

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, APRIL 17, 2018
6:00 P.M.

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

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL:

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

4. PUBLIC COMMENTS

Any person may comment on any item not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Action may not be taken on the topic, unless deemed an urgency matter by a majority vote of the Planning Commission. Topics not considered an urgency matter might be referred to City staff and placed on a future agenda, by a majority vote of the Planning Commission.

5. PRESENTATIONS

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 March 20, 2018 Planning Commission Meeting
Recommendation: Approve and file.

7. PUBLIC HEARINGS

- A. Project Name: King City Cultivation: Commercial Cannabis Distribution
(CA Type 11)
- Case No.: CUP 2017 – 008(a)18
- Applicant: MD BioDesign; Ron Glantz
- Location: 991 Industrial Way, King City, CA (APN 026-351-024)
- Consideration: CUP 2017-008(a), Add Medical Cannabis Distribution (Ca
Type 11) As Allowed Use: 991 Industrial Drive APN 026-
351-024

As noted during CUP 2017-008 discussion, future building expansion is being considered, which would bring the total

floor area to approximately 50,000 sf. Future expansion is not part of the current project.

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 2017-008(a)18.

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, amended August 2017, Ordinances 2017-245 and 246) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. During the consideration of CUP 2017-008 King City conducted an initial study of the project and determined the project to be fully within the scope of the prior analysis by the MND. As part of that analysis an Adoption of a Finding of Consistency was recommended per CEQA Guidelines Section 15162 and was noticed for Public Review. The Finding of Consistency was approved by the Planning Commission on December 05, 2017. This request (CUP 2017-008(a)18) falls within the scope of that analysis and finding.

8. NON-PUBLIC HEARINGS

A. Workshop on Seasonal Employee Housing

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

<u>April 2018</u>		
April 16 th	6:00 p.m.	Recreation Commission
April 17 th	6:00 p.m.	Planning Commission
April 24 th	6:00 p.m.	City Council

May 2018		
May 1 st	6:00 p.m.	Planning Commission
May 8 th	6:00 p.m.	City Council
May 14 th	6:00 p.m.	Airport Advisory Committee
May 15 th	6:00 p.m.	Planning Commission
May 21 st	6:00 p.m.	Recreation Commission
May 22 nd	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 forecasts that are utilized in a variety of regional plans.

APCD: Air Pollution Control District

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

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

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

CEQA: California Environmental Quality Act

CFD: Community Facilities District

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

CUP: Conditional Use Permit

EIR: Environmental Impact Report

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCC: 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 programs.

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

March 6, 2018

1. Call to Order

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:01 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 Margaret Raschella X

Michael Barbree X Ralph Lee X David Mendez X

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

4. Public Comments

None

5. Presentations

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: February 20, 2018

Action: Motion made by Commissioner Barbree to approve minutes of February 20, 2018. Seconded by Commissioner Raschella. Motion carried 5-0.

7. NON-PUBLIC HEARINGS

- | | |
|------------------|--|
| A. Project Name: | Phase 7 Royal Coach Park |
| Case No.: | AR 2018-001 |
| Applicant: | Mellogold Development, LLC. |
| Location: | Bedford and Brighton, King City, CA. 93930 |
| Consideration: | Architectural Review Application for three (3) model home plans for the construction of the remaining nineteen (19) lots of Phase 7 of the Royal Coach Park. |
| Recommendation: | Staff recommends the Planning Commission adopt the attached Resolution No. 2018-215 approving Architectural Review Case No. AR 2018-001. |

Environmental
Determination:

This project has been already environmentally assessed by the City. A final Environmental Impact Report ("**EIR**") was prepared in 1989 for the general plan amendment, pre-zoning, annexation and subdivision of the 89-acres for the Royal Coach Park property. The City certified the EIR and approved the project in November 1989. In 2003, City Council approved the findings to specific plan elements for the 37-single family lots for Royal Coach Park Subdivision (final phase) which is located in the Planned Development ("**P-D**") Zone District. This project comprises a portion of the project that was originally assessed, or no substantial new information that was not previously known when the project was originally assessed. No further action under CEQA is required.

Assistant Planner Maricruz Aguilar introduced this item with a PowerPoint presentation.

Larry Cerruti, Applicant was present for questions.

Action: Motion made by Commissioner Raschella to adopt the attached Resolution No. 2018-215 approving Architectural Review Case No. AR 2018-001. Seconded by Commissioner Lee. Motion carried 5-0.

8. PUBLIC HEARINGS –

- A. Project Name: Temporary Agricultural Employee Housing (Phase 2)
- Case No.: CUP 2016-001A2 and AR 2016-001(A2)
- Applicant: SGH Holdings, LLC
- Location: 218 N. First Street, King City, CA. 93930
- Consideration: Continued Public Hearing to consider an Amended CUP and Architectural Review for addition of Temporary Housing for 150 of H2A Agricultural Employees at an existing barracks style Farmworker Housing Facility located at 218 N. First Street, King City CA. 93930. The hearing was continued from the meeting of February 20, 2018. The project includes bunk beds for the additional residents, outdoor recreational facilities, indoor recreational/relaxation areas on the first and second floors of the existing building, dining room, additional restrooms, addition of windows, laundry facilities and other related improvements. The project also includes the parking of busses and vans at a nearby off-site property owned by Smith-Monterey located south of the farmworker barracks facility.
- Recommendation: Staff recommends the Planning Commission continue the Public Hearing to 1) review request for Conditional Use Permit and Architectural Review, 2) receive public comment; and 3) adopt the attached Resolution approving the revised Mitigated Negative Declaration, ("**MND**"), Conditional Use Permit CUP 2016-001A2 and AR2016-001A2.
- Environmental
Determination: Initial Study and Mitigated Negative Declaration ("**MND**") in accordance with the California Environmental Quality Act (CEQA), the City of King, California, is the Lead Agency. A MND has been prepared for the project identified above. The purpose of this Notice of Intent ("**NOI**") is to solicit comments on the environmental analysis contained in the MND. There are no known environmental

impacts that cannot be satisfactorily mitigated. There are no known regional environmental issues.

This item was continued from February 20, 2018.

Principal Planner Don Funk introduced this item with a PowerPoint.

Chair Nuck opened the public hearing,

Commissioner Barbree wanted to make sure that all the big questions have been resolved.

Commissioner Lee was concerned about the train noise. Principal Planner Funk stated that it was mitigated the same as Phase 1.

Steve Scaroni, SGH, stated that they worked through this extensively in Phase 1, they have had extensive checking from the federal government. They have had no complaints from anyone. The applicant feels it would fall back on him if there was an issue. He will mitigate it to be consistent with Phase 1 under condition 37. He stated that they are going to paint the entire building to bring up the whole First Street corridor.

Chair Nuck closed the public hearing.

Action: Motion made by Commissioner Barbree to adopt the attached Resolution approving the revised Mitigated Negative Declaration, ("MND"), Conditional Use Permit CUP 2016-001A2 and AR2016-001A2. Seconded by Commissioner Raschella. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports- None

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:55 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 7(A)

REPORT TO THE PLANNING COMMISSION

DATE: APRIL 17, 2018

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP 2017-008(a), ADD MEDICAL CANNABIS DISTRIBUTION (CA TYPE 11) AS ALLOWED USE: 991 INDUSTRIAL DRIVE APN 026-351-024

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 Case No. 2017-008(a)18.

