-2 are located east of the airport and near the corner of First Street and Lonoak Road.

Table 1, Zoning Breakdowns, provides a listing of the various zoned parcels noted above.

TABLE 1
ZONING BREAKDOWNS

<u>Parcel</u>	<u>Zoning</u>	<u>Acres</u>	<u>Location</u>
East Ranch Business Park Specific Plan (ERBP-SP)	Specific Plan	107	Northeast corner of the City
Areas Adjacent to ERBP	M-1	20	Adjacent to and northeast Of ERBP
Adjacent to Mesa del Rey Airport	M-2	40	Adjacent to Mesa del Rey Airport
First Street and Lonoak Road	M-2	20	Northeast of the Intersection of First Street And Lonoak Road

These approved zoning modifications establish a mechanism for local level regulation allowing the cultivation of medical cannabis within buildings and/or greenhouse structures at locations approved by the City with a Conditional Use Permit. These approved zoning modifications, which became effective in February 2016, allow the commercial cultivation of medical cannabis on a large scale basis. All other commercial cannabis activity, including but not limited to cultivation (other than cultivation allowed by these zoning regulations) delivery, dispensaries, distribution, manufacturing or transporting (other than to transport cultivated product outside of the jurisdictional boundaries of the City) are strictly prohibited. These approved zoning regulations do not apply to nor allow the personal cultivation and/or use of cannabis nor the sale of such products within the City.

B. Project Characteristics

1. Zoning Code Amendments

Since the approval of the zoning modifications noted above, the City has proposed amendments to various zoning ordinances, including City Ordinance Section 17.03 (general cannabis discussions), Sections 17.30.020 and 17.31.020 governing the M-1 and M-2 zoning designations and the ordinance governing the East Ranch Business Park. These additional zoning code amendments are intended to more specifically design and regulate any proposed facilities associated with medical cannabis cultivation, manufacturing and testing. Listed below are the various categories (or types) of facilities that will require permits from the City.

- Type 2A All Artificial Light Structures, maximum 10,000 s.f.
- Type 2B Mixed Light Structure, maximum 10,000 s.f.
- Type 3A All Artificial Light Structure, maximum 22,000 s.f.
- Type 3B Mixed Light Structure, maximum 22,000 s.f.
- Type 4 Nursery
- Type 6 Manufacturing
- Type 8 Testing

2. Future Development of Medical Cannabis Growing Facilities

The City has not received any development applications at this time for medical cannabis growing facilities. In order to fully assess the potential environmental impacts associated with the proposed zoning code additions/amendments, the City has estimated the nature and extent of additional medical cannabis growing facilities. This estimate of future medical cannabis growing facilities within the City, as listed below, is intended to provide the

basis for the maximum probable (“worst-case”) assessments of potential impacts of the cumulative development of these facilities within this document.

- 4 Type 2A (all artificial light) greenhouse buildings (10,000 square foot plant canopy within a 13,000 square foot structure)
- 13 Type 2B (mixed light) greenhouse buildings (10,000 square foot plant canopy within a 13,000 square foot structure)
- 8 Type 3A (all artificial light) greenhouse buildings (22,000 square foot plant canopy within a 28,000 to 30,000 square foot structure)
- 34 Type 3B (mixed light) greenhouse buildings (22,000 square foot plant canopy within a 28,000 to 30,000 square foot structure)
- 6 Manufacturing Facilities
- 4 Nurseries (25,000 s.f.)
- 4 Security Offices
- 6 Plantonics Stores and Storage Facilities
- 4 Executive and Administrative Offices

(Note: The Type 2A and 3A greenhouse buildings are allowed pursuant to the previously approved (January, 2016) zoning modifications discussed above but are included in order to provide the maximum probable (“worst-case”) assessments of potential project impacts).

Type 2 greenhouse structures will cover a total of 13,000 square feet. Of this total, 10,000 square feet will be devoted to cannabis growing areas. Type 3 greenhouse structures will cover a total of 28,000 to 30,000 square feet. Of this total, 22,000 square feet will be devoted to cannabis growing areas. An additional 3,000 square feet in Type 2 greenhouses and an additional 6,000 to 8,000 square feet in Type 3 structures which will be devoted to the following functions: 1) trimming room, 2) drying room, 3) watering and mixing station, and 4) office space, bathrooms and employee break area. In addition, Type 2 greenhouses will have approximately 9,000 square feet devoted to exterior landscaping and parking while Type 3 greenhouses will have approximately 12,000 to 15,000 square feet devoted to exterior landscaping and parking. The greenhouse buildings will have glass roofs and side walls consisting of solid materials (i.e. brick, metal, wood, etc.) in order to provide security and eliminate a potential attractive nuisance.

Lighting will be provided by natural sunlight and/or artificial lighting. Artificial lighting will utilize energy efficient lighting systems with a finely tuned light spectrum which promotes the highest possible plant production rates. Type 2 greenhouses will have approximately 400 lights while Type 3 greenhouses will have 880 lights and Type 4 nurseries will have 1,000 lights.

Power use is primarily associated with lighting and cooling of the greenhouse structures. It is estimated that the total maximum electrical load for lighting the entire proposed future development of medical cannabis facilities is 53,760 amperes. The total maximum electrical load for air conditioning the entire proposed future development of medical cannabis facilities is 81,468 amperes. This results in a total maximum electrical load for the entire proposed future development of medical cannabis facilities of 135,228 amperes.

It is estimated that future project development will require a total of 193,890 gallons of water per day or 70,769,920 gallons (or 217 acre-feet) per year. This water will be used for cultivation in greenhouses and propagation in nursery facilities. Water demand is estimated to total approximately 20 million gallons (or 62 acre-feet) per year within the first year (2017) of operations and approximately 44 million gallons (or 135.5 acre-feet) by the year 2020. It is estimated that future project development will generate a total of 16,393 gallons (or 16.4 MGD) of wastewater per day or 5,983,528 gallons (or 5.98 MGD) of wastewater per year. This wastewater will contain a variety of nutrients typically found in commercial nursery facilities. Wastewater generation is estimated to total approximately 1.80 million gallons per year within the first year (2017) of operations and approximately 3.78 million gallons per year by the year 2020.

It is estimated that the development of all future medical cannabis growing facilities will generate a total 3,720 vehicle trips per day. Vehicle trip generation is estimated to total 1,114 vehicle trips per day within the first year (2017) of operations and 2,316 vehicle trips per day the year 2020.

This Initial Study/Mitigated Negative Declaration has been prepared in a manner which provides complete and adequate California Environmental Quality Act (CEQA) coverage for all actions and approvals associated with the proposed project as currently described herein. However, this Initial Study/Mitigated Negative Declaration may not be the final environmental document for the proposed project. In the event that future development applications for the commercial cultivation of medical cannabis contain specific design or operational elements not addressed by this Initial Study, additional, more detailed environmental documentation may be necessary at that time. When applications for individual projects are submitted, they will be subject to additional environmental review by the City in order to 1) determine the nature and extent of any potentially significant impacts not addressed in this document and 2) insure that the individual project does not exceed the maximum development levels and cumulative impacts identified in this analysis. These individual projects will be approved by the City through the approval and issuance of Conditional Use Permits (“CUP’s”).



Item No. 7D

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 17, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP 2016-009, CANNABIS CULTIVATION (CA TYPE 3B), CANNABIS MANUFACTURING (TYPE 7); and TRANSPORTATION / DISTRIBUTION (CA TYPE 11) INDUSTRIAL WAY (APN 026-351-036)

RECOMMENDATION:

Staff recommends the Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2016-009.

BACKGROUND:

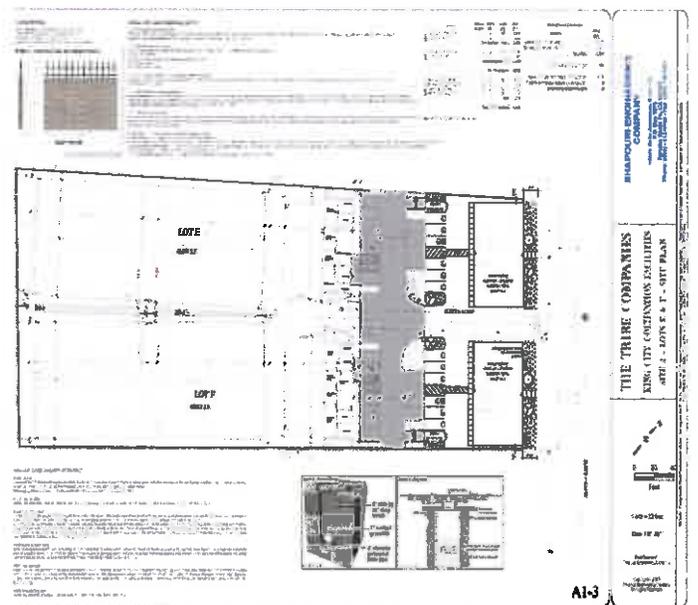
In September 2016 the City Council approved an amendment to the City's Zoning Code and to the East Ranch Business Park (ERBP) Specific Plan, authorizing expansion of land uses related to Medical Cannabis. As a result of that action, Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing are allowed in the M-1, M-2 and M-3 Districts and in the ERBP. Since that time, the Code has been amended twice (June and August 2017) and 12 Permits have been approved through the CUP and Operations Permits processes. Staff has been in regular discussion with potential Medical Cannabis applicants. This current application is for four structures for Cannabis Cultivation (two primary, two secondary) and two for Manufacturing / Distribution on a vacant site on Industrial Way.

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

As noted above, CUP 2016-009 is a proposal to develop a parcel located on Industrial Way (APN 026-351-036) as generally depicted in the attached diagram, below. The projected development is on approximately 2.4 acres and includes 4 new primary structures. South: 2 larger structures will be used for Cannabis Cultivation in a greenhouse format; the smaller 2 (one associated with each larger structure) will be used for administration, employee changing areas, drying, curing and trimming and will be standard metal construction. North: 2 metal structures located in the north adjacent to Industrial Way will be used for Manufacturing and Distribution. The City has required the project to also be designed so that, if necessary, it may be readily subdivided into 4 parcels without changes to the project as proposed by the CUP. The potential for such subdivision has been included in this environmental assessment as part of the project. Using this approach, a site plan approved by the Commission should not have to be amended if the State regulations eventually require one parcel per Permit.

DISCUSSION:



Overview:

The proposed structures are located on a 2.4 acre site. The site and the surrounding area are located M-3 (Industrial) District on the north side of the Airport, south of Industrial Way.

- Industrial Way is located to the north with Vineyard beyond.
- The Airport is located to the south
- To the east is Industrial Use
- To the west is Industrial Use



The site is vacant and generally flat. Site access will be from Industrial Way. Because Industrial Way is not paved along its entire length, it will be required to be paved to the entrance to the site. Two (2) single story buildings are proposed to allow Cannabis Cultivation, compliant with future State License 3B (indoor, mixed light). While total allowed plant canopy space under a future 3B license is limited to 22,000 sf, additional allowed activities include: harvesting, drying, curing and trimming of cannabis. The applicant is also proposing separate structures of approximately 2,160sf in size, adjacent to each Cultivation area where the harvesting, drying, curing and trimming will occur. Administrative offices will also be located there.

The on-site Manufacturing process will include the preparation of extracts for uses in tinctures, edibles topicals and vape cartridges using water, ethanol, butane, carbon dioxide and other consumer safe solvents. This site will not be used as a "hub".

The Distribution / Transportation Operation will provide secure transportation services bringing product to these sites and providing it to other California licensed / permitted businesses.

Site Plan:

The CUP Plan Set Package indicates that the two (2) Cultivation structures will have a footprint of 24,120 sf in size. Total footprint area associated with Cultivation will be approximately 53,560 sf. The two Manufacturing buildings will metal buildings of standard construction with a footprint of 3,606 sf. Each will be 2 stories in height (7,212 sf of floor area each). Total impervious area will be approximately 1.95 Ac or 81 % of the site.

Building Setbacks: Because this site is in the M-3 District setbacks are a minimum of 0'. However, for fire safety the buildings will be set back 6' from side and rear property lines. Buildings along Industrial Way will be set back a minimum of 13'(10' required landscaping in M-3 District) . An 8' wrought Iron fence will be required along the street frontage; the Manufacturing Buildings along Industrial Way will screen the Cultivation sites from view. Landscaping will be per proposed plan.

It appears that the state regulations will ultimately allow more than one permit per lot of record. However, because future state requirements are unclear a Preliminary Tentative Tract Map has been prepared (not yet submitted) which would create an individual lot for each structure. Reciprocal agreements / easements will allow joint access / utilities should individual parcels be required.

Proposed Cultivation Operations: Will utilize natural light, LED lights, hydroponics / aeroponics and organic fertilizers / pesticides

Proposed Manufacturing and Distribution Operations: Have water and power requirements very similar to other typical manufacturing uses

CUP Information:

Architecture:

The proposed Cultivation structures can be described as "Greenhouses" of rigid construction using steel frame and heavy duty acrylic panels to allow light transmission. Walls with fans will be composed of metallic panels. Roofs will be acrylic panels. Warehouse / Administrative buildings will be of metal construction and be tan / earth tone in color. All buildings on site will be a maximum 30'0" in height. The applicant indicates that the Warehouses may be shorter (21'6") **See Exhibit 2 .**

The proposed Manufacturing structures will be of metal construction and will be tan / earth tone in color. Roofs will be standing seam. Awnings will complement wall color. **See Exhibit 2.**

Floor Plan and Interior Uses:

As noted above, maximum canopy space (plant tip to plant tip) per structure is 22,000 sf. Floor area of proposed structures varies is as noted above. These structures are currently proposed with gravel floors. Per the City's Building Official, this type of construction is allowed if footings are provided for the steel frame. **See Exhibit 3**

As you will remember, all interior runoff must go into the City's Sanitary Sewer System. In this case, the Applicant indicates that there will be no runoff based on their hydroponic A SWPPP has been prepared and is being submitted to the Regional Water Quality Control Board. Ultimate implementation of the CUP Site Plan and of the Operating Permit will be subject to the conditions of Water Board Approval.

Manufacturing structures will be of standard construction. While this project site is located in the M-3 District, doors and windows will comply with the standards of the East Ranch Business Park Specific Plan. Paint scheme will be earth tone colors.

Landscape:

The site will be landscaped per plans as submitted. The primary landscaped areas will be adjacent to the entry off of Industrial Way and in the central portion of the site. Landscaping will be as shown on the project plans and will be approximately 14' in width along Industrial Way. Bio basins will be located between buildings in the southern portions of the site. The site will drain to the south at the same rate as prior to construction. New runoff will be caught on site and will percolate. Planter areas in the drive / parking area and building fronts will be present. Landscaped area is approximately 5,958sf or 5.5% of the site.

Proposed landscaping includes: Tufted Hairgrass, Karl Foerster Reed Grass, Deer Grass, Lyme Grass, Manzanita, Coyote Bush and Holly Leaf Cherry. **See Exhibit 5.**

PLANNING COMMISSION

CUP 2016-009

October 17, 2017

PAGE 5 OF 12

Grading:

The site is generally flat, draining from north to south. Grading will be minimal – resulting in the movement of approximately 6,600 cubic yards of material. Approximately 4,300 cubic yards will be exported.

Over excavation and re-compaction will occur in the area of the access drive, administrative buildings and manufacturing buildings. No pads will be built for the greenhouses given the type of construction proposed.