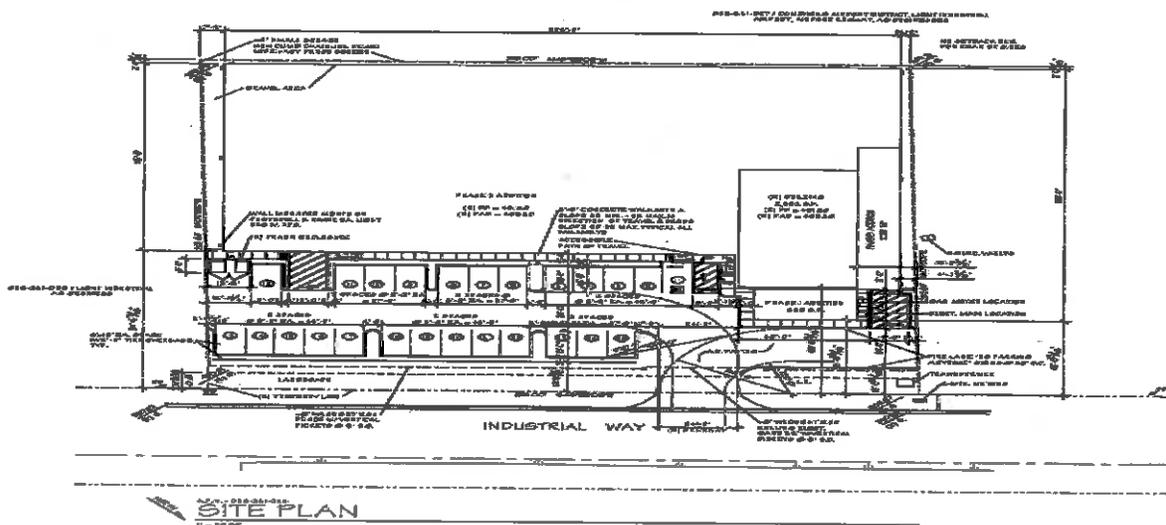
BACKGROUND:

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 Municipal Code has been amended twice (June and August 2017) and a number of Permits have been approved through the conditional use permit (CUP) and Operations Permits processes. This current application is for use of an existing structure for Cannabis Manufacturing on a lot at 1000 Industrial Drive.

The Planning Commission's (Commission) primary role in the process is to make a determination regarding the CUP. 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 Case No. 2017-008, as approved December 05, 2017, was a proposal to add to existing development on parcel located on Industrial Drive (APN 026-351-024) as generally depicted in the attached diagram, below. The projected development is on approximately 1.0 acres which currently includes an existing structure of approximately 2,600 sf with gravel / decomposed granite parking. Some outdoor storage is present and will be removed. The proposal added approximately 1,725 sf of floor area in one floor. New paved parking and landscaping will be included. The building is to be used for Level 2 Manufacturing (CA Type 7) which allows the use of volatile solvents.



DISCUSSION

Overview:

The existing structure is located on a 1.0-acre site. The site and the surrounding area are located M-3 (Industrial) District on the north side of the Airport, accessed from the south side 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 partially developed (2,592 sf building) and generally flat. The site sits slightly above Industrial Drive. Minor improvements to the frontage (curb, gutter and sidewalk) will be required. Site access will be from Industrial Drive. A 1,728-sf addition will be added to the western side of the existing structure to house modular clean rooms for manufacturing.

The existing structure and the addition will be single story. The use will be Cannabis Level 2 (CA Type 7) Manufacturing. Cannabis oil will be produced for cannabis oils for use in capsules, tinctures, creams and edibles.

Future improvements (not part of this CUP) will include new construction of a two-story concrete tilt up structure with a foot print of 25,184 sf.

CUP 2017-008(a) adds Distribution (CA Type 11) as an allowed use on the site. The proposed use will occur within the existing and expanded structure as described previously. No additional expansion is proposed.

CUP Information

Building setbacks will be as exists, 45' 6" at the front and approximately 4' at the west property line – the existing building line does not run parallel with the lot line. The M-3 District has a zero setback at the side and rear property lines.

Architecture: No Changes

The existing structure is metal with metal roof, Phase 1 expansion will also be metal with metal roof. New construction will be concrete tilt up with concrete cap and aluminum windows. Colors are: Body- DEC 758 "Cashmere" and Trim DEC 779 "Woodlawn Green", both by Dunn Edwards. The existing structure will be repainted to match. **See Exhibit 4.**

Floor Plan and Interior Uses

As noted above, the proposed additional use is Cannabis Distribution (CA Type 11). Manufacturing Level 2 (CA Type 7), with support administrative uses has been previously approved. Manufacturing will occur in modular clean rooms.

Areas to be used for Distribution will include van loading / unloading at northeast corner of building as well storage space adjacent to it. See Exhibit 5.

Landscape: No Changes

Parking and landscaping for the development at build out will be included with the first phase. Although areas for landscaping have been identified and examples of plant material presented no specific plant types and quantities have been presented. 9.9% of the lot will be landscaped.

Landscaped area will be between the Industrial Drive Right of Way and the parking area with planter islands in the parking area. Plant materials will be similar to those shown in the Application Package. Materials and quantities and irrigation will be consistent with other approved Cannabis projects in the East Ranch Business Park / M Districts, to the satisfaction of the Community Development Director or designee. **See Exhibit 6.**

Grading: No Changes

The site is generally flat, draining from north to south. Grading will be minimal to accommodate the new addition and the new parking. A minimal amount of material will be moved, most related to parking lot construction.

Access, Parking, Paving: No Changes

A single access point (existing access location) is proposed, including a rolling electric gate for security. Paved parking will be present along the majority of the Industrial Drive frontage with delivery / loading area to the west. 24 spaces are shown with 1 ADA space. Parking is more than sufficient for currently proposed operations. **See Exhibit 3.**

Signage: No Changes

Proposed signage is currently limited to single 18" high internally lit sign on the building face, showing address. Colors will be compatible with the building. Signage will conform to the King City Municipal Code including Section 17.03 which addresses signs related to Cannabis Operations.

Signage must be approved by Community Development Director or designee, per City requirements, prior to construction.

Security: No Changes

Fencing: Fencing along the Industrial Drive will be 8' wrought iron curved to the exterior for security. The remainder of the property will be fenced with 6' high non-climbing chain link to include a maximum of 2' barbed wire at the top for security.

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.

Revisions to the camera plan are required.

Solid Waste: No Changes

One locked dumpster location is located at the east end of the property. Maximum daily plant waste will be approximately 150 lbs. or 1,050 lbs. per week. This equates to approximately 2 cubic yards per week. Dimensions of a six-yard dumpster are approximately 6'8"W, 6'6"L, 5'4" H.

The process uses 99% of the cannabinoids so that there is only a trace amount (if any) left in the waste. The remaining material is combined with non-cannabis material to a ration of no more than 50%. When mixed with a compostable material it will be sent to a composting facility, when mixed with a non-compostable material it will be picked up by Waste Management.

Solid Waste disposal will comply with Monterey County Health Department Requirements.

Water: No Change

Water use in Manufacturing Operations is similar to or less than water use for other uses in an industrial or business setting. Water will be primarily for cleaning purposes.

Water (Landscaped Area): No Change

The Applicant has not yet prepared a detailed landscaping plan with irrigation and detailed water analysis in conformance with the State of California's Department of Water Resources. Such plan will be required prior to final landscaping approval.

A number of water conservation measures will be employed including drip irrigation, weather or moisture-based controllers, non-invasive/ climate appropriate species and similar. Water for landscaping irrigation 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.

Power: No Change

The Applicant estimates 16 hours per day of power use. Light and air conditioning / heating requirements are consistent with standard industrial / business park use. Approximately 960 Amps (80 % load) are anticipated for Phase 1 operations. Distribution use is not power intensive.

Noise: No Change

Given the nature of manufacturing operations no noise related issues have been identified. Distribution use is not noise producing.