Access, Parking, Paving:

The gate guarded access to the site is from Industrial Way. A manned guard shack is present. The configuration includes a turn-around area for those not granted access. A paved travel way (28' in width) with sidewalk on each side will extend to the south to the project core . **See Exhibit 4.**

Eleven (11) (10 plus a handicapped space) parking spaces are provided for each Cultivation structure with Administrative facility. Parking equals minimum requirements (2 per 3 employees on largest shift but not less than 1 per 3,000 sf of floor area). The maximum number of employees in Cultivation operations is 10 persons per site or 20 total per shift (3 shifts per day)

Six (6) parking spaces are proposed for each of the Manufacturing buildings. Minimum parking required is 1 per 3,000 sf of floor area or 2 per 3 persons on the largest shift. The maximum number of employees for any building on any shift is 7 persons per site or 14 total per shift (2 shifts per day)

Signage:

A single faced monument sign is proposed for the entry at Industrial Way. Text will be limited to company names / occupants of each building. The logo will be for the project in general and not Cannabis related. The base of the sign will be 9'8" in length, the height will be 5'11" from the bottom of the base to the top of the sign.

Building signage will be limited to addresses, on-site signage will be limited to directional signage for deliveries and emergency response personnel.

See Exhibit 7.

Security:

The Applicant (Cultivation) has retained a Consultant to prepare a written Security Plan. The Plan provides recommendations regarding the amount of security personnel in areas where product is acquired, stored and / or processed; the locations of Security Cameras; and, the protocols for visitors / employees; monitoring of parking areas.

As shown on the Site Plan, access to each Manufacturing building is limited via individual gates. For the Cultivation buildings a roving security guard will be required on site whenever employees are not present.

Fencing: Fencing along Industrial Way will be wrought iron with curved/ angled top, 8' feet in height. Wrought iron fencing will proceed from north to south along each side of the access drive. Rolling gates will provide access to each Manufacturing building. The facility will be surrounded on the south, east and west sides by a non-climbing chain link fence with small square visibility with privacy screening and barbed wire tops, of a height to be determined by the City. A non-climb chain link fence with screening will bisect the site, running from east to west.

As noted above, the entry from Industrial Way has a manned guard shack in the center portion of the site Manufacturing buildings are behind gates to east and west and Cultivation buildings are behind the gate to the south. **See Exhibit 6.**

Exterior Lighting: The parking areas and building exteriors will be illuminated with LED powered lighting placed to eliminate shadows and / or dark areas. Lights will include building mounted and 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.

Cameras: Security cameras with motion sensors and night vision will be mounted on all exterior doors, perimeter fencing and entry gates. Interior motion / night vision cameras will be placed per the Application Package concept. The 24/7 surveillance will be accessible by the City of King Police Department through real time live access feed. A City of King camera will be placed by applicant at the Industrial Way gate. The document also proposes internal security camera locations.

Solid Waste: One locked dumpster location is located near each facility, to be used by that facility. For Cultivation site, daily plant waste will be approximately 2.5 cubic yards per structure per week (approximately 480 lbs per week or 70 per day). Dimensions of a six yard dumpster are approximately 6'8"W, 6'6"L, 5'4" H. **See Site Plan Exhibit 4.**

The Company does not use manure or compost material in its operations so it will not be part of its waste disposal. The entire plant is used and approximately 99% of cannabinoids are removed. Typically, the only portions of the plant included in the waste material are those non-usable portions such as the roots, trimmings during vegetation, post extraction pulp or decayed non-beneficial material. Conversation with Waste Management indicates that, there are currently no State of California regulations for solid waste.

For the Manufacturing sites typical waste will be approximately 5 cubic yards per building per week. Organic material will be processed per the document, and will be mixed with at least 51% non-cannabis organic material. Any waste material with psychoactive cannabinoids will be separated from regular waste in labeled containers, mixed with other

material to render it unusable and / or handled by a medical waste service. **Application Section J.**

Water: The Mitigated Negative Declaration (MND) that resulted from the Initial Study prepared during evaluation of the Zone Change estimated water use for Cultivation at 2,640 gallons per day (gpd). Water use for Nurseries was estimated at 6,314 gpd. Water use as indicated by the Applicant for this total project will be approximately 400 gallons per day (gpd) per structure, equaling approximately 1600 gallons per day per site. This low use can rate be achieved because of the hydroponic and aeroponic growing techniques use by the Tribe.

Manufacturing uses have water use similar to other business/ industrial park uses.

Water (Landscaped Area): The Applicant has prepared a detailed landscaping plan with irrigation and detailed water analysis in conformance with the State of California's Department of Water Resources.

A number of water conservation measures are employed including drip irrigation, weather or moisture based controllers, non-invasive/ climate appropriate species and similar. The estimated yearly water use for the southern portion of this site is 26,505 gallons (.08ac/ft). Water use for the northern portion of the site will be similar. This number is not included in the analysis of water use under the previous MND – outdoor / landscaping water is common for all sites in the ERBP, regardless of land use.

On-site plumbing to access future recycled water (purple pipe) in Industrial Way will be required.

Power: Cultivation: The Applicant estimates 1,920 Amps for each structure as the 80% power allocation for lighting and air conditioning (2,400 Amps as the 100% power allocation). Note that because of the greenhouse configuration (natural light and lower heat gain) the maximum power use will be limited in duration. 900 watt LED lights will be used in place of 1,000 watt High Pressure Sodium lights. Power use is anticipated to be less than 20% of that of an all artificial light (3A) facility with High Pressure Sodium lights.

Manufacturing Use will be similar to that of other Business / Industrial Park uses.

Noise: Given the nature of greenhouse and manufacturing operations no noise related issues have been identified.

Volatile Substances: Three primary extraction techniques are used: Extraction with n-Butane; Extraction with Ethanol (alcohol): and, Extraction with Carbon Dioxide (CO₂). Manufacturing Operations will occur within a pre-fabricated, sealed facility designed with a industrial hygienist and built to Class 1 Division 2 Building NFPA specifications and equipped with Lower Explosive Limit leak detectors.

Amount/ type of gases, location of storage and safety precautions will be as identified in the Application Package and approved by Police / Fire.

Regulatory Permit Related Information:

The item before the Commission is the consideration of a Conditional Use Permit to allow construction of Two (2) Indoor Cultivation / Greenhouse facilities in two (2) buildings each. (Future CA License Type 3B (mixed light)). Also, two (2) Manufacturing facilities (CA Type 7) with Distribution (CA Type 11) included. A site plan has been provided and the infrastructure provision concept has been reviewed by the City Engineer. A separate Operations Permit will be required for each structure / use within a structure.

The Cultivators to grow, dry, trim and package Cannabis grown for shipment to Manufacturers – many of them outside the City of King. Those manufacturers will prepare oils, topicals and may prepare food products.

The Manufacturing Operation will process their own Cannabis as well as that of other licensees into extracts for use in tinctures, edibles, topicals, and vape cartridges using water, ethanol, butane, carbon dioxide, and other consumer-safe solvents.

The Distribution / Transportation Operation will provide secure transportation services to and from California licensed / permitted businesses.

Employee Traffic:

For Cultivation sites the applicant has indicated that the maximum employee count will run between 6 and 10 per site per shift with a maximum of 20 Cultivation related employees on site at any one time. There will be three shifts. Buildings may not have the same numbers of employees and cultivation / warehouse employee counts will differ.

For Manufacturing uses, the maximum employee count will run between 3 and 7 per shift with a maximum number of 14 Manufacturing related employees on site at any one time. There will be two shifts.

Total number of employees on site per day may reach a maximum of 60 (Cultivation) and 42 (Manufacturing / Transportation) for a Total of 102 per day.

Standard employee generation rates for an Industrial Use are approximately 61 employees per acre with Business Park rates higher. This site is 2.4 acres in size. Therefore, under Industrial Use it could be expected to generate up to 146 employees.

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. A maximum of one semi-truck and trailers are anticipated per week – providing fertilizers and materials. **See Application Sections E and F.**

Manufacturing Operations: Stored Cannabis will be approximately 2,000 lbs of plant material product and 200 extracted cannabis products. Estimated trips by delivery vehicles (SUV size) include one to two trips per week to deliver product, two to three trips per week delivering and removing gas cylinders; two to three trips per week delivering packaging materials, labels, boxes, etc. Outbound trips to deliver product are estimated at **XXX** per week.

Odor Control: Cultivation: The Odor Control Program will operate in conformance with the requirements of Municipal Code Section 17.03.210 (i). It Includes a high pressure fog atomizing system with an essential oil mixture. Nozzle rings are attached to external vents or ducts allowing the fog to mix with the exhausting air. **See Application Section I.**

Manufacturing: Pursuant to KC Municipal Code Section 17.2.210(i) the Applicant will have odor control devices and techniques including sufficient odor absorbing ventilation, an exhaust filtration system, and a negative air-pressure system so that odor generated inside the facility that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way. No non-cannabis facilities will be located on the site.

Volatile Substances: Three primary extraction techniques are used: Extraction with n-Butane; Extraction with Ethanol (alcohol); and, Extraction with Carbon Dioxide (CO₂). Amount of gases and location of storage will be as identified in the Application Package.

n-Butane: Uses a closed loop extractor that recovers up to 100% of the butane. The extractor is located inside a NFPA Class 1, Division 1 extraction room, specifically built for use in hydrocarbon base extraction.

Ethanol: Considered one of the safest solvents to use for food grade and pharmaceutical extraction processes. Ethanol was allowed in small amounts in the previous version of the Zoning Code.

CO₂ (Superficial Fluid Extraction): The Applicant will use a system built by Clean Room Extractions (CRE), being ASME Compliant

See Application Section G.

Site Security: A manned (24 /7) guard station will be located at the entrance. Visitors will be stopped at the gate and verified prior to being allowed site access. Once accepted they will be escorted to the appropriate parking or delivery area. Once parked, visitors are escorted to the appropriate facility. Once a visitor's business is completed they will be escorted off the property by a security guard. Roving security personnel will be required to patrol the site at all times that employees are not present.

Entries to facilities is protected via biometric sensor control. Credentials are verified by Administrative personnel. Employees will have employee badges and are allowed into specific areas within the facility, depending on their responsibilities

For Manufacturing Facilities, entrances and windows will be designed to minimize visibility from the outside. Visitors will be buzzed in at the front entrance by a security guard or employee in the reception area.

Visitors will be accompanied by authorized personnel at all times during their visit. Persons under the age of 21 will not be allowed on site. Cameras will be located in each structure, with placement acceptable to King City Police Department and the City's consultant. **See Application Section H.**

Employee Vetting: No person under 21 years of age will be employed on this site. It is anticipated that 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. **See Application, Section M.**

Employee Training: Cultivation: Initial and on-going training in preventing contamination, grow techniques (including approved pesticide application in conformance with the requirements of the Monterey County Ag Commissioner) and inventory security / control. OSHA and personal protective equipment requirements, documentation, testing, hazard response, chemical handling, labeling documentation and emergency procedures. The training will provide information to employees enabling them to maintain compliance with the State's evolving Cannabis regulations and the Tribe's hydroponic / aeroponic growing process, systems and methods.

Manufacturing: All Staff will go through initial and ongoing training as defined in the Quality Management Section of the Operations Manual **See Application Section C.** Training will include secure facility protocols.

Quality Control: All cultivated and processed material will be sent to a Type 11 licensee for batch testing for pesticides, fungus, pests, molds and contaminants. and to a Type 8 Testing Laboratory before distribution to a Dispensary. If a product were to be called into question the remaining inventory will be quarantined and all customers notified. All material will be returned.

Manufacturing: All product will be tested by a registered testing laboratory prior to sale or dispensing. Pre-manufacturing product will be tested for pesticide, residue, potency and presence of fungal spores. Product recall procedures are in place.

See Application, Section C.

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. In addition, the Applicant has executed the City's required Indemnification Agreement.

ENVIRONMENTAL COMPLIANCE:

King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan.

Staff has conducted an Initial Study related to this proposed project (CUP 2016-009) and has determined the project is fully within the scope of the prior analysis by the MND. The Adoption of a Finding of Consistency has been recommended per CEQA Guidelines Section 15162 and has been noticed for Public Review.

ALTERNATIVES:

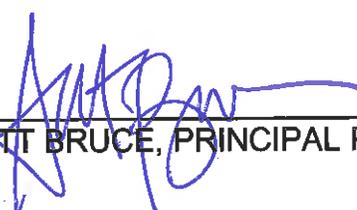
1. Hear the item, invite public comment and approve the item as presented.
2. Deny the item. If the Planning Commission wishes to deny the CUP, the item needs to be continued, directing Staff to return with a Resolution of Denial.
3. Provide alternative direction to Staff.

EXHIBITS:

1. Site Location
2. Site Plan
3. Floor Plans
4. Hydroponic Process
5. Landscape Plans with Fencing Example
6. Signage
7. 3D Site Plan
8. Exterior Examples
9. Conditions of Approval
10. Resolution 2017 – 195
11. Initial Study

Exhibits may be made available for public review at front counter, City of King City Hall, 212, South Vanderhurst, King City, CA

Submitted by:



SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:

DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

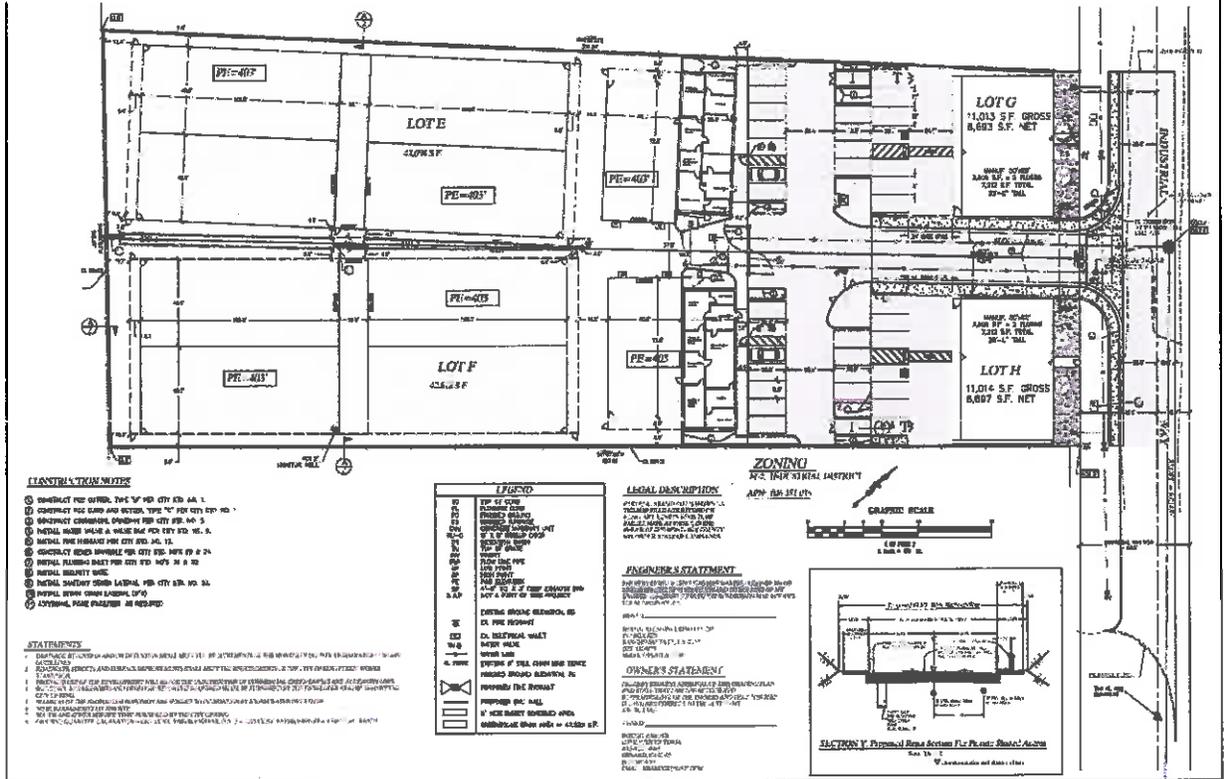
COA 2016-009

EXHIBIT 1



COA 2016-009

EXHIBIT 2



SHAPOURI ENGINEERING COMPANY, INC.
 License No. C 52794
 10000 AMERICA DRIVE, SUITE 200, FALGOUTS, CALIFORNIA 92536

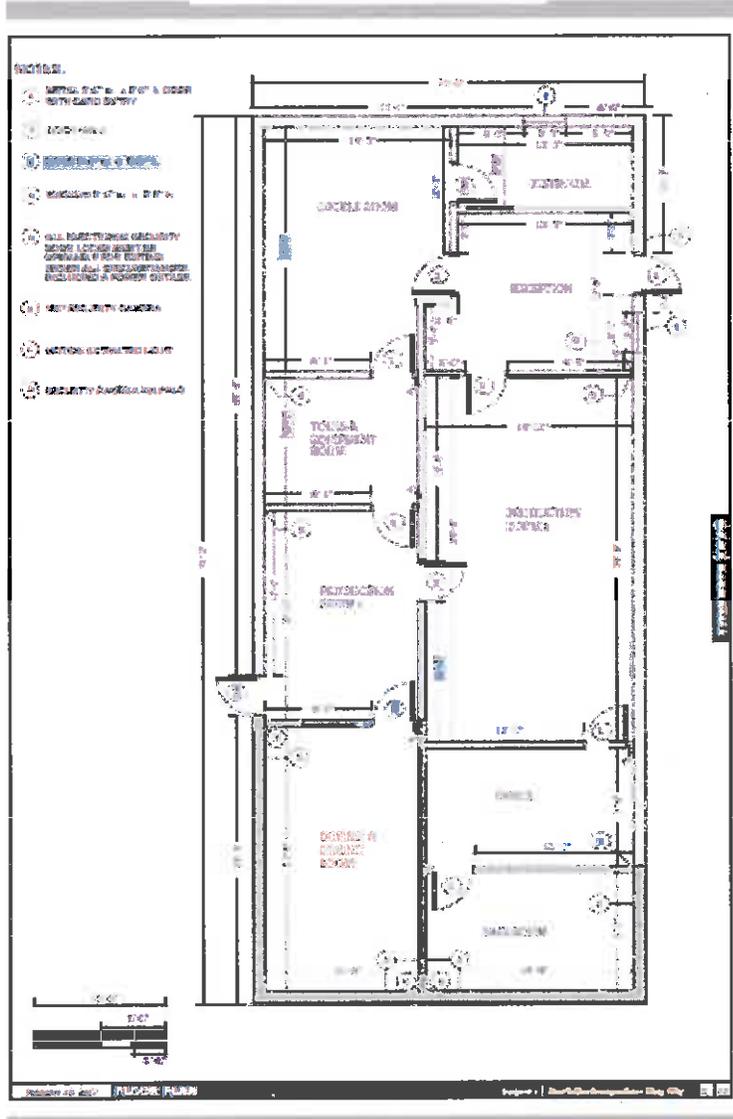
SITE PLAN
THE TRIBE CO.

King City, CA

NO.	REVISION/DATE	BY	CHKD.	APP.

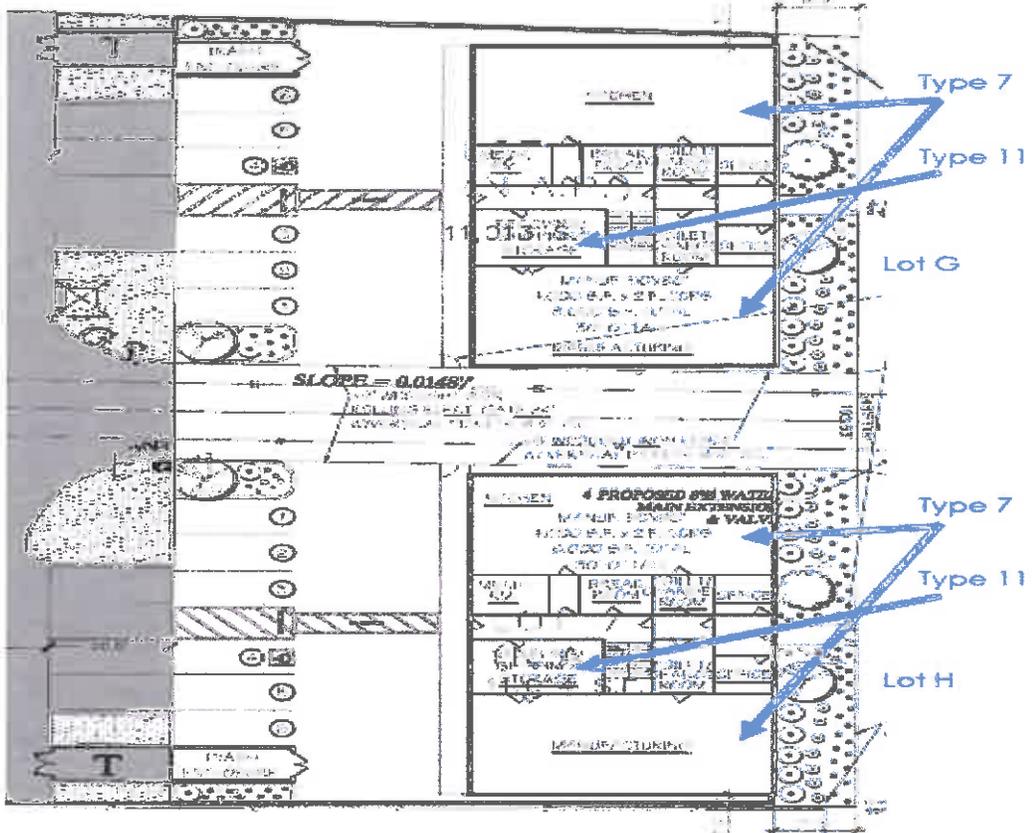
COA 2016-009

EXHIBIT 3



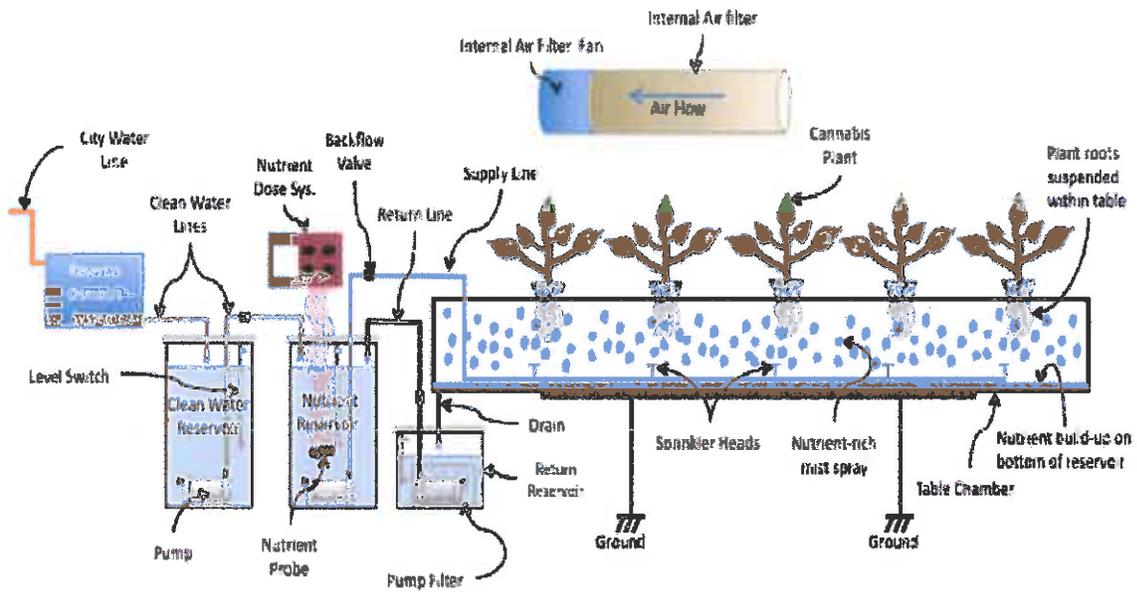
Administrative Space / "Headhouse"

Exhibit 3 Floor Plan Showing License Operations



COA 2016-009

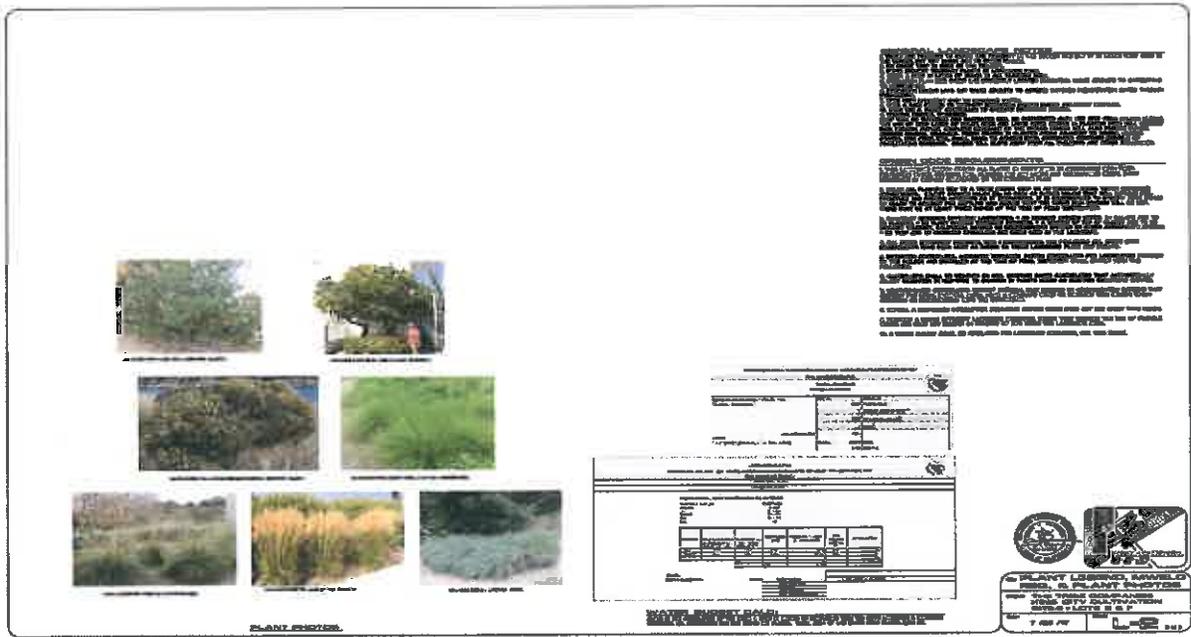
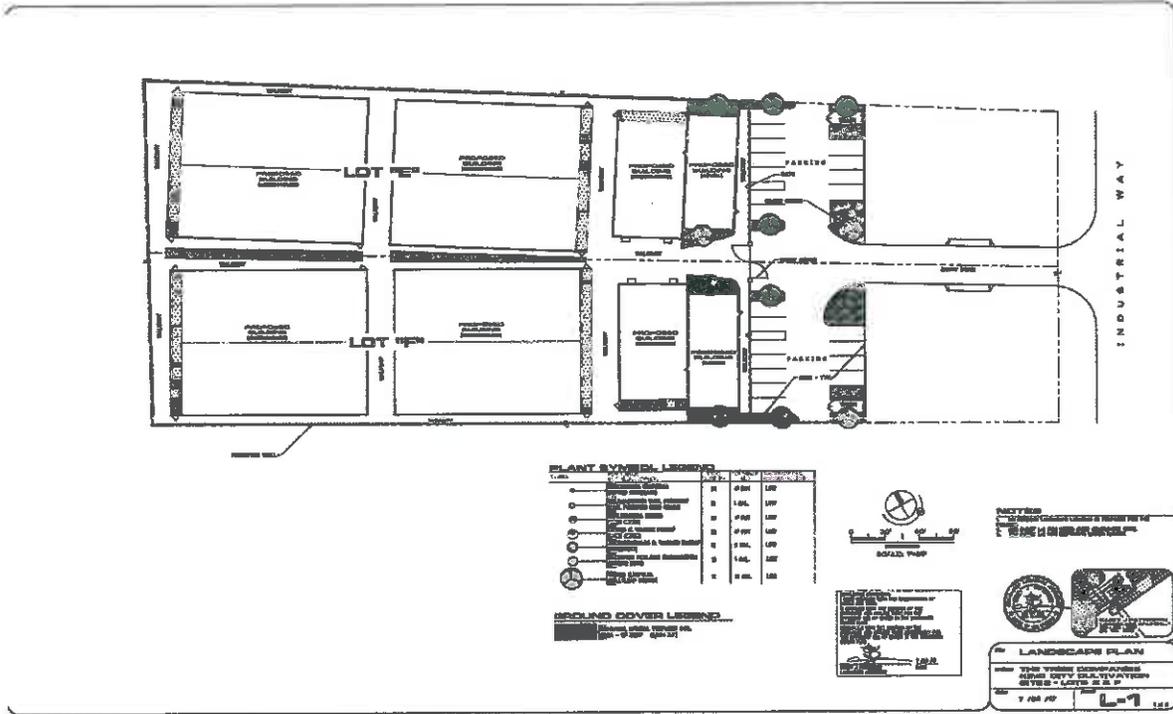
EXHIBIT 4



Tribe Aeroponic Growing Process Diagram

COA 2016-009

EXHIBIT 5



COA 2016-009

EXHIBIT 6



COA 2016-009

EXHIBIT 7



SHAIPOURI ENGINEERING COMPANY, INC.
PROFESSIONAL ENGINEERS - LICENSE # 44877
17750 S. WILSON AVENUE, SUITE 100
CANTON, CALIFORNIA 95925
TEL: 916-291-8888

CLIENT: THE FUTURE COMPANIES
DATE: AUGUST, 2016
PROJECT: AIRPORT INDUSTRIAL DEVELOPMENT
SHEET: 01

REPRESENTATION BY ARCHITECTURE WITH

A
01

COA 2016-009

EXHIBIT 8





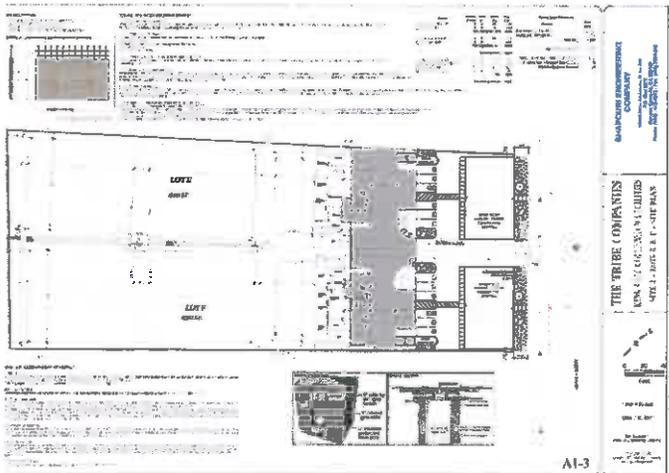
Style: Manufacturing and Distribution Transportation Building



EXHIBIT No. 9

**Case Number: COA 2016 - 009
CONDITIONS OF APPROVAL**

NOTICE TO PROJECT APPLICANT



In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications,

reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART A - PROJECT INFORMATION: THE TRIBE and KING CITY CULTIVATION

1. Assessor's Parcel No(s): 026-351-036
2. Job Address: (No current address assigned; see diagram, above, for location)
3. Street Location: Industrial Way
4. Existing Zoning: M-3 (Heavy Manufacturing)
5. Planned Land Use: General Plan: GI (General Industrial);
6. Plan Area:
7. Project Description: Conditional Use Permit 2016-009 (CUP) requests to develop 2.4 acres located on Industrial Way. The Applicant proposes to develop the parcel located as generally depicted in the attached diagram, below. The projected development is on approximately 2.4 acres and includes 4 new primary structure and 2 secondary structures. The 2 larger structures in the south will be used for Cannabis Cultivation in a greenhouse format; the smaller 2 in the south (one associated with each larger structure) will be used for administration, employee changing areas, drying, curing and trimming. The two (2) structures in the north will be for Manufacturing and Distribution.