Regulatory Permit Related Information

The item before the Commission is the consideration of a Conditional Use Permit to allow Cannabis Manufacturing Level 2 (CA Type 7) **and Distribution (CA Type 11)**. The existing 2,592 sf structure will be renovated to F-1 / H-1 Occupancy Type. 1,728 sf of the same structural / occupancy type will be added. Manufacturing Operations will occur in modular National Fire Protection Agency (NFPA) Class I Division 1 Clean Rooms.

Employee Traffic: No Change

The applicant has indicated that maximum employee count will run between 10 and 30 per shift. There will be a maximum of 3 eight-hour shifts.

Standard employee generation rates for an Industrial Use are approximately 61 employees per acre with Business Park rates higher.

Shipping and Transport

A total of approximately 3,000 lbs. per month of plant material (mix of bud and shake) will be delivered to the facility. Deliveries will be twice weekly.

Outbound transport will vary based on sales of product (transdermal patches, lozenges, tinctures, ointments) but is anticipated to be twice weekly. Storage space for finished product is approximately 750sf.

Product 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 car traps and security personnel present. Cameras will be placed to record shipping from the facility.

The current proposal adds Distribution to the allowed Uses at this location – MD BioDesign will hold a Permit as a Distributor. This allows the Applicant to Distribute/Transport their own product as well as the product of others.

Volatiles

CO2: Up to 5 times/week delivered by a 25ft open flatbed truck in 1-2 secure skids of up to 8 tanks holding up to 150lbs of CO2 each or as allowed by King City Municipal Code. Empty tanks will be removed by the same vendor.

BUTANE: 24 and 116 lb. containers will be delivered as often as once per week accompanying the CO2 deliveries. Empty tanks will be removed by the vendor.

ETHYL ALCOHOL: Up to a 50-gallon barrel or as allowed by the King City Municipal Code will be delivered as often as once per week by a cargo truck with a lift gate. No more than 100 gallons or as allowed by the KCMC will be on site at any given time

ISOPROPYL ALCOHOL: 8-gallon containers will be delivered as often as once per week accompanying the ethyl alcohol.

Volatiles Storage

The Applicant has not yet provided the storage / use plan for volatiles. The plan will be reviewed and approved by Fire / Police, during the building permit process, and before occupancy.

Odor Control

The Odor Control Program will operate in conformance with the requirements of Municipal Code Section 17.03.210 (i). It includes odor absorbing ventilation, an exhaust filtration system and a negative air pressure system.

Waste Disposal

Packaging Waste: Under cGMP standards, all packaging and labels must be accounted for. Damaged or used packaging will be rendered un-usable and recycled or thrown into the secure trash. Damaged or broken capsules that are unfilled will be thrown into the secure trash.

Product / Production Waste: Production waste will follow typical waste rates for food, pharmaceutical or other commercial production. Where a product that contains medical cannabis fails quality assurance checks, it will be accounted for and logged into our QA database as well as MJ Freeway, and disposed of in a secure and controlled manner to render the product un-recognizable and un-usable.

Alcohol Waste: Most ethanol used in the processing is recycled and reused. What cannot be recycled or reused is disposed of by sanitary sewer mixed with tap water

CO2 Waste: CO2 is recycled and reused by our closed loop, recirculating CO2 extraction system. A small amount of CO2 is released into the air safely upon completion of the extraction. There is no onsite storage of CO2 waste.

Butane Waste: Butane is recycled and reused by our closed loop, recirculating Butane extraction system. A small amount of Butane is released into the air safely upon completion of the extraction. When butane becomes saturated or contaminated through extraction recycling, it will be disposed of through a licensed 3rd party chemical waste handling company. Waste butane will be stored in class 1 div 1, flammable materials storage/cabinets until properly disposed of.

Security, Interior

The rolling gate for access from Industrial Drive is security code controlled and access limited to employees and delivery. The building has 2-man doors and an additional roll up gate. A door on the South end of North-East facing side is the building's main entrance and the only access point for visitors. Deliveries occur to the interior of the building via roll up doors on the North side of the North-East face of the building for safety purposes. The remaining doors are alarmed emergency exits. The emergency exits open only from the inside using push bars that activate a battery powered alarm.

All roll up doors are securely locked at all times except for deliveries and do not provide entrance or egress. All entries will be coded and non-employees will have to correspond via intercom prior to admittance. Any non-employee must be escorted at all times while onsite.

Two armed guards will be on site during hours of operation. After hours, local armed security services will be on call.

HdL will be provided revised plans with camera locations.

Employee Vetting: No Change

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: No Change

MJ Freeway conducts extensive training on the tracking software that will be in use to document and monitor movement of cannabis material. Training will also include secure facility protocols to ensure against theft and diversion.

All managers and supervisors will be trained in basic cGMP principles, and on how to administer cGMP practices for training, production, documentation and product tracking in their areas.

Quality Control: No Change

All of our source materials are to be tested for pesticides, fungus, pests, molds, and other contaminants throughout processing using an internally built Quality Assurance system that meets cGMP standards for good manufacturing practices and processes to guard against adulteration. We will source from only the most responsible cultivators to ensure that cannabis material is clean and pure and will deploy a vendor auditing program that meets cGMP standards for materials sourcing. We will track all inbound and outbound materials (component and manufactured product) using the MJ Freeway platform in addition to our internal Quality Assurance database.

A product recall is indicated when a product we manufacture is found to fall outside of our product specifications or standards or could represent a hazard to the consumer. Our recall program will effectively remove that product from circulation using an internally built Quality Assurance system that meets pharmaceutical industry cGMP standards for an Adverse Event/Recall tracking database.

Compliance with Evolving State and Local Regulations: No Change

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. The Municipal Code was amended in June and August of 2017 to allow Manufacturing Level 2 (CA Type 7 and Distribution (CA Type 11.)

Staff has conducted an Initial Study related to this proposed project (CUP 2016-008(a)) 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:

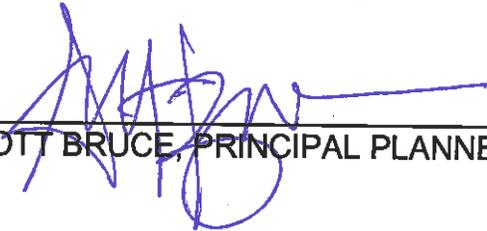
1. Hear the item, invite public comment and approve the item as presented.
2. Deny the item. If the Planning Commission wishes to deny the CUP, the item needs to be continued, directing Staff to return with a Resolution of Denial.
3. Provide alternative direction to Staff.

EXHIBITS:

1. Location
2. Photos of Existing Site
3. Site Plan
4. Elevations
5. Floor Plan
6. Landscape and Fencing
7. Conditions of Approval
8. Resolution 2018 – 216