PART B – GENERAL CONDITIONS AND REQUIREMENTS

An environmental assessment/initial study was conducted and resulted in a Finding of Consistency to the previously prepared Mitigated Negative Declaration for the amendment of the City's Zoning Ordinance and the amendment of East Ranch Business Park Specific Plan (Ordinances 2016-728, 2016-729 and 2016-730) adopted by the City on September 27, 2016. The Notice of Intent to adopt a Finding of Consistency was published in the King City Rustler commencing a 20-day public review and comment period on ending on October 16, 2017. This project is required to comply with all applicable mitigation from the Mitigated Negative Declaration and the City of King Municipal Code (including Chapter 17.03 (Medical Cannabis Activity), Title 17 (Zoning)).

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Clerk. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed within 15 days of the Planning Commission's decision. Please refer to City of King Municipal Code Chapter 2.12.050

Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit and the Zoning Ordinance. This use permit is granted, and the conditions imposed, based upon the Applicant Package provided by the applicant. The Applicant Package is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the Applicant Package, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the Applicant Package. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for

01222.0005/381072.1



additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to the approved site plan shall be permitted. (Include this note on the site plan.)

Please contact Scott Bruce via email at scottbruce11@gmail.com if you have any questions regarding the conditions of approval (COA).

PART C – SPECIFIC CONDITIONS AND REQUIREMENTS

COMMUNITY DEVELOPMENT DEPARTMENT:

1. **Allowed Use:** Cannabis Cultivation (CA Type 3B), Manufacturing (CA type 7) and Distribution (CA Type 11) uses are allowed.
2. **Site Development:** The existing site is vacant. The project as presented includes six (6) structures four (4) cultivation (2 greenhouse, 2 administrative)) and two Manufacturing. Total maximum floor area associated with cultivation is 53,600 sf in one story. Maximum Manufacturing / Distribution floor area will be 16,000 sf in two buildings of two stories each (4,000 sf footprint). Total impervious area will be 1.95 AC of 81% of the site.

Building construction materials and colors will be as presented in the Application Package – to be approved by the Community Development Director or designee. Doors and windows shall be per the requirements of the East Ranch Business Park Specific Plan. Maximum structure height shall be 30' or as approved by Planning Commission at the public hearing. Doors and Windows of metal buildings shall be in conformance with the standards of the East Ranch Business Park Specific Plan. Minor changes to the approved site plan and / or 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.

Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee

3. **Parking:** Parking will conform to the Plan and Application Package as submitted. removal.
4. **Landscaping:** Landscaping is required to 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 and water retention areas shall be maintained in a healthy condition in perpetuity.
5. **Lighting:** Security lighting is required to be mounted on the structures and on poles in the parking area not to exceed 30 feet in height. A lighting plan must be approved by the Director 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:** One sign at the project entry has been requested. Signage shall conform to plans as submitted. Any additional signage shall conform to the requirements of Section 17.03 of the City of King Municipal Code and the requirements of the ERBP SP. 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:** Fencing abutting Industrial Way shall be wrought iron and eight (8) in height. All other fences (perimeter and separating Cultivation from Manufacturing / Distribution) shall be "no climb" chain link, six (6') foot in height with one foot of barbed wire, to a maximum of eight (8) feet with screening as presented. Screening material shall be same or equivalent to the material presented to the Planning Commission.

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.

8. **Security:** Cameras, site access and security personnel shall be as presented in the Application Package. One camera compatible with the City of King Surveillance System will be placed at the Industrial Way entrance to the site.

BUILDING AND SAFETY DEPARTMENT: (No application for Building Permit has been submitted). An application must be submitted after CUP approval, prior to construction. All construction methods and materials are subject to the approval of the City of King Building Official

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 / Application Package.
- 2 **Sprinklers:** Buildings shall be sprinkled.
- 3 **Greenhouse Construction:** Gravel floors will be permitted – steel frame construction must include perimeter footing Wall material must be of same opacity or greater as that presented to the Planning Commission. Moisture barrier of a minimum of 6 mil must be placed below gravel.
- 4 **Power:** Applicant shall show evidence of specific power source prior to Occupancy / Operations.

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

- 1 **Scope of Work Description:** Grading, utilities, parking and drainage are subject to City Engineer review and approval. Grading, drainage and site improvement shall conform to the Storm Water Pollution Prevention Plan (SWPPP) as approved by Central Coast Regional Water Quality Control Board. All post construction runoff in excess of existing condition must be caught and percolated on-site.
- 2 **Right of Way Improvements:** Curb, gutter and sidewalks must be installed along the Industrial Way frontages with 2% maximum cross-fall per ADA requirements (including areas of Driveway Approaches.) Industrial Way must be paved to ½ ROW width plus one travel lane – to satisfaction of City Engineer.
- 3 **Recycled Water Connection:** A connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the Industrial Way Right-of-Way. Recycled water



will be used for landscaping and cannabis irrigation to the maximum amount possible. A lateral line to the subject property will be installed by the City.

- 4 **Recycled Water, Water Quality Assessment:** The City may require a future water quality assessment to evaluate mass loading / nutrient balance, based upon the results of regular, ongoing analysis.
- 5 **Storm Drain:** Project may be required to participate in fee program for extension of Storm Drain across project frontage.
- 6 **Subdivision / Joint Access and Utilities:** The project as proposed takes access from Industrial Way. Three gates will provide vehicle access to two Manufacturing and one Cultivation site including two structures. Access onto Industrial and access to Water, and Sanitary Sewer are common infrastructure, used by both lots. Prior to any future subdivision, the applicant shall provide proof of joint access / infrastructure agreement, in a form acceptable to the City Attorney, prior to occupancy of any structures.
- 7 **Private Drive Structural Section:** The structural section of the private drive shall conform to the recommendation of a Registered Soils Engineer, licensed in the State of California.
- 8 **Private Drive Geometry:** Gate locations, queuing space and turning dimensions shall be submitted to the City Engineer and Police and Fire and receive approval from the same.
- 9 **Airport Commission Approval** Issuance of a Building Permit is subject to the approval of the Monterey County Airport Land Use Commission.
- 10 **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.

COMMERCIAL CANNABIS PERMIT: New Construction shall comply with and Operations be subject to full compliance with Section 17.03 of the City of King Municipal Code as amended and with the Application Package as approved.

- A. **Regulatory Permit:** Each Cultivation Site, and Manufacturing / Distribution Building must obtain and maintain a commercial cannabis permit from the City Manager. Each commercial cannabis permit is in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit. The Distribution Permit will not allow for this site to be used as a "hub".
- B. **Security Cameras:** Security cameras shall be installed in quantity and location per the Application. Package 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 each driveway access from or exit to the street.
- C. **On-Site Security:** A roving security guard will be present in the southern portion of the site (Cultivation) at any / all time(s) that employees are not present.
- D. **Solvents:** The Applicant has indicated that Butane, CO2 and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must



be to the satisfaction of the City of King Fire and Police Departments.

- E. **Alcohol:** The Applicant has indicated a desire to review existing Code Regulations related to Ethanol / Alcohol storage. Ethanol / Alcohol stored on site shall comply with existing King City Municipal Code as may be amended.
- F. **Internal Runoff:** All interior runoff from irrigation from the project site (if any) shall drain into the City's Sanitary Sewer system.
- G. **Solid Waste:** Solid waste disposal from the project site shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements, as applicable.
- H. **Odor Control:** Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (i) of the City of King Municipal Code. At the beginning of operations, applicant shall obtain an inspection from the City 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 as determined by the City, mechanical equipment will be reviewed. In the event that compliance is still not achieved, City Staff may make a recommendation to City Council per Section 17.03.240 of the City Municipal Code.

Odor caused by outdoor dumpsters will be addressed in a similar manner. Regardless, the project must comply with the current odor control requirements of the City King Municipal Code until an amendment takes affect.
- I. **Air Quality:** Venting of CO2 and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards as applicable.
- J. **Pesticides and Fertilizers:** Shall comply with requirements of the Monterey County Agricultural Commissioner and in substantial conformance with the materials and quantities presented in the Application Package.
- K. **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 Municipal Code. A third party acceptable to the City shall perform the check. Results will be provided to Applicant, the City's monitoring consultant and City of King Police Chief. The Police Chief for a determination as to satisfaction.
- L. **Hours of Operation and Employees:** The Applicants have indicated that the entire site will potentially be in operation 24 hours a day 7 days a week. Manufacturing Operations will observe quiet hours from 9:01pm to 6:00 am. A maximum of 30 persons per shift may be present . On-site parking will be sufficient to cover overlap periods. No persons under the age of 21 shall be allowed on site.
- M. **Work Permits and Fees:** Work Permits shall be required in conformance with Section 17.03.070 (a) of the Municipal Code as may be amended. Fees shall be as set by the City Council as updated from time to time.
- N. **Indemnification Agreement:** A signed Indemnification Agreement shall be in place prior to issuance of the each commercial cannabis permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall supersede the Hold Harmless and Indemnification Clause attached hereto.
- O. **Record Keeping:** Financial and Product Record for the project shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.



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; and Hanna & Brunetti.), employees and agents 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 to challenge, attack, set aside, void, or annul:

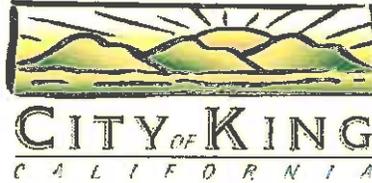
- a. *Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or*
- b. *Any action or approvals taken related to the California Environmental Quality Act of 1970, as amended ("**CEQA**") by City's advisory 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 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, attorneys, employees and agents 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 and indemnified parts 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- 195

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-009

WHEREAS, on **July 25, 2017**, **The Tribe Companies LLC** and on **September 12, 2017** King City Cultivation submitted applications to allow Cannabis Cultivation (CA Type 3B) in two (2) greenhouse (with one ancillary structure each and Manufacturing Level 2 (CA Type 7) with Distribution / Transportation (CA Type 11) in two (2) new structures located on Industrial Way north of the Mesa del Rey Regional Airport.

WHEREAS, on **September 26, 2017** a formal Letter of Completeness was provided by the City;

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the ERBPSP with the approval of a Conditional Use Permit (**Ordinance 2016-745, August 22, 2017**).

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

WHEREAS, an Initial Study was prepared and a Public Notice filed indicating Intent to Find Consistency with the certified Mitigated Negative Declaration (MND) that was 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 for the amendment of the City's Zoning Ordinance and the amendment of ERBPSP (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and designation the ERBP Specific Plan. An initial study was prepared for the project, which determined that the project is fully within the scope of the prior analysis of the MND, such that the adoption of a Finding of Consistency is warranted;

WHEREAS, all notices have been provided as required by law;

WHEREAS, the Commission has reviewed the staff report, provided an opportunity for public testimony, and considered all other relevant information during the duly noticed public hearing on **October 17, 2017**; and

WHEREAS, after due consideration of the administrative record, the Commission desires to adopt a Finding of Consistency with the MND and approve **CUP No. 2016-009**.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of King as follows:

Section 1: The recitals are true and correct and are incorporated herein as if set forth in full.

Section 2: The City has conducted an initial study of the project and has determined the project is fully within the scope of the prior analysis of the MND. There is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed in the MND. Additionally, there is no substantial new evidence of potentially significant off-site impacts or cumulative impacts that were not discussed in the MND, and no potentially significant adverse effects peculiar to the project. There are no previously identified significant effects, which as a result of substantial new information which was not known at the time the MND was adopted, determined to have a more severe adverse impact than discussed in the MND. The Commission further finds:

- a. The General Plan Land Use Map designates this area as GI (General Industrial) and the City Zoning Map designates this area as M-3 (Heavy Industrial) Ordinance 2017-745 (August 22, 2017) specifically allows the proposed Cannabis Cultivation, Manufacture and Distribution / Transportation uses. The subject property is proposed to be developed at an intensity and scale that is permitted in the M-3 District and is compatible with surrounding uses.

- b. The future development of the subject property will not adversely impact existing City service systems or the traffic circulation system that serves the subject property beyond those analyzed by the MND.
- c. There are no unique topographic, soil, or geologic conditions at the site that will be impacted by this project, and no aspects of this project that will result in impacts to air quality, water supply or quality, plant life or animal life beyond those analyzed in the MND.
- d. There are no hazards or hazardous materials at the site or which would be created by the project beyond those analyzed by the MND.
- e. There is no evidence that the site contains any habitats for wildlife, unique, rare, or endangered plants or animals, or historic buildings or resources.
- f. All applicable MND mitigation measures from the MND have been applied to this project.

As this project does not fall within any of the categories identified by CEQA Guidelines section 15162, no subsequent environmental review is required. Therefore, the Planning Commission adopts a Finding of Consistency with the MND

Section 3: The Commission makes the following findings of facts:

1. The purpose of the proposed uses (cultivate cannabis, manufacture cannabis oils and related products are 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 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 and / or the City;
3. The proposed use is consistent with the General Plan Land Use Designation (LI) Light Industrial and the Uses and Standards of the ERBP and the underlying (M-3) Zoning District.
4. The proposed uses will be contained within two (2) new single story structures that include a total of no more than 44,000 sf of cultivation canopy, two (2) ancillary structures of approximately 2,150 square feet each and two (2) two story structures of approximately 7,800 square feet each.
5. The entire lot will be fenced – existing fencing will be improved and / or replaced and new screening will be installed.
6. The existing lot is accessed (gated) from one point of entry at Industrial Way.
7. Landscaping will be installed per the Application Package.
8. The project has been reviewed and approved by the Monterey County Airport land Use Commission..
9. All processes and interior construction/building improvements, security/operating procedures will be in conformance with the CUP/ Application Package, as submitted and/or as conditioned (See COA's Exhibit 1: Attached) and with City of King Zoning Code Chapter 17.03 (Commercial Cannabis Activity).
10. Power and Water are available and are required to be provided prior to/concurrent with building construction.

Based on the foregoing and evidence in the administrative record, the Commission determines that the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. The Commission further determines that the use will not will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City. Therefore, the Commission approves Conditions Use Permit Case No. CUP 2016-009.

This resolution was passed and adopted this **17th day of October 2017** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

**ERICA SONNE DEPUTY CITY CLERK for
MARICRUZ AGUILAR-NAVARRO,
ASSISTANT PLANNER / PLANNING COMMISSION SECRETARY**

**INITIAL STUDY CHECK LIST (SEPTEMBER 11 ,2017)
CUP 2016-009**

A. BACKGROUND INFORMATION

- 1. **Lead Agency:** City of King
- 2. **Project Representative / Owner:** King City Cultivation (Brandon Gesicki); The Tribe
- 3. **Project Location:** Industrial Way

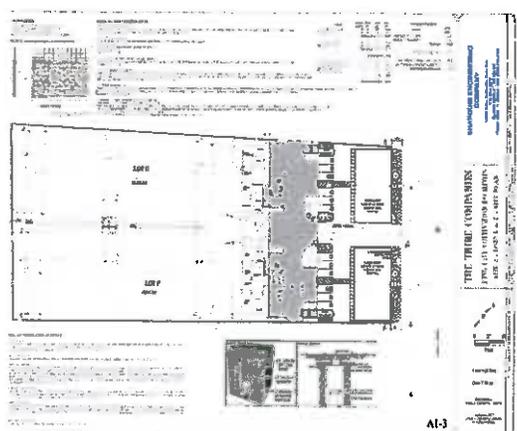
4. Project, Project History and Approved Mitigated Negative Declaration Description:

Project
The Applicant has applied for Conditional Use Permit 2016-009 (CUP) to develop a parcel located on Industrial Way (APN 026-351-036) as generally depicted in the attached diagram, below. The projected development is on approximately 2.4 acres and includes 4 new primary structures. 2 larger structures in the south will be used for Cannabis Cultivation in a greenhouse format; the smaller 2 in the north (one associated with each larger structure) will be used for administration, employee changing areas, drying, curing and trimming. Two structures located in the north will be used for Manufacturing and Distribution The City has required the project to also be designed so that, if necessary, it may be readily subdivided into 4 parcels without changes to the project as proposed by the CUP. The potential for such subdivision (parcel map) has been included in this environmental assessment as part of the project.



History

In 2016, the City of King amended the Zoning Code and the East Ranch Business Park Specific Plan to allow Medical Cannabis Uses including Cultivation (CA Types 2A,2B,3A,3B) Nursery (CA Type 4), Manufacturing (CA Type 6) and Testing (CA Type 8).



The potential impacts of these uses, their proposed land use and zoning designations, development densities and potential locations were evaluated. As a result of the analysis a Mitigated Negative Declaration was prepared. It was certified on September 26, 2017.

5. Certified MND Project Description:	The Certified MND Project Description is attached as Exhibit 1.
6. Public Review Period:	20 Days
7. Other Public Agencies Requiring Approval:	N/A
8. Address Where Written Comments May be Sent:	City of King Community Development Department 212 South Vandenhurst Avenue King City, CA 93930
9. Purpose For Initial Study:	The purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIR and Negative Declaration) can be made in the affirmative.
10. Proposed Findings:	<p>The City of King is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. There was a Mitigated Negative Declaration ("MND") certified by the City Council on September 26, 2017.</p> <p>As noted above, the purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRs / ND's) can be made in the affirmative. The City must determine that on the basis of substantial evidence in the record, one or more of the following <i>paraphrased</i> findings does not exist:</p> <ol style="list-style-type: none"> 1. There are no substantial changes to the proposed project that will require major revisions to the certified MND or increase the severity of previously identified significant effects; 2. There are no substantial changes due to circumstances under which the proposed project is undertaken that require modifications to the certified MND, due to new significant environmental effects or increase in severity of previous impacts; or 3. There is no new information that was not analyzed in the certified MND. <p><i>Based on the initial study, the above findings of fact can be made and the Proposed Project will not have the potential to result in significant adverse environmental impacts. All the mitigation measures adopted in 2016 will apply. Therefore, the issues associated with the Proposed Project are adequately addressed in the 2016 certified MND.</i></p>

Table 1 Environmental Impacts	
1. Aesthetics	9. Land Use/Planning
2. Agricultural Resources	10. Noise
3. Air Quality	11. Population/Housing
4. Biological Resources	12. Public Services
5. Cultural Resources	13. Recreation
6. Geology/Soils	14. Transportation/Circulation
7. Hazards/Hazardous Materials	15. Utility/Service Systems
8. Hydrology/Water Quality	16. Mandatory Findings of Significance

III. ENVIRONMENTAL SETTING

The Proposed Project is located on Industrial Way, north of the Regional Airport. The lots along Industrial Way are partially developed with industrial and business uses. The Proposed Project site is currently vacant.

Table 2 Surrounding Land Use all M-3 (Heavy Industrial)			
North:	Industrial Way	East:	Industrial Use
South:	Regional Airport	West:	Industrial Use

C. ENVIRONMENTAL CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Significant:	Known significant environmental impacts.
Unknown Potentially Significant:	Unknown potentially significant impacts, which need further review to determine significance level.
Potentially Significant and Mitigable:	Potentially significant impacts which can be mitigated to less than significant levels.
Not Significant:	Impacts that are not considered significant.
Impact Reviewed in Previous Document:	Adequate previous analysis exists regarding the issue; further analysis is not required (§15162 of the State CEQA Guidelines). The following Table includes reference to the Certified MND and identifies potential impacts as noted in that Document.

1. AESTHETICS:		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Have a substantial adverse effect on a scenic vista?				X	X
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?				X	X

1. AESTHETICS:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X		X
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X		X

Aesthetics Discussion:

The Project Proposes an increase to building height from 30' to 35'. Buildings are set back from San Antonio Drive by approximately 60 feet and from Metz Road by approximately 40 feet. A screening fence will be placed at the property line.

2. AGRICULTURAL RESOURCES:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
Would the project:					
a. Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	X
c. Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?				X	X

Agricultural Resources Discussion: Impacts as discussed in the 2016 certified MND analysis.

3. AIR QUALITY	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				X	X
b. Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?				X	X
c. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	X

3. AIR QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
d.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X	X
e.	Create objectionable smoke, ash, dust or odors affecting a substantial number of people?			X		X
f.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment ?				X	X
g.	Conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.				X	X

Air Quality Discussion: Impacts as discussed in the 2016 certified MND analysis.

4. BIOLOGICAL RESOURCES		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?				X	X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?				X	X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?				X	X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	X
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	X

Biological Resources Discussion: Impacts as discussed in the 2016 certified MND analysis.

5. CULTURAL RESOURCES		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?			X		X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?			X		X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		X
d.	Disturb any human remains, including those interred outside of formal cemeteries?			X		X

Cultural Resources Discussion: Impacts as discussed in the 2016 certified MND analysis.

6. GEOLOGY /SOILS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant or Not Applicable	Impact Reviewed in Previous Document
Would the project:						
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X		
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the are or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)				X	X
ii)	Strong Seismic ground shaking?			X		X
iii)	Seismic-related ground failure, including liquefaction?				X	X
iv)	Landslides?				X	X
b.	Result in substantial erosion or the loss of topsoil?				X	X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X	X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	X

Geology/Soils Discussion: Impacts as discussed in the 2016 certified MND analysis.

7. HAZARDS/HAZARDOUS MATERIALS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	X
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?			X		X
e.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	X
f.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	X

Hazards/Hazardous Materials Discussion: Impacts as discussed in the 2016 certified MND analysis.

8. HYDROLOGY/WATER QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Violate any water quality standards or waste discharge requirements?				X	X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	X
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site?				X	X
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X		X

8. HYDROLOGY/WATER QUALITY					
Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		X
f. Otherwise substantially degrade water quality?				X	X
g. Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?					X
h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	X
i. Inundation by seiche, tsunami, or mudflow?				X	X

Hydrology/Water Discussion: Proposed building coverage and impervious area conform to ERBP SP standards. A SWPPP has been prepared. Impacts as discussed in the 2016 certified MND analysis.

9. LAND USE AND PLANNING					
Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a. Physically divide an established community?				X	X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	X

Land Use and Planning Discussion: Impacts as discussed in the 2016 certified MND analysis.

10. NOISE					
Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?				X	X
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?				X	X
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	X

10. NOISE	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	X

Noise Discussion: Impacts as discussed in the 2016 certified MND analysis.

11. POPULATION AND HOUSING	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	X
c. Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?				X	X

Populations and Housing Discussion: Impacts as discussed in the 2016 certified MND analysis.

12. PUBLIC SERVICES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
a. Fire protection?				X	X
b. Police protection?				X	X
c. Schools?				X	X
d. Parks or other recreational facilities?				X	X
e. Water Service System?				X	X
f. Sewer System?				X	X
g. Other governmental services? (power)				X	X

Public Services Discussion:

Impacts as discussed in the 2016 certified MND analysis.

13. TRANSPORTATION/CIRCULATION	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?				X	X
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X		X
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X	X
e. Result in inadequate emergency access?			X		X
f. Result in inadequate parking capacity?			X		X
g. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				X	X

Transportation/Circulation Discussion:

Impacts as discussed in the 2016 certified MND analysis.

14. UTILITIES & SERVICE SYSTEMS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		X

e.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	X

Utilities & Service Systems Impact Discussion:

Impacts as discussed in the 2016 certified MND analysis.

D. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:			
<input checked="" type="checkbox"/>	✓ PRC		
B. General Plan			
Land Use Elements			
	Housing Element		Conservation Element
	Circulation Element		Noise Element
	Seismic Safety/Safety Element		Land Use
	Economic Development		
C. Zoning Ordinance & Specific Plan			
<input checked="" type="checkbox"/>	Specific Plan and Zoning		
✓	Title 17, Section 32 Heavy Industrial District	✓	Title 17, Section 17.03
D. Project Plans			
✓	Site Plans and CUP Submittal		
E. Other Sources of Information			
	Field Work/Site Visit		Ag. Preserve Maps
✓	Calculations		Flood Control Maps
		<input checked="" type="checkbox"/>	Other studies, reports (e.g., environmental documents) ✓ Certified MND September 2016
✓	Traffic Study	✓	Topographic maps
	Records		Soils Maps/Reports
	Grading Plans		Plant maps
✓	Elevations/architectural renderings		Archaeological maps and reports
	Published geological maps		(Others)

EXHIBIT 1

III. PROJECT DESCRIPTION

In January, 2016, the City of King (or "City") approved several modifications to : 1) the General Industrial ("M-1" and "M-2") zoning designations; 2) the East Ranch Business Park Specific Plan ("ERBP-SP"), and 3) changed the M-1 zoning in the ERBP-SP to Planned Development District ("PD"). These zoning changes allowed, through the approval and issuance of Conditional Use Permits ("CUP's"), the cultivation of medical cannabis. At that time, the City also prepared an Initial Study ("IS") and Mitigated Negative Declaration ("MND") which examined the potential environmental impacts of these proposed actions. The areas zoned M-1 and the ERBP-SP are located in the northeast corner of the City near the Mesa del Rey Airport. The areas zoned M-2 are located east of the airport and near the corner of First Street and Lonoak Road.

Table 1, Zoning Breakdowns, provides a listing of the various zoned parcels noted above.

TABLE 1
ZONING BREAKDOWNS

<u>Parcel</u>	<u>Zoning</u>	<u>Acres</u>	<u>Location</u>
East Ranch Business Park Specific Plan (ERBP-SP)	Specific Plan	107	Northeast corner of the City
Areas Adjacent to ERBP	M-1	20	Adjacent to and northeast Of ERBP
Adjacent to Mesa del Rey Airport	M-2	40	Adjacent to Mesa del Rey Airport
First Street and Lonoak Road	M-2	20	Northeast of the Intersection of First Street And Lonoak Road

These approved zoning modifications establish a mechanism for local level regulation allowing the cultivation of medical cannabis within buildings and/or greenhouse structures at locations approved by the City with a Conditional Use Permit. These approved zoning modifications, which became effective in February 2016, allow the commercial cultivation of medical cannabis on a large scale basis. All other commercial cannabis activity, including but not limited to cultivation (other than cultivation allowed by these zoning regulations) delivery, dispensaries, distribution, manufacturing or transporting (other than to transport cultivated product outside of the jurisdictional boundaries of the City) are strictly prohibited. These approved zoning regulations do not apply to nor allow the personal cultivation and/or use of cannabis nor the sale of such products within the City.

B. Project Characteristics

1. Zoning Code Amendments

Since the approval of the zoning modifications noted above, the City has proposed amendments to various zoning ordinances, including City Ordinance Section 17.03 (general cannabis discussions), Sections 17.30.020 and 17.31.020 governing the M-1 and M-2 zoning designations and the ordinance governing the East Ranch Business Park. These additional zoning code amendments are intended to more specifically design and regulate any proposed facilities associated with medical cannabis cultivation, manufacturing and testing. Listed below are the various categories (or types) of facilities that will require permits from the City.

- Type 2A All Artificial Light Structures, maximum 10,000 s.f.
- Type 2B Mixed Light Structure, maximum 10,000 s.f.
- Type 3A All Artificial Light Structure, maximum 22,000 s.f.
- Type 3B Mixed Light Structure, maximum 22,000 s.f.
- Type 4 Nursery
- Type 6 Manufacturing
- Type 8 Testing

2. Future Development of Medical Cannabis Growing Facilities

The City has not received any development applications at this time for medical cannabis growing facilities. In order to fully assess the potential environmental impacts associated with the proposed zoning code additions/amendments, the City has estimated the nature and extent of additional medical cannabis growing facilities. This estimate of future medical cannabis growing facilities within the City, as listed below, is intended to provide the

basis for the maximum probable (“worst-case”) assessments of potential impacts of the cumulative development of these facilities within this document.

- 4 Type 2A (all artificial light) greenhouse buildings (10,000 square foot plant canopy within a 13,000 square foot structure)
- 13 Type 2B (mixed light) greenhouse buildings (10,000 square foot plant canopy within a 13,000 square foot structure)
- 8 Type 3A (all artificial light) greenhouse buildings (22,000 square foot plant canopy within a 28,000 to 30,000 square foot structure)
- 34 Type 3B (mixed light) greenhouse buildings (22,000 square foot plant canopy within a 28,000 to 30,000 square foot structure)
- 6 Manufacturing Facilities
- 4 Nurseries (25,000 s.f.)
- 4 Security Offices
- 6 Plantonics Stores and Storage Facilities
- 4 Executive and Administrative Offices

(Note: The Type 2A and 3A greenhouse buildings are allowed pursuant to the previously approved (January, 2016) zoning modifications discussed above but are included in order to provide the maximum probable (“worst-case”) assessments of potential project impacts).