Exhibits are 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

CUP 2017-008

EXHIBIT 1: SITE LOCATION

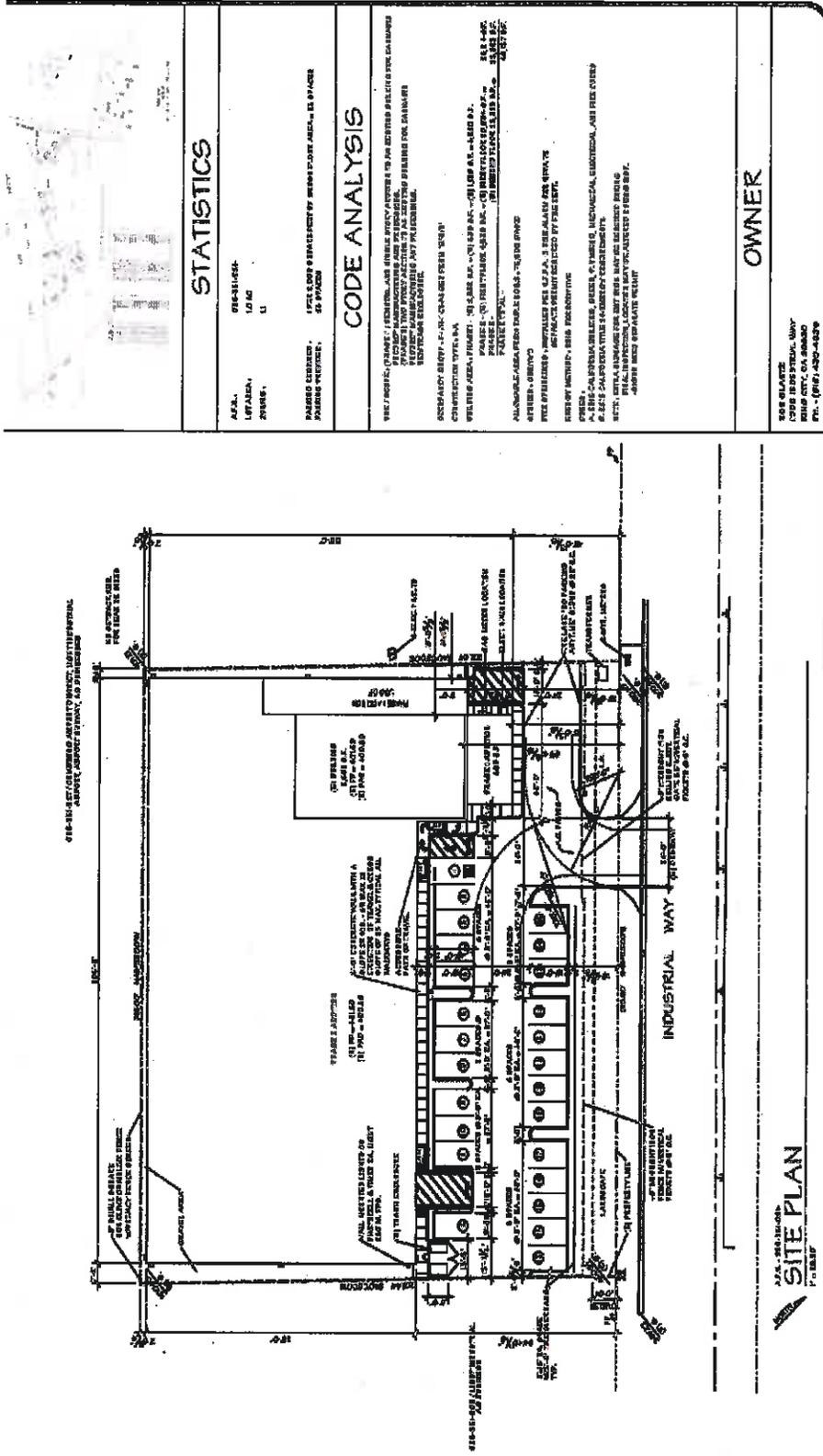


CUP 2017-008

EXHIBIT 2: SITE PHOTOS



**CUP 2017-008:
EXHIBIT 3: SITE PLAN**



SITE PLAN

PROJECT DATA
 1000 INDUSTRIAL WAY
 KING CITY, CALIFORNIA 95050
 (408) 397-1000

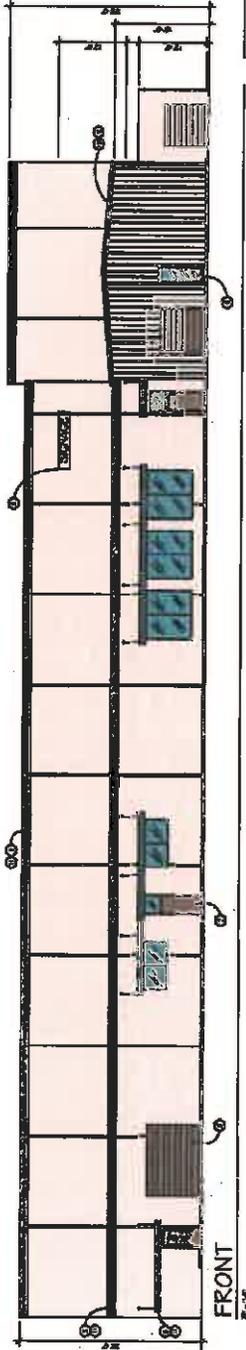


OWNER
 RON GLANTZ
 1000 INDUSTRIAL WAY
 KING CITY, CALIFORNIA 95050
 (408) 397-1000

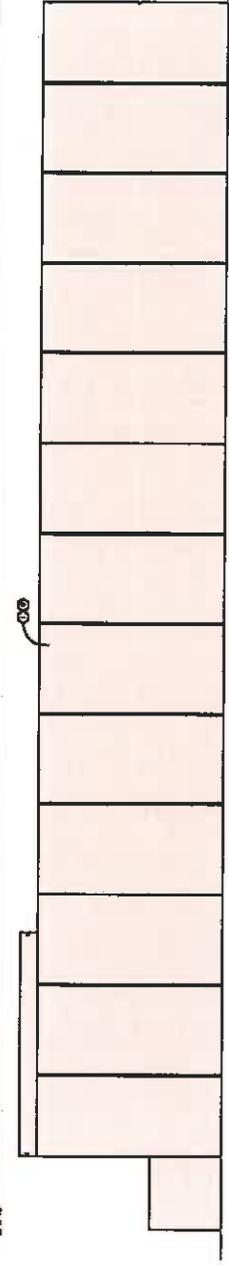
STATISTICS
 AREA: 10 AC
 ZONE: U
 NUMBER OF UNITS: 12
 TOTAL GROSS AREA: 120,000 SQ. FT.

CODE ANALYSIS
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.01
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.02
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.03
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.04
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.05
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.06
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.07
 UPLAND ZONING ORDINANCE, ARTICLE 16.00, SECTION 16.03.08
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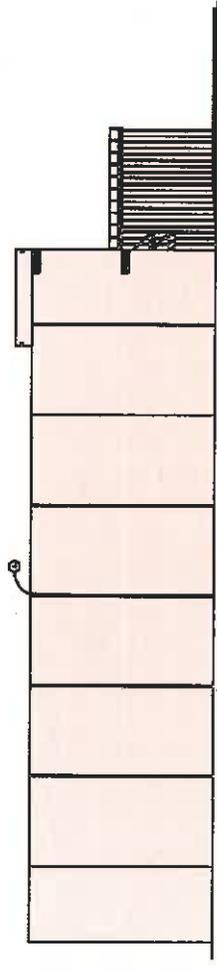
**CUP 2017-008:
EXHIBIT 4: ELEVATIONS**



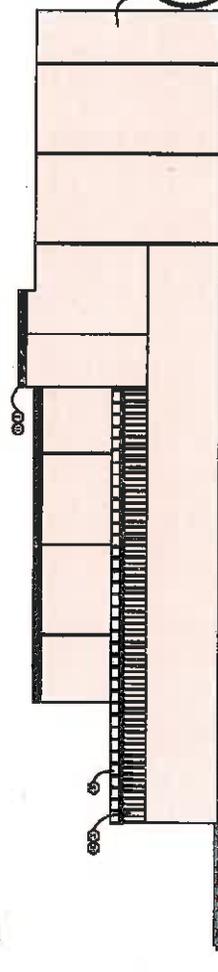
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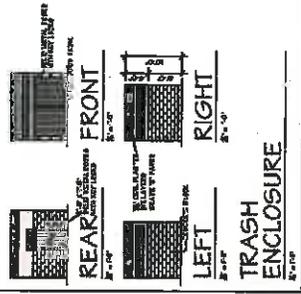
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FINISH SCHEDULE