Type 2 greenhouse structures will cover a total of 13,000 square feet. Of this total, 10,000 square feet will be devoted to cannabis growing areas. Type 3 greenhouse structures will cover a total of 28,000 to 30,000 square feet. Of this total, 22,000 square feet will be devoted to cannabis growing areas. An additional 3,000 square feet in Type 2 greenhouses and an additional 6,000 to 8,000 square feet in Type 3 structures which will be devoted to the following functions: 1) trimming room, 2) drying room, 3) watering and mixing station, and 4) office space, bathrooms and employee break area. In addition, Type 2 greenhouses will have approximately 9,000 square feet devoted to exterior landscaping and parking while Type 3 greenhouses will have approximately 12,000 to 15,000 square feet devoted to exterior landscaping and parking. The greenhouse buildings will have glass roofs and side walls consisting of solid materials (i.e. brick, metal, wood, etc.) in order to provide security and eliminate a potential attractive nuisance.

Lighting will be provided by natural sunlight and/or artificial lighting. Artificial lighting will utilize energy efficient lighting systems with a finely tuned light spectrum which promotes the highest possible plant production rates. Type 2 greenhouses will have approximately 400 lights while Type 3 greenhouses will have 880 lights and Type 4 nurseries will have 1,000 lights.

Power use is primarily associated with lighting and cooling of the greenhouse structures. It is estimated that the total maximum electrical load for lighting the entire proposed future development of medical cannabis facilities is 53,760 amperes. The total maximum electrical load for air conditioning the entire proposed future development of medical cannabis facilities is 81,468 amperes. This results in a total maximum electrical load for the entire proposed future development of medical cannabis facilities of 135,228 amperes.

It is estimated that future project development will require a total of 193,890 gallons of water per day or 70,769,920 gallons (or 217 acre-feet) per year. This water will be used for cultivation in greenhouses and propagation in nursery facilities. Water demand is estimated to total approximately 20 million gallons (or 62 acre-feet) per year within the first year (2017) of operations and approximately 44 million gallons (or 135.5 acre-feet) by the year 2020. It is estimated that future project development will generate a total of 16,393 gallons (or 16.4 MGD) of wastewater per day or 5,983,528 gallons (or 5.98 MGD) of wastewater per year. This wastewater will contain a variety of nutrients typically found in commercial nursery facilities. Wastewater generation is estimated to total approximately 1.80 million gallons per year within the first year (2017) of operations and approximately 3.78 million gallons per year by the year 2020.

It is estimated that the development of all future medical cannabis growing facilities will generate a total 3,720 vehicle trips per day. Vehicle trip generation is estimated to total 1,114 vehicle trips per day within the first year (2017) of operations and 2,316 vehicle trips per day the year 2020.

This Initial Study/Mitigated Negative Declaration has been prepared in a manner which provides complete and adequate California Environmental Quality Act (CEQA) coverage for all actions and approvals associated with the proposed project as currently described herein. However, this Initial Study/Mitigated Negative Declaration may not be the final environmental document for the proposed project. In the event that future development applications for the commercial cultivation of medical cannabis contain specific design or operational elements not addressed by this Initial Study, additional, more detailed environmental documentation may be necessary at that time. When applications for individual projects are submitted, they will be subject to additional environmental review by the City in order to 1) determine the nature and extent of any potentially significant impacts not addressed in this document and 2) insure that the individual project does not exceed the maximum development levels and cumulative impacts identified in this analysis. These individual projects will be approved by the City through the approval and issuance of Conditional Use Permits ("CUP's").



Item No. 7E

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 17, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

**RE: CUP 2017-009, APN 026-351- 023: MEDICAL CANNABIS CULTIVATION (CA TYPE 3A); NURSERY (CA TYPE 4); MANUFACTURING LEVEL 2 (CA TYPE 7); TRANSPORTATION / DISTRIBUTION (CA TYPE 11).
101 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 2017-009.

BACKGROUND:

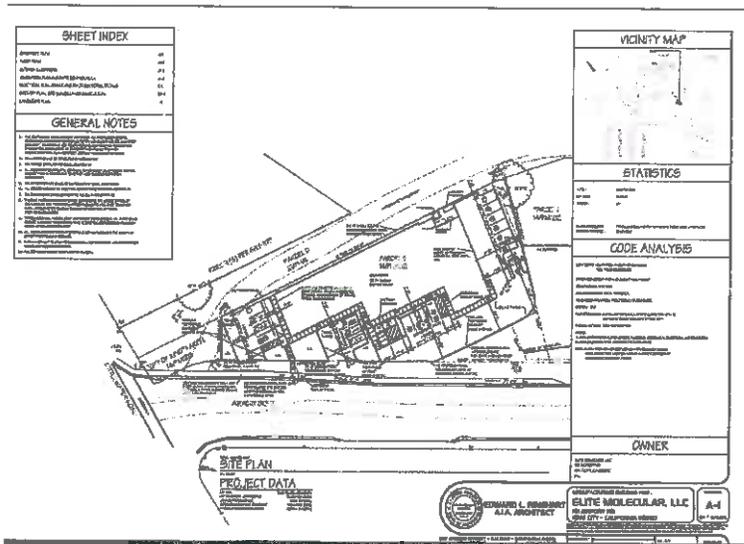
In September 2016 the City Council approved amendment to the City's Zoning Code and to the East Ranch Business Park (ERBP) Specific Plan, authorizing expansion of land uses related to Medical Cannabis. As a result of that action Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing are allowed in the M-1, M-2 and M-3 Districts and in the ERBP. Since that time, the Code has been amended twice (June and August 2017) and 12 Permits have been approved through the CUP and Operations Permits processes. Staff has been in regular discussion with potential Medical Cannabis applicants. This current application is to renovate an existing 10,500 sf structure at 101 Airport Drive (Corner of Airport Drive and Bitterwater Road)

The Planning Commission's primary role in the process is to make a determination regarding the Conditional Use Permit. 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 2017-009 is a request to allow four different Cannabis use types (Cultivation, Nursery, Manufacturing, Distribution) in an existing structure located at 101 Airport Drive, being in the M-1 Zoning District, outside of the East Ranch Business Park.

DISCUSSION:



Overview:

The proposed uses will be located in an existing 10,492 sf structure, on a 1.09 ac lot (47,192 sf), (0.68ac effective size) located at the northwestern corner of Airport Drive and Bitterwater Road. The northern portion of the building (2,800 sf) will be reconstructed to bring it up to the same level of quality as the rest of the building.

Existing building height is 26 feet and the height of the building will not increase.

**Exhibit 1
 Vicinity Map**



Plants may be “stacked” within the existing / rebuilt structure however existing / rebuilt canopy will not exceed 22,000 sf and nursery canopy will not exceed 25,000 sf. Estimated canopy spaces are 10,050sf and 1,800sf respectively.

- The parcel to the north contains the building occupied by Boutique Unlimited (Cultivation and Manufacturing Uses)
- Airport Road bounds the subject parcel on the east
- A utility / access easement bounds the property to the west with Industrial Uses and the East Ranch Business Park beyond.
- A vacant City owned parcel and Bitterwater Road lie to the south.

As noted above, the proposed uses include four (4) Cannabis Use types Cultivation (CA Type 3A), Nursery (CA Type 4) Manufacturing Level 2 (CA Type 7), Distribution (Type 11) 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.

Cultivation: Occurring on two levels, this organic and hydroponic system will focus on organically cultivated, cannabinoid rich pest and disease-free cultivars covering a full spectrum of cannabinoids. Pesticides and pesticide used will be in conformance with State of California / Monterey County Agricultural Commissioner and the Colorado Department of Agriculture

Nursery: Provides organically cultivated, cannabinoid rich, pest and disease-free cuttings / plants to licensed cultivators in California

Manufacturing Level 2: Performed in an environment purpose built for the extraction procedures being performed, the process will provide the most pure and clean extract products available, certified by 3rd party governing bodies and audited by a certified hygienist. Elite Molecular regularly employs n-Butane to achieve mechanical separation. Heptane, Pentane, Ethyl Alcohol and Isopropyl Alcohol may be used. Extractions using volatiles will be performed in a Class 1, Division 1 closed loop environment. Purified oils terpenes and cannabinoids will be infused into a suite of products that includes non-alcohol based tinctures, creams, topical skin products and vaporization products. No kitchen will be included on site.

Transportation and Distribution: Act as a quality assurance, validation, and certification point for products being distributed to licensed entities. Inspect, analyze validate and engage 3rd party testing as well as hold products in preparation for movement to and from testing by other licensees. Provide secure Transportation services.

CUP Information:

Architecture:

The existing structure is a metal structure, accessed from Airport Road at three locations. Airport Road rises as it moves north in relation to the building pad. The primary visitor entrance faces south, rollup doors for product movement / deliveries are present to the east and north. The existing structure covers 35% of the site. Total impervious area will be 12,802 sf (43%) Pervious and landscaped areas will be 6,762 sf (22%) Because of the various use types with the building, the existing neighbor access easement (lots to north), the retaining wall adjacent to Airport Road and the triangular configuration of the lot, the parking area covers a large portion of the site. Three access gates are proposed off of Airport Road.

The existing materials will not change – roof skin and fascia will be metal with metal doors. Windows will be anodized aluminum with clear glass bronze frames. The colors to be

used are Dunn Edwards: "Cashmere" DEC 758 with "Woodlawn Green" trim and awnings DEC 779. These colors are consistent with the surrounding area. **See Exhibit 2.**

Floor Plan and Interior Uses:

The applicant proposes to rebuild the southwest corner of the building (approximately 2,800 sf) to create consistent quality of construction. Cultivation and Nursery will be multiple architectural tiers covering 3,350 and 900 sf of floor area, respectively. Office, breakrooms and bathrooms will be near the front entrance of the facility (south). Extraction will be in the south central portion of the structure with grow areas to the north central and north. The current height of the structure is 26' at the **peak of the ridgeline** and will not change. **See Exhibit 3.**

Landscape:

Landscaped areas will be present along the north property line; on the eastern portion of the site near parking and between Airport Road and the structure; and, in the southern portion of the site between parking and the southern property line.

Landscaping will cover 11% of the lot (approximately 3,366 sf). Proposed landscaping includes Yellow Daley Bush, White Flowering Australian Fuschia and a mix of Yarrow, Daylily (evergreen) and Copper Canyon Daley. Trees will include Evergreen Pear and Purple Flowering Plum. **See Exhibit 5.**

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 and will provide an on-site access point to future "Purple Pipe" located in Airport Road.

Parking, Paving:

New asphalt parking and paving is proposed in the southern, eastern and northern areas of the site. The existing parking surface is compacted base material and is located along the southern side of the building. **See Exhibit 4.**

Signage:

Signage will be limited to an address / street number for identification by emergency response personnel and deliveries, located on the east side of and south entry to the building. **See Exhibit 7.** Additional signage if proposed will be submitted and reviewed in accordance with the City's Sign Permitting process.

Security:

Fencing: The facility will be surrounded on south, west and north 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. Three gates are proposed off of Airport Road. Fencing along Airport Drive will be wrought iron, eight feet in height. **See Exhibit 6.**

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.

Cameras: Approximately 24 security cameras with night vision capability will be located to monitor all entrances and exits to and from the premises and to monitor all interior spaces, excluding restrooms and changing rooms.. 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.**

One City of King camera will be located at each entry to the property from Airport Road.

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. A list of materials and

Solid Waste: Daily plant waste will be about 150 – 200 lbs. 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 east 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 specific to Cannabis related solid waste.

Other Waste from Production: Controlled waste practices will be under the direct supervision of the Security Manager. Chemicals used in the Nursery / Cultivation environment will be handled according to OSHA standards. Wastewater from the reverse-osmosis system, the hydroponic environment and ethanol from cleaning will be released into the city's sanitary sewer system. Solvents used in the manufacturing process are recovered at a rate up to 98% by the closed loop hydrocarbon extraction system.

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) for a 22,000 sf growing canopy and 6,321 gpd for a 25,000 sf nursery canopy. For a 10,050 sf growing canopy this would equal 8,442 gallons per week and 3,186 gallons per week for nursery. Therefore, total water use as indicated by the Applicant for this project is anticipated at 1,661 gpd or 11,628 per week, equivalent to the MND estimate. Water use in the Cultivation / Nursery environment leverages a reverse osmosis system to minimize water use. **See Document Section K.**

Power. The Applicant estimates 1,920 Amps as the 80% power allocation for lighting and air conditioning (2,400 Amps as the 100% power allocation). The Applicant indicates that they will be utilizing LED lights and fluorescent lighting technologies to reduce overall power consumption – including the amount of heat generated by lighting / need for cooling. Internal temperature for grow rooms will range between 75 and 85 degrees.

Power (lighting) for Nursery operations should be required approximately 18 hours per day. Cultivation operations should require power approximately 12 – 18 hours per day.

The Manufacturing operations require rather minimal power (300 amps) , consistent with typical business park use. The manufacturing area will be cooled to 74 degrees Fahrenheit, use is anticipated at 16 – 20 hours per day.

Distribution / Transportation use will be similar to standard office operations. **See Document Section L.**

Regulatory Permit Related Information:

Elite Molecular proposes to grow, dry, trim and package Cannabis grown for use in internal manufacturing as well as for shipment to outside Manufacturing Operations will prepare oils, topicals and vaporization products.

Shipping and Transport: All deliveries to the facility will be tracked and will include:
Cultivation: nutrients, beneficial microbes, cloning hormones, etc.

Manufacturing: Botanical Cannabis material, extracted oils, laboratory grade solvents, hoses, glassware, cleaning solutions, etc. Packaging products will be included.

Cannabis and Cannabis products 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, Sections E and F .**

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. All ventilation will pass through a series of HEPA charcoal and Syneco filtration systems, or similar. The systems work in conjunction with building climate control systems, abide by ISO 7 and 8 standards and include ventilation hoods in preparation areas that feature industrial level filtration systems. **See Document, Section I.**

Inventory Control: Processes are built to detect and protect against diversion through a comprehensive Diversion Prevention Program. This program includes physical controls,

personnel training and, control procedures for monitoring and auditing. **See Document Section D.**

Security, Interior: There are 4 pedestrian entrances and 2 roll up doors. All doors and windows are locked and alarmed. Access to the building is controlled by electronic audio and video communications technology. Interior access is controlled, per employee, by key fobs and access cards. Approximately 24 cameras with night vision capability will be located within the structure. The surveillance system is accessible by King City Police Personnel and monitored by a security service company. Cannabis product storage is secured. Security personnel will be on-site.

See Document, Sections D and H.

Employee Vetting: No person under 21 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.**

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).