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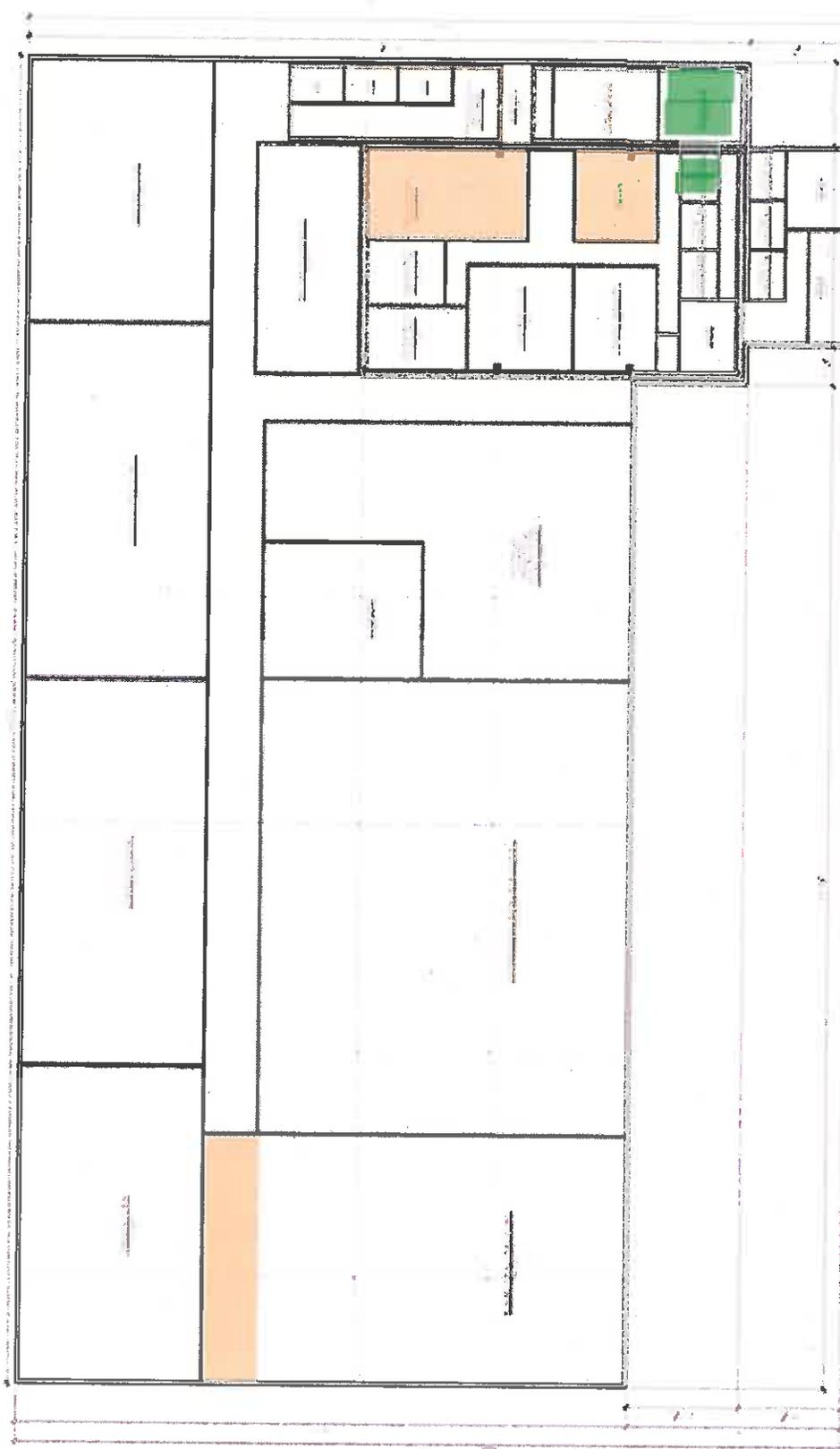
MANUFACTURING BUILDING FOOT: **A-4**
RON GLANTZ
 1000 INDUSTRIAL WAY
 IRVINE CITY - CALIFORNIA 92610

EDWARD L. RINEHART
 AIA ARCHITECT

100% COMPLETE - 08/18/15 - CALIFORNIA ARCHITECTURE BOARD
 PROJECT: 15-000-00000
 PERMIT: 15-000-00000

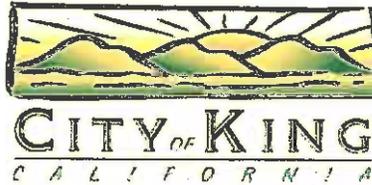
DATE: 01/15/15
 SHEET NUMBER: 14 OF 17
1720

**CUP 2017-008(a)18:
EXHIBIT 5: FLOOR PLAN**



FLOOR PLAN - FIRST LEVEL

	EDWARD L. RINEHART A.L.A. ARCHITECT <small>227 CHERRY STREET - SAN ANGELO - CALIFORNIA 76901 TEL: 361-352-2222 FAX: 361-352-2225</small>	<small>MANUFACTURING BUILDING FOR</small> RON GLANTZ <small>1000 INDUSTRIAL WAY IRVING CITY - CALIFORNIA 93930</small>	<small>DATE: 10/17/17</small> A-2 <small>PROJECT</small>
	<small>BY: E.L. RINEHART</small>	<small>DATE: 10/17/17</small>	17650



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. In August 2017 Ordinances 2017- 745 and 746 amended the Municipal Code to allow Manufacturing Level 2 (CA Type 2) and Distribution (CA Type 11).

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).

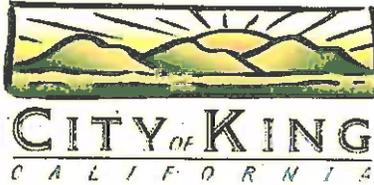
IMPORTANT: PLEASE READ CAREFULLY

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.

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:** Distribution (CA Type 11)
2. **Interior Renovation and Exterior:** The existing structure is a 2,600 metal structure, accessed from Industrial Drive at one location. Approximately 1,725 sf will be added. Phase 1 construction will be metal with metal roof and will house modular clean rooms for cannabis manufacturing purposes. Colors will be: Body- DEC 758 "Cashmere" and Trim DEC 779 "Woodlawn Green", both by Dunn Edwards. 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 Industrial Way 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.

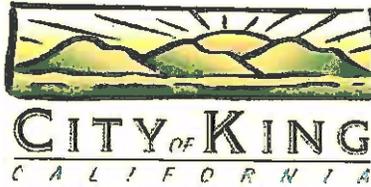
BUILDING AND SAFETY DEPARTMENT: (No application for Building Permit has been submitted. An application must be submitted after CUP approval and prior to any interior renovations).

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 (revised).

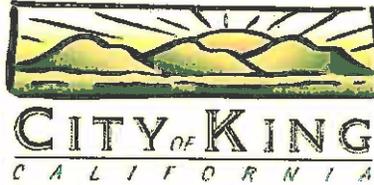


- 2 **Sidewalk:** Sidewalk (to match existing / to satisfaction of City Engineer will be extended along the entire Industrial Drive frontage.
- 3 **Driveway Approach Revisions:** Sidewalk to be at 2% maximum cross fall per ADA requirements.
- 4 **Recycled Water Connection:** At such time as the irrigation 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.
- 5 **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.

OPERATIONS 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. **Operations 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 revised 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 (previously approved Manufacturing Use):** 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 potentially be in operation between 24 hours per day. Shifts of between 5 and 20 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, International, 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. 2018-216

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2017-008(a)18

WHEREAS, on **January 17, 2018 MD BioDesign** submitted an application to allow Commercial Cannabis Use: Distribution (CA Type 11); in an existing structure located at 991 Industrial Drive

WHEREAS, Cannabis Uses had previously approved for this site (CUP 2017-008)

WHEREAS, after numerous discussions, on **April 11, 2018** a formal Letter of Completeness was provided.