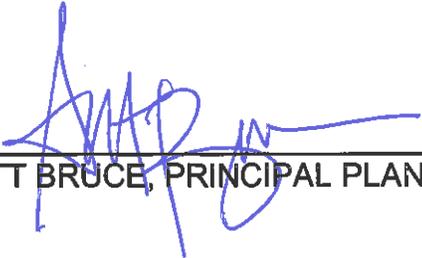
ALTERNATIVES:

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. Site Plan
3. Floor Plan
4. Landscape
5. Elevations
6. Camera Locations
7. Indoor Cultivation
8. Conditions of Approval
9. Resolution 2017 - 199

Submitted by:



SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:

DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

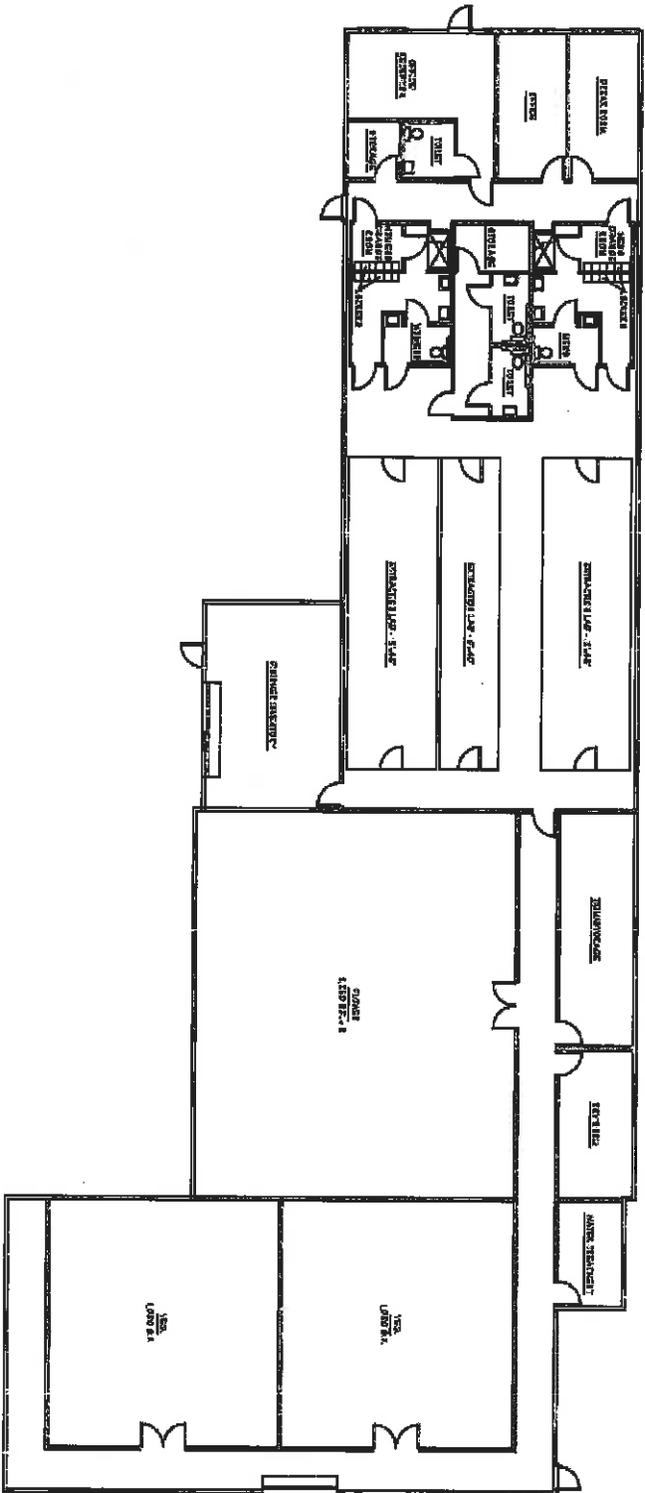
CUP 2017- 009
EXHIBIT 1

LINE WIDTH

Exhibit 1
Vicinity Map



CUP 2017-009
EXHIBIT 3



FLOOR PLAN

SCALE: AS SHOWN
DATE: 10/10/17
BY: E. L. RINEHART
CHECKED: E. L. RINEHART

EDWARD L. RINEHART
AIA ARCHITECT

107 CHATEAU STREET - SALINAS - CALIFORNIA 93901
PHONE: (831) 438-7000
FAX: (831) 438-7000

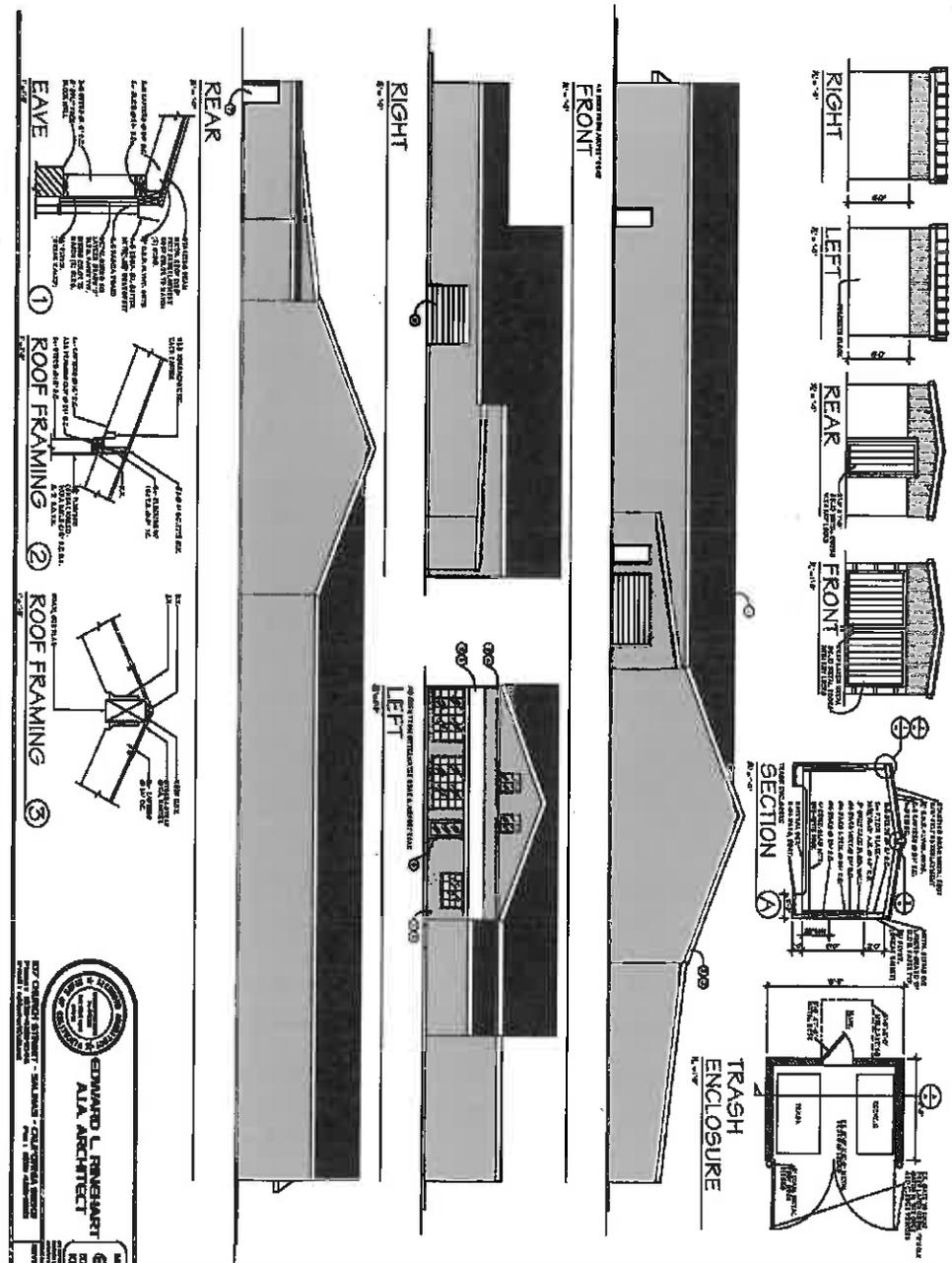
ELITE MOLECULAR, LLC

MANUFACTURING BUILDING FOR:
10 AIRPORT BL.
KING CITY - CALIFORNIA 93950

PROJECT NO: A-2
DATE: 10/10/17
SCALE: 1/8" = 1'-0"

1725

CUP 2017- 009
EXHIBIT 5



FINISH SCHEDULE

- 1 9" FORM TOP
- 2 1/2" FORM TOP
- 3 1/2" FORM TOP
- 4 1/2" FORM TOP
- 5 1/2" FORM TOP
- 6 1/2" FORM TOP
- 7 1/2" FORM TOP
- 8 1/2" FORM TOP
- 9 1/2" FORM TOP
- 10 1/2" FORM TOP
- 11 1/2" FORM TOP
- 12 1/2" FORM TOP
- 13 1/2" FORM TOP
- 14 1/2" FORM TOP
- 15 1/2" FORM TOP
- 16 1/2" FORM TOP
- 17 1/2" FORM TOP
- 18 1/2" FORM TOP
- 19 1/2" FORM TOP
- 20 1/2" FORM TOP
- 21 1/2" FORM TOP
- 22 1/2" FORM TOP
- 23 1/2" FORM TOP
- 24 1/2" FORM TOP
- 25 1/2" FORM TOP
- 26 1/2" FORM TOP
- 27 1/2" FORM TOP
- 28 1/2" FORM TOP
- 29 1/2" FORM TOP
- 30 1/2" FORM TOP
- 31 1/2" FORM TOP
- 32 1/2" FORM TOP
- 33 1/2" FORM TOP
- 34 1/2" FORM TOP
- 35 1/2" FORM TOP
- 36 1/2" FORM TOP
- 37 1/2" FORM TOP
- 38 1/2" FORM TOP
- 39 1/2" FORM TOP
- 40 1/2" FORM TOP
- 41 1/2" FORM TOP
- 42 1/2" FORM TOP
- 43 1/2" FORM TOP
- 44 1/2" FORM TOP
- 45 1/2" FORM TOP
- 46 1/2" FORM TOP
- 47 1/2" FORM TOP
- 48 1/2" FORM TOP
- 49 1/2" FORM TOP
- 50 1/2" FORM TOP
- 51 1/2" FORM TOP
- 52 1/2" FORM TOP
- 53 1/2" FORM TOP
- 54 1/2" FORM TOP
- 55 1/2" FORM TOP
- 56 1/2" FORM TOP
- 57 1/2" FORM TOP
- 58 1/2" FORM TOP
- 59 1/2" FORM TOP
- 60 1/2" FORM TOP
- 61 1/2" FORM TOP
- 62 1/2" FORM TOP
- 63 1/2" FORM TOP
- 64 1/2" FORM TOP
- 65 1/2" FORM TOP
- 66 1/2" FORM TOP
- 67 1/2" FORM TOP
- 68 1/2" FORM TOP
- 69 1/2" FORM TOP
- 70 1/2" FORM TOP
- 71 1/2" FORM TOP
- 72 1/2" FORM TOP
- 73 1/2" FORM TOP
- 74 1/2" FORM TOP
- 75 1/2" FORM TOP
- 76 1/2" FORM TOP
- 77 1/2" FORM TOP
- 78 1/2" FORM TOP
- 79 1/2" FORM TOP
- 80 1/2" FORM TOP
- 81 1/2" FORM TOP
- 82 1/2" FORM TOP
- 83 1/2" FORM TOP
- 84 1/2" FORM TOP
- 85 1/2" FORM TOP
- 86 1/2" FORM TOP
- 87 1/2" FORM TOP
- 88 1/2" FORM TOP
- 89 1/2" FORM TOP
- 90 1/2" FORM TOP
- 91 1/2" FORM TOP
- 92 1/2" FORM TOP
- 93 1/2" FORM TOP
- 94 1/2" FORM TOP
- 95 1/2" FORM TOP
- 96 1/2" FORM TOP
- 97 1/2" FORM TOP
- 98 1/2" FORM TOP
- 99 1/2" FORM TOP
- 100 1/2" FORM TOP

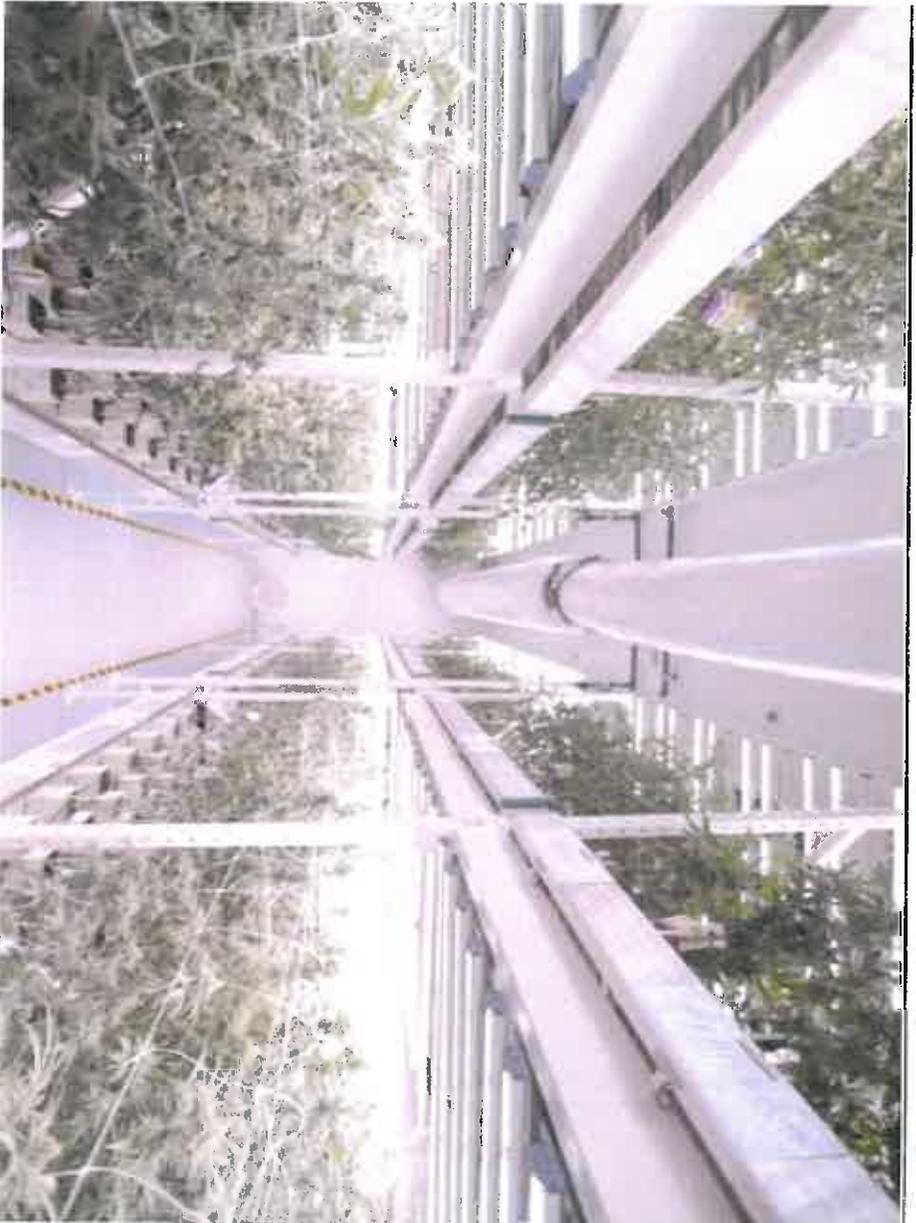
EDWARD L. RINGWART
AIA ARCHITECT

ELITE MOLECULAR LLC

172B

CUP 2017- 009

EXHIBIT 7



Stacked Cultivation



- A. RO FILTER
- B. RO PRE-FILTER
- C. RO RESERVOIR
- D. DELIVERY PUMP
- E. CHILLER PUMP
- F. WATER CHILLER
- G. PH/PPM METER
- H. FEED RESERVOIR
- I. AIR PUMP
- J. FEED PUMP
- K. POST FILTER
- L. SUCTION HOSE KIT
- M. PRE FILTER
- N. FLOAT VALVE

FERTILIZATION and

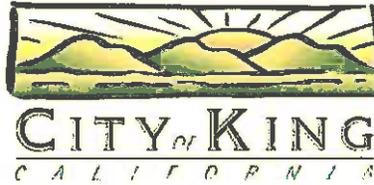
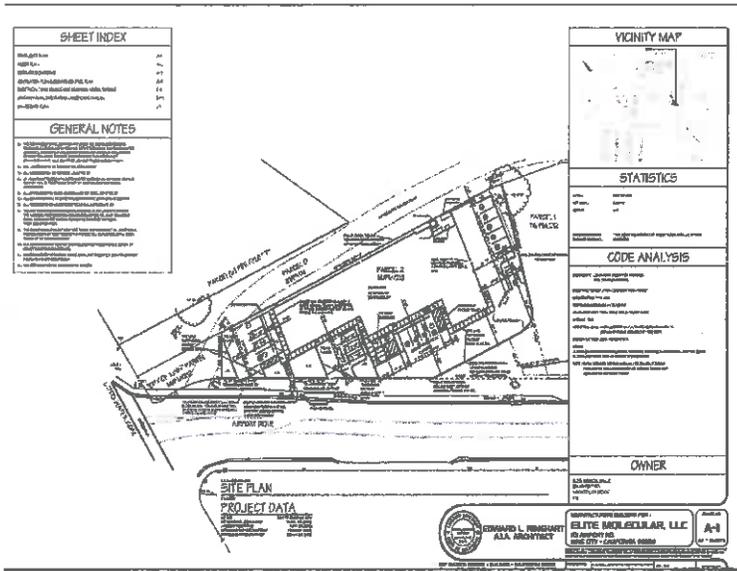


EXHIBIT No. 8

**Case Number: COA 2017 – 009
CONDITIONS OF APPROVAL**

NOTICE TO PROJECT APPLICANT



In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART A - PROJECT INFORMATION: ELITE MOLECULAR LLC.