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the M-3 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, the proposed change would allow a permitted use within the structure as proposed by the original CUP – no expansion of space or numbers of employees is requested.

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 CUP 2017-008 which determined that the project was fully within the scope of the prior analysis of the MND, such that the adoption of a Finding of Consistency was warranted (adopted by Planning Commission on December 05, 2017); This request falls within the scope of that review

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

WHEREAS, the Commission has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **April 17, 2018**;

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-3 District / neighborhood) and / or the City;

WHEREAS, the Commission makes the followings Findings of Facts:

1. The purpose of the proposed Commercial Cannabis Use (Distribution) 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 (GI) General Industrial and the Uses and Standards of the Heavy Manufacturing (M-3) Zoning District.
3. The proposed use will be largely contained within an existing structure that includes 2,592 sf of floor area on one floor. 1,792 sf will be added
4. The entire lot will be fenced – existing fencing will be improved and / or replaced, new screening will be installed and a wrought iron fence will be placed along Industrial Drive.
5. The existing lot will be accessed through one gate. New pavement and parking area will occur per the Application Package.
6. New landscaping will be installed per the Application Package with additional detail and approval by the Community Development Director as indicated in the Staff Report.

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 finds the project as proposed consistent with the previous Finding of Consistency, 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)18.

This resolution was passed and adopted this **17th day of April, 2018** 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. 8 (A)

REPORT TO THE PLANNING COMMISSION

DATE: APRIL 17, 2018
TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION
FROM: DOREEN LIBERTO BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR
RE: WORKSHOP ON SEASONAL EMPLOYEE HOUSING STANDARDS

RECOMMENDATION:

Staff recommends the Planning Commission: 1) conduct a public workshop on a draft Seasonal Employee Housing Ordinance and Resolution; 2) accept public input; and 3) provide staff direction on any requested changes.

BACKGROUND:

Housing of seasonal employees ("Seasonal Employees") has been a concern throughout the state for several years. Overcrowded and unsanitary conditions in Seasonal Employee housing have become common in the City due to low wages of such employees and high rents resulting from low vacancy rates of rental properties. Farmers and other agricultural employers often experience a lack of permanent employees available to them in or around the City. Staff has been meeting with local agricultural business owners and representatives to identify ways more Seasonal Employee housing can be provided in the city. Additionally, the City has participated with other Salinas Valley jurisdictions on ways to resolve the housing issue and jointly funded a regional study. Finally, staff has visited other seasonal employee housing projects to view site and building design examples.

The purpose for this workshop is to gain public input and have the Planning Commission provide staff direction regarding the attached Public Review Draft Seasonal Employee Housing Standards (Draft Review Standards). It is important to note that the Draft Review Standards are intended to begin a dialogue regarding the housing needs for seasonal employees and do not recommend staff's final recommendations.

The Draft Review Standards are presented as follows:

Exhibit 1 – Resolution amending the General Plan Land Use Element and Providing Objectives and Policies Regarding Seasonal Employee Housing Standards.

Exhibit 2 – Ordinance of the City Council Adding Chapter 17.79 and Adopting Seasonal Employee Housing Standards.

Exhibit 3 – Ordinance of the City Council Disallowing Farmworker Housing in the First Street Corridor (FSC) and General Commercial (C-2) Zoning Districts.

Attachments 1 and 2 – General Plan and Zoning Maps Identifying the Properties Along First Street with Dual Land Use Category Allowing Seasonal Employee Housing.

DISCUSSION

The City is experiencing a serious shortage of housing of all types. This can be seen in extremely low vacancy rates and difficulties of finding housing for those that are displaced. Low income individuals are the most seriously impacted. The City is pursuing a comprehensive effort to address this problem at all levels. Agricultural employee housing was identified as part of the special needs in the City's adopted Housing Element. It is also a critical need for the City's economic health since agriculture is the primary economic driver for King City, which is being significantly impacted by labor shortages. In striving to implement the Housing Element and meet the community's special needs, Seasonal Employee housing standards have been prepared for review and comment as part of tonight's workshop.

As illustrated in the attachments, staff recommends that Seasonal Employee housing be permitted along certain property located along First Street as an "overlay zone". (Reference **Attachments 1 and 2.**) The subject properties would have a "Dual Land Use Designation". The primary zone would be the existing Zoning District (e.g., H-2 Zoning District). The Dual Land Use Designation (or overlay zone) would allow Seasonal Employee housing subject to the standards outlined in **Exhibit 2.** (**Exhibit 2** would be the newly created Chapter 17.79 (Seasonal Employee Housing Standards) of the Municipal Code.) A property owner with a Dual Land Use Designation could develop using their primary zone (e.g., H-2 Zoning District), develop Seasonal Employee housing subject to the standards of Chapter 17.79, or do a mixture of both.

The overall purpose of the proposed standards is to establish a process in order to better streamline the process to consider new project proposals. Three specific objectives were followed:

1. To make the standards reasonable in order to avoid unnecessary project costs;
2. To provide quality housing that will be compatible with the community and adjacent neighborhoods, while providing a quality living environment for the tenants; and
3. To make the site designs flexible so they can adjust to future changes in seasonal employee needs and programs in order to prevent projects from becoming obsolete.

Staff will provide a more detailed update during the workshop.

The workshop is part of the outreach effort to gain public input. Copies of the Seasonal Employee Housing Standards have been distributed to individuals involved in the employee housing process over the last few years.

**PLANNING COMMISSION WORKSHOP
SEASONAL EMPLOYEE HOUSING
APRIL 17, 2018
PAGE 3 OF 3**

Attachments:

- Exhibit 1**
- Exhibit 2**
- Exhibit 3**
- Attachment 1**
- Attachment 2**

EXHIBIT 1

RESOLUTION NO. ___

A RESOLUTION OF THE CITY OF KING CITY COUNCIL AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN ADDING GOALS, OBJECTIVES AND POLICIES REGARDING SEASONAL EMPLOYEE HOUSING

7. SEASONAL EMPLOYEE HOUSING

GOAL: THE CITY SHALL ENCOURAGE THE DEVELOPMENT OF SEASONAL EMPLOYEE HOUSING.

7.1 OBJECTIVE: PROVIDE A VARIETY OF SEASONAL EMPLOYEE HOUSING TYPES AND DENSITIES WHICH ARE INNOVATIVE AND ARCHITECTURALLY COMPATIBLE WITH THE COMMUNITY.

POLICIES:

7.1.1 Support development of seasonal employee housing, including H-2A Temporary Agricultural Workers and H-2B Temporary Non-agricultural Workers Visa Programs.

7.1.2 Encourage the use of seasonal employee housing by allowing dual land use designations for specified planning area(s), subject to a use permit, as follows:

- A dual land use designation allowing seasonal employee housing in addition to the uses allowed by the primary or underlying zoning shall be the secondary or alternative land use.
- The dual land use designation of seasonal employee housing shall generally comply with the setback requirements for the primary land use designation/zoning. If the secondary or alternative land use does not meet the setback requirements, a specific plan may be submitted to vary those setbacks.
 - For areas subject to a dual land use designation, the City may allow incidental uses associated with the primary land use along with the use of seasonal employee housing provided the simultaneous use supports residents within the mixed-use area.
 - The specific plan shall encourage pedestrian and bicycle links between

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mixed-use areas, as appropriate, to minimize vehicle traffic.

7.1.3 The City shall encourage a broad range of housing types and options for seasonal employee housing, including:

- Courtyard housing, consisting of an arrangement of stacked and/or attached residential units around one or more common courtyards that provide direct access to all units and do not front a street.
- Dorm style group living quarters.
- Multiple family units, such as apartments, are residential structures containing two or more residential units.
- Multi-generational housing which accommodate different generations or households under the same roof.
- Single resident occupancy (SRO) units which accommodate single persons and typically consist of single rooms and shared bathrooms and may include a shared kitchen and activity area.
- Single-family units are dwellings that accommodate no more than one family.
- Tiny houses are typically single-family units consisting of less than five-hundred (500) square feet.