1. Assessor's Parcel No(s): 026-351-023)
2. Job Address: (No current address assigned; see diagram, above, for location)
3. Street Location: 101 Airport Drive
4. Existing Zoning: M-1 Light Industrial
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: Adjacent to ERBP SP
7. Project Description:

PART B – GENERAL CONDITIONS AND REQUIREMENTS

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).

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Clerk. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed within 15 days of the Planning Commission's decision. Please refer to City of King Municipal Code Chapter 2.12.050

Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit and the Zoning Ordinance. This use permit is granted, and the conditions imposed, based upon the Applicant Package provided by the applicant. The Applicant Package is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the Applicant Package, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the Applicant Package. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to the approved site plan shall be permitted. (Include this note on the site plan.)

Please contact Scott Bruce via email at scottbruce11@gmail.com if you have any questions regarding the conditions of approval (COA).

COMMUNITY DEVELOPMENT DEPARTMENT :

1. **Allowed Use:** Cannabis Cultivation (CA Type 3B), Nursery (CA Type 4), Manufacturing Level 2 (CA Type 7) and Transportation / Distribution (Type 11) uses are allowed.



2. **Interior Renovation and Exterior:** The existing structure is a metal structure, accessed from Airport Road at three locations. The existing materials will not change – roof skin and fascia will be metal with metal doors. Windows will be anodized aluminum with clear glass bronze frames. The colors to be used are Dunn Edwards: “Cashmere” DEC 758 with “Woodlawn Green” trim and awnings DEC 779. These colors are consistent with the surrounding area. 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.

Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee

3. **Parking:** Parking will conform to the Plan and Application Package as Submitted. New parking and paving area will be installed. Parking shall drain to landscaped areas – post development runoff shall not exceed the existing condition.
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 along Airport Road and facing Bitterwater Road shall be wrought iron and eight (8) feet in height. All other perimeter fences shall be “no climb” chain link, six (6’) foot in height with barbed wire, to a maximum of eight (8) feet with vertical slats woven into the chain link. 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 will be improved with sprinklers.

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 **Fencing:** The Applicant has indicated that fencing at the southwest corner of the site will accommodate the current geometrics of the travel way used by lot owners to the north as the access the access easement which lies to the west of this site. Prior to Building Permit approval the Applicant shall show to the satisfaction of City Engineer and City Attorney that an agreement has been executed which defines the conditions of travel way use among all lot owners / lessees using the easement as primary access to their site(s)
- 5 **Recycled Water Connection:** At such time as the irrigation for the landscaped area is improved or installed, a connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the Industrial Way Right-of-Way. A lateral line to the subject property will be installed by the City.
- 6 **Recycled Water, Water Quality Assessment:** The City may require a future water quality assessment to evaluate mass loading / nutrient balance, based upon the results of regular, ongoing analysis.
- 7 **Sanitary Sewer:** 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.

- A. **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.
- B. **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.
- C. **Security Systems:** Security systems shall be in conformance with those presented in the Application Package, to the satisfaction of the Chief of Police and the City's Consultant.
- D. **Solvents:** The Applicant has indicated that Butane, CO2 and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be to the satisfaction of the City of King Fire and Police Departments in compliance with Section 17.03.270 (a) and (b)
- E. **Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- F. **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.
- G. **Air Quality:** Venting of Solvents, CO2 and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.
- H. **Pesticides and Fertilizers:** Shall comply with requirements of the Monterey County Agricultural Commissioner and in substantial conformance with the materials and quantities presented in the Application Package.



- I. **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.
- J. **Hours of Operation and Employees:** The Applicant has indicated that the facility will be in operation between the hours of 6am and 10pm. Two shifts of 8 to 16 employees will be on site during this period. Onsite parking will be sufficient to cover overlap periods. No persons under the age of 21 will be allowed on site.
- K. **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.
- L. **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.
- M. **Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.



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 International., 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. 2017-199

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

WHEREAS, on **September 7, 2017**, **Elite Molecular, LLC** submitted an application to allow Commercial Cannabis Uses: Cultivation (CA Type 3A); Nursery (CA Type 4) Manufacturing Level 2, (CA Type 7); Distribution and Transportation (CA Type 11) in an existing structure located at 101 Airport Drive

WHEREAS, on **September 26, 2017** a formal Letter of Completeness was provided.

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 2016-745, August 22, 2017**);

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; no endangered, rare or threatened species are present; approval of the proposed use will not result in significant impacts to traffic, noise, air quality or water; the site can be adequately served by all required utilities and services; none of the exceptions to the exemption under CEQA Guidelines §15300.2 are applicable; 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 **October 17, 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 Commercial Cannabis Uses (Cultivate, Nursery, Manufacture and Distribution / Transportation) are 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 10,492 sf of floor area on one floor.
4. The entire lot will be fenced – existing fencing will be improved and / or replaced, new screening will be installed and a wrought iron fenced will be placed along Airport Road. The Applicant has voluntarily determined to fence to the existing travel way which lies outside the existing access easement for lots to the north.
5. The existing lot will be accessed through three gates. New pavement and parking area will occur per the Application Package.
6. New landscaping will be installed per the Application Package.

7. All processes and interior construction / building improvements, exterior painting and, 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.
8. The building will be sprinkled.

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 **17th day of October, 2017** by the following vote:

AYES:

NAYS:

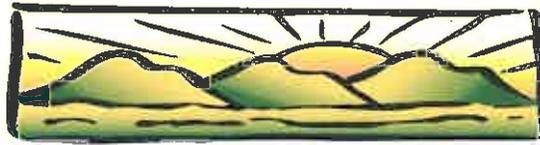
ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

ERICA SONNE DEPUTY CITY CLERK for MARICRUZ AGUILAR-NAVARRO, ASSISTANT PLANNER /
PLANNING COMMISSION SECRETARY



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

ITEM 8 (A)

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 17, 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 SUBSTANTIAL CONFORMANCE DETERMINATION TO REDUCING THE HEIGHT OF THE SMALL CELL SITE LIGHT POLES TO FROM 32'6" TO 30'FT FOR MOBILITIE, LLC. CASE NUMBERS: CUP 2017-013, CUP 2017-014, CUP 2017-015

RECOMMENDATION:

Staff recommends the Planning Commission find the applicant's request to be in substantial conformance with the approved Conditional Use Permits provided an amended emission report is submitted showing no impact.

BACKGROUND:

The Planning Commission approved the above Conditional Use Permits for Mobilitie, LLC to construct three (3) new small cell sites on the public right-of-ways consisting of a new thirty-two (32'.6") feet streetlight pole with a two plus (2'.45") foot OMNI Directional Antenna for a total of thirty-six (36') feet in height and a four (4') pedestal meter located five (5') feet away from the streetlight pole along the right-of-way of Franciscan Way, Ellis Street and N. Vanderhurst Avenue:

Original Approvals

July 18, 2017

CUP 2017-004
CUP 2016-003
CUP 2016-004

Amendment Approvals

September 19, 2017

CUP 2017-013 (Amendment to CUP 2017-004)
CUP 2017-015 (Amendment to CUP 2016-003)
CUP 2017-014 (Amendment to CUP 2016-004)

**PLANNING COMMISSION
DISCUSSION OF
SUBSTANTIAL CONFORMANCE DETERMINATION
OCTOBER 17, 2017
PAGE 2 OF 6**

DISCUSSION:

On October 11, 2017, the City received a notification from David Downs, Mobilitie regarding issues they are having with the manufacturing company that produces the poles for the small cell sites. The manufacture only builds thirty (30') feet and thirty-five (35') feet high poles. Mr. Down's request was to provide a thirty (30') foot high pole on all three (3) previously approved sites. The approval consists of installing a 32'6" high pole with a 2'45" antenna for a total of thirty-six (36') feet in height.

The applicant has requested the City find the proposed modification to be in substantial conformance to the plans, conditions, and approvals as presented and approved on September 19th.

Condition of Approval No. 5, which states:

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.

Per COA No. 5, the Planning Commission may review and take action on modifications and determine if a Conditional Use Permit Amendment is applicable. The list below is a brief overview of staff's evaluation on the modifications and don't see any potential impacts:

- **Visual Impact:** Staffs initial thoughts are that reducing the pole by 2'6" would not make an aesthetic impact.
- **Emissions Report:** In regards to emissions reports, Mr. Downs mentioned that he can provide a third party analysis based on the reduced height which reviews for conformance with FCC standards. If the third party analysis meets the FCC standards then it does not appear to impact the emissions ratings.
- **Height of Antennas:** There may be a possibility that in the future that a request for a higher antenna be made. Could this cause a conflict based on the original approval height of a total of thirty-six (36') feet. Staff's initial thoughts are that any higher or taller antenna could affect the visual impact of the neighborhoods, especially those nearby or surrounding residential land uses. However, if the propose does not include increasing

**PLANNING COMMISSION
DISCUSSION OF
SUBSTANTIAL CONFORMANCE DETERMINATION
OCTOBER 17, 2017
PAGE 3 OF 6**

the height of the antennas then it does not appear to cause an aesthetical impact.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt pursuant to Section 15303 of the California Environmental Quality Act ("**CEQA**") Guidelines: *New Construction or Conversion of Small Structures, Class 3 (b)*.

ALTERNATIVES:

1. Taking action to accept the Substantial Conformance Determination and that reducing the pole height to thirty (30') feet is still in substantial conformance to the plans, conditions and approvals made by the Planning Commission on September 19, 2017 for Conditional Use Permits: CUP 2017-013, CUP 2017-014 and CUP 2017-015.
2. Take action to find the proposed modification not in substantial conformance to the plans, conditions and approvals made by Planning Commission on September 19, 2017, and direct Mobilite, LLC to submit an amendment to the Conditional Use Permits: CUP 2017-013, CUP 2017-014 and CUP 2017-015.
3. Provide other direction to staff.

Exhibits:

1. Request for Modification
2. Elevations showing the proposed reduced pole height

Submitted by: _____
Maricruz Aguilar, Assistant Planner

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

PLANNING COMMISSION
DISCUSSION OF
SUBSTANTIAL CONFORMANCE DETERMINATION
OCTOBER 17, 2017
PAGE 4 OF 6

EXHIBIT 1
Request for Modification



2955 Red Hill Avenue
Suite 200
Costa Mesa, CA 92626
Tel. 877.296.1209

October 24, 2016

King City
Planning Department

Attn: Planning Commissioners & Doreen Liberto-Blanca

RE: Small Cell Facility – Height Modification / Substantial Conformance (CUP 2017-015, CUP 2017-014, CUP 2017-013)

Per my discussion with Maricruz Aguilar, the letter is intended to state my support for the solution suggested by Director Liberto-Blanca, which is to place this item on the 10/17 Planning Commission agenda, as a non-public hearing item. I will be at the Tuesday Planning Commission meeting to answer any potential questions. The information below is intended to help with Maricruz's Staff Report and help prove Substantial Conformance. The changes to the Project Description (below) would be quite minimal. It's just a matter of changing the pole height from 32'-6" to 30'. This requested modification will not cause substantial change and the project will be in substantial conformance with the approved Plans and Conditions of Approval, as presented and approved by the PC on Sept 19th.

As shown on the attached exhibit, everything else related to the approved facility (antennas, equipment, etc.) all remains the same. The only change is a 2'-6" pole height reduction.

If at any point in the future, Sprint/Mobilitie were to propose any sort of equipment changes, we would need City approval to do so. While there are no plans for equipment modifications at this time, this is something that most jurisdictions typically address via CUP Amendment. In the event of any future equipment changes, we would anticipate the need for such a CUP Amendment. However, we are not proposing to change to any of the equipment at this time, only the height of the light pole.

We obviously made a mistake by allowing this pole height to get approved. That is why we're now looking for a creative solution to the problem. [thanks for your help!] Unfortunately, changing manufacturers, or even finding a manufacturer that will accommodate this unique pole height may not even be possible.

Site Specific Information: In the areas where these 3 poles are proposed, the following conditions exist with regard to light poles:

- 400 N. Vanderhurst Ave. - All streetlights in this area are attached to wooden poles that vary in height from 24'-10" to 30'-3".
- 409 Ellis St. - All streetlights in this area are attached to wooden poles that vary in height from 24'-10" to 30'-3".
- 249 Franciscan Way - All streetlights in the area are 28'-7" tall steel streetlights.

As you can see, in all 3 cases, revising the height of our proposed poles to 30' would result in a closer match to existing conditions, and would therefore be more aesthetically pleasing.

PLANNING COMMISSION
DISCUSSION OF
SUBSTANTIAL CONFORMANCE DETERMINATION
OCTOBER 17, 2017
PAGE 5 OF 6



2955 Red Hill Avenue
Suite 200
Costa Mesa, CA 92626
Tel 877.296.1009

Proposed Changes

1. **Project Description:** Conditional Use Permit Case No. CUI-17-001 is a request to construct a new small cell site on the public right-of-way consisting of a (30') (32'.6") feet streetlight pole with two plus (2'.45") foot OMNidirectional Antenna for a total of thirty-six (36") feet in height and a four (4') pedestal meter located five (5') feet away from the streetlight pole along the right-of-way of Franciscan Way (behind of Mee Memorial Hospital) Latitude/Longitude: 36.205456, -121.133448 and shall be constructed in accordance with Exhibit 4, as approved by the Planning Commission on July 19, 2017.

Please let me know any questions or comments regarding this Substantial Conformance request.

Sincerely,

David Downs, Permitting Manager, on behalf of Mobilitie, LLC

*Enclosures

EXHIBIT 2

ELEVATIONS OF PROPOSED MODIFICATION