7.1.4 Seasonal employee housing shall have the similar architectural and design standards as standard housing projects and be designed to compatibly integrate into the neighborhoods in which they are located, including, but not limited to, architecture and landscaping. Additionally, seasonal employee housing shall adequately provide for the following:

- Recreational/leisure and resting areas, both within and outside of the housing project, commensurate with the number of residents being accommodated by the facility.
- Access to public facilities such as parks, recreational areas, libraries, and shopping areas.
- Appropriate parking areas or facilities.
- Screening of outdoor storage of equipment.
- Other information deemed necessary by the Project Review Committee.

7.1.4. The intensity of the development shall be determined as follows:

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- Group living quarters or multiple people sleeping in one room shall include comfortable living space with a minimum of fifty square feet (50) per bed/seasonal employee for a sleeping area, seventy (70) square feet per bed/seasonal employee for common/shared space purposes, eight square feet (8) per bed for exterior open space area, and five square feet (5) per bed for interior leisure areas.
- A maximum density for seasonal employee housing shall be allowed up to twenty-nine (29) dwelling units per gross acre.

7.1.5. The City shall establish provisions for conversions of seasonal employee housing uses to other authorized uses to ensure building, architectural and other design standards are met for the new, proposed use.

PROGRAM

7.1.1.1 The City may prepare seasonal employee housing standards consistent with the General Plan Goals and Policies.

EXHIBIT 2

ORDINANCE NO. __

AN ORDINANCE OF THE CITY OF KING CITY COUNCIL AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 17.79 AND ADOPTING SEASONAL EMPLOYEE HOUSING STANDARDS

WHEREAS, the City of King (City) is in significant need of employees to help meet the agricultural needs of the region;

WHEREAS, the City has been working on a citywide employee housing ordinance to identify the appropriate locations to build employee housing and meet the goals of the City's General Plan Housing Element;

WHEREAS, the City has taken several measures to addressing employer employee housing needs, including but not limited to, meeting with the agricultural community to identify their housing needs, extended sewer service to Colleagueville (outside city limits), approved three-hundred and sixty-four (364 seasonal employee beds at 218 North First Street), participated in and jointly funded a regional study on employee housing; and

WHEREAS, after due study and consideration, it has been determined certain standards should apply to seasonal employee housing to protect the health, safety and welfare of all city residents.

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

SECTION 1. FINDINGS.

The City Council hereby finds, determines, and declares as follows:

A. The foregoing recitals are true and correct and are incorporated herein by reference.

B. The City is located in an agricultural area of Monterey County, and agriculture is a major component of the City's economy.

C. During certain peak agricultural seasons each year, the City experiences a significant influx of temporary or seasonal workers or employees who reside in the City

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for several months at a time for the purpose of engaging in agricultural or other seasonal work in or near the City.

D. The City desires to ensure adequate and safe Seasonal Employee housing, as well as adequate and safe housing for all persons within the City.

SECTION 2. ADDITION OF CHAPTER 17.79 TO MUNICIPAL CODE

The following shall be added as Chapter 17.79 to the City of King Municipal Code.

Chapter 17.79. Seasonal Employee Housing.

The city adopts this ordinance, which shall be known as the "seasonal employee housing ordinance." When allowed in the applicable zone or as part of a dual land use designation, seasonal employee housing is subject to the requirements of this ordinance. Nothing in this ordinance shall prevent the ability to house domestic seasonal workers or seasonal employees in other single-family that meet all other requirements and standards for those housing types and zones. Seasonal employee housing that is developed pursuant to an approved existing specific plan in existence as of the adoption of this ordinance are exempt from this chapter.

Section 17. 79.010 Purpose.

The purpose of this seasonal employee housing ordinance is to establish provisions and standards to ensure adequate and safe living conditions of seasonal employee housing in the city.

Section 17.79.020 Definitions.

"Common Area/Shared Space" means areas including kitchen, dining room, and bathroom(s).

"Exterior Open Space" means a piece of land that is undeveloped and accessible to, and useable by the occupants of the facility. This includes, but not limited to, sitting areas, barbeque areas, sports fields, etc.

"H-2A Temporary Agricultural Workers Visa Program" is a federal program that allows foreign nationals entry into the U.S. for temporary or seasonal agricultural work.

"H-2B Temporary Non-agricultural Workers Visa Program" is a federal program that allows employers to hire foreign nationals to perform temporary non-agricultural services or labor on a one-time, seasonal, peak load or intermittent basis.

"Housing and Community Development Department" or "HCD" means a department

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within the California Business, Consumer Services and Housing Agency that develops housing policy and building codes.

“Interior Leisure Area” means an area designated and used for recreational activities by the occupants of the facility. This includes, but not limited to, lounge, study, recreation room, etc.

“Seasonal Employees” mean temporary and transitory employees intending to work ten (10) months or less in the region.

“Seasonal Employee Housing” means seasonal employee housing that consists of any combination of dwelling units, dormitories, or spaces that house temporary employees who provide support to the agricultural industry. Seasonal employee housing does not include a hotel, motel, bed and breakfast lodging or recreational vehicle park. A single-family home serving six (6) or fewer farmworkers pursuant to Cal. Health & Safety Code Sections 17021.5 is exempt from this definition.

Section 17.79.30 Federal, State and Local Regulations.

Seasonal employee housing provided by the employer and maintained in connection with the work or place where work is being performed must comply with all provisions of federal, state and local regulations, as applicable, including Section 17008(a) of the California Health and Safety Code. Seasonal employee housing not maintained in connection with any workplace and provided by someone other than an employer shall comply with all provisions of applicable local, state and federal laws.

Section 17.79.40 Seasonal Employee Housing.

(1) The General Plan allows a Dual Land Use Designation for seasonal employee housing, as shown on the General Plan diagram and zoning map. Use as seasonal employee housing requires a conditional use permit and architectural review.

(2) Standards governing setbacks for the primary land use designation and associated zoning shall apply to seasonal employee housing uses, unless a specific plan is approved pursuant to Municipal Code Chapter 17.33 that authorizes deviation from the minimum requirements.

(3) Mixed-use projects consisting of the primary and secondary land uses of the dual land use designations are permitted subject to approval of a specific plan, pursuant to Municipal Code Chapter 17.33.

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(4) In the event structures used for seasonal employee housing facilities are proposed to be converted to some other use, the facilities shall be subject to all applicable zoning ordinance and other applicable ordinances or standards for the proposed new use that are in effect at the time of approval of the proposed change of use.

Section 17.79.50 Architecture and Design Standards.

(1) Seasonal employee housing shall have the same architectural and design standards as for other residential housing units and be designed to compatibly integrate into the neighborhoods in which they are located, including, but not limited to, architecture, landscaping, and outdoor space.

(2) Seasonal employee housing designs shall provide comfortable living space for each of the residents.

(3) First Street is the primary entrance to the City. Therefore, basic architectural and design standards shall be included in projects along the First Street Corridor. Consistent architectural design, including general building details, materials and color tones shall be carried throughout all the buildings of a development site, subject to the following guidelines:

(a) Building Massing and Form: All building elevations facing public streets, whether such elevations function as the front, side, or rear of the building, shall be designed to avoid the appearance of the "back of the building". These facades shall be designed with materials, colors, details, textures and features that are similar to the front facade. Blank walls are prohibited.

(b) Materials: In order to strengthen the traditional image of small town development, wood, brick, stucco, and siding are the most appropriate materials for buildings. Metal siding, metal facades, non-architectural exposed concrete and mirrored or highly reflective glass or glazing are not permitted. Wall tiles and rock facades are encouraged to provide horizontal and vertical articulation. Fence materials and colors shall complement the building design.

(c) Colors: Colors shall be selected in general harmony with the entire development. There should be a minimum of three (3) complimentary colors.

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Predominant building colors are encouraged to be earth tones and light pastel colors. Predominant building colors shall not include black or florescent colors.

(d) Security: Security of the site is required to be addressed in site design. The applicant is required to submit documents that demonstrate the security measures of the site design in relation to private, semi-public and public areas, by utilizing natural surveillance, access control and proper maintenance. Security shall also comply with the requirements of Section 17.79. 60 (A) (8) of this code.

(d) Lighting/glare: Use as seasonal employee housing shall require submission and approval of an approved lighting plan. The lighting plan should consider lighting schemes to create safe environments for pedestrians and motorists and use of lighting as an integral design element which adds to the overall site plan and building design.

(e) Landscaping: Landscaping is required as a tool to enhance and beautify the site, and the building's architecture and design. Native plant species should be used with water efficient irrigation systems. Outdoor amenities such as patios, plazas, water features and outdoor seating areas are encouraged.

(f) Screening: Outdoor storage areas, generators, A/C units (including rooftop units), and trash enclosures are required to be fully screened using approved masonry fencing and landscaping.

(4) All projects should be designed using Crime Prevention Through Environmental Design (CPTED).

Section 17.79.60 Supplemental Requirements.

A. In addition to federal and State minimum standards, as well as City standards and the requirements of this code, the following shall apply to all seasonal employee housing:

(1) Minimum Living Space Per Bed/Seasonal Employee.

- | | |
|-----------------------------|---|
| a. Sleeping Area | 50 Square Feet |
| b. Common Area/Shared Space | 70 Square Feet |
| c. Exterior Open Space | 8 Square Feet |
| d. Interior Leisure Area | 5 Square Feet |
| e. Laundry Facilities | Washing and drying (W/D) machines shall be provided at 1 W/D per 8 beds. If |

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the proposed use includes more than 30 seasonal employees, laundry trays/utility sinks are required at a ratio of one per every 30 occupants.

- (2) **Beds Per Bedroom.** There shall be no more than four (4) beds per bedrooms/seasonal employee, with fifty square feet (50) per bed.
- (3) **Parking.**
 - (a) Seasonal employee housing shall include at least two (2) parking spaces per eight (8) beds or per one (1) unit, whichever is greater, one (1) parking space per caretaker unit, one-tenth (.1) guest parking space per eight (8) beds or per one (1) unit, whichever is greater, and bus parking. For seasonal employee housing where the employer is required by state or federal law to provide transportation (such as H-2A and H-2B), the seasonal employee housing may utilize the following parking ratio on a pro-rata basis for the seasonal employees subject to transportation requirements: at least one (1) parking space per eight (8) beds, one (1) parking space per caretaker unit, one-tenth (.1) guest parking space per eight (8) beds and bus parking.
- (4) **Bus/Shuttle Circulation Plan.** The project shall include a bus/shuttle circulation plan identifying loading and unloading of seasonal employees. The circulation plan shall identify the location of overnight parking of buses/shuttles. If they are parked onsite overnight, an appropriate screening plan shall be provided as a condition of approval. Designated parking for food service delivery vehicles shall be reviewed for accessibility, circulation and proper trash receptacles placed for collection of any debris. Screening shall include, but not be limited to, a combination of vegetation (e.g., trees, hedges), and walls/fences (e.g., decorative, screen slats).
- (5) **Bicycle Racks.** Seasonal employee housing shall include secure bicycle parking to accommodate bicycles. The number of racks, specific location and details to be determined as part of the project application review.
- (6) **Interior Leisure Area/Exterior/Family Units Open Space.** Seasonal employee housing shall identify the location(s) of all interior leisure area(s) and exterior open space areas, including amenities.

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- A. Interior leisure areas shall include:
- Media lounge area with sofas, chairs, televisions connected to cables/satellite networks.
 - Computer area with tables and chairs with a minimum of two (2) up-to-date computers connected to wifi.
 - Recreation room.
- B. Exterior open space shall include lawn furniture, picnic tables, covered seating area, recreational play area when possible.
- C. Housing providing for children below the age of 18 shall include children's play equipment. This housing shall include recreational areas for activities such as soccer, basketball, baseball and similar uses.
- (7) Convertible Open Space. For seasonal employee housing where the employer is required by state or federal law to provide transportation (such as H-2A and H-2B), additional open space shall be provided that can be converted to one (1) parking space per eight (8) beds or per one (1) unit, whichever is greater. This area will preferably be landscaped and capable to being converted to parking in the future (e.g., near existing parking lot), which shall be required at the time the project is converted to housing other than H-2A or H-2B. The convertible open space is in addition to the open space requirement in Section 17.79.60 (A) (1) (c).
- (8) Security Plan. Seasonal employee housing shall address security measures such as security cameras, security gates and fences, landscaping design and other devices for crime prevention. Security cameras facing each public street frontage are recommended.
- (9) No Destructive Device or Weapons. To the extent that occupants of the seasonal employee housing are non-citizens of the United States, such occupants shall not possess, retain on premises, use or store any firearm, weapon or destructive devices that can be used in a manner or similar to a firearm that includes but is not limited to rifles, shotguns, pistols or destructive devices of any kind. Destructive devices shall be defined for purposes of this condition as contained within the United States Codes, 26 USC §5845.
- (10) Caretaker. Seasonal employee housing shall include a full-time 24/7 caretaker

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onsite when there is occupancy by seasonal employees. The application shall provide a description of the caretaker's housing arrangements.

(11) Provision of Access to Public Facilities. To the extent possible, seasonal employee housing should provide access to community facilities such as parks, recreation areas, libraries, educational facilities and shopping areas. Access can be a combination of walking, bicycling, bus or other methods, as deemed appropriate by the city.

(12) Fencing. The parking areas shall be screened from public view by buildings, fences, landscaping or terrain features. Fencing shall be reviewed as part of the architectural review application.

(13) Report Conversion to Non-Seasonal Employee Housing. Within sixty (60) days, the property owner shall report to the city the conversion to non-seasonal employee housing.

(14) Rooms and Designated Areas. All rooms and designated areas shall be utilized for approved uses only.

Section 17.79.70 Development Impact Fees.

Development impact fees shall be paid, as adopted by resolution of the city council.

Section 17.79.80 State Reporting Requirements.

Employee housing for five (5) or more employees is subject to the permitting requirements of the California Housing Employee Act. The property owner shall obtain and maintain a permit(s) with the State Department of Housing and Community Development (HCD), pursuant to the Employee Housing Act and the California Code of Regulations. A copy of the HCD permit shall be provided to the city Building and Safety Department within fourteen (14) days of issuance or at the time of building permit application submittal, whichever is earlier.

SECTION 3. HELD INVALID OR UNCONSTITUTIONAL

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 4. ALL OTHER ORDINANCES.

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All other ordinances of the City of King or provisions of the King City Municipal Code which are in conflict with this Ordinance are hereby superseded to the extent of such conflict.

SECTION 5. SECTION. EFFECTIVENESS OF ORDINANCE.

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

I HEREBY CERTIFY that the foregoing Ordinance was passed, approved and adopted as an Interim Urgency Ordinance by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the ____th day of _____ 2018, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

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

Exhibit 3

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING
AMENDING THE FSC ZONING DISTRICT OF THE HISTORIC CORRIDOR
REVITALIZATION PLAN (AND BY REFERENCE THE C-2 ZONING DISTRICT) BY
DELETING FARMWORKER HOUSING AS AN ALLOWABLE USE**

WHEREAS, the City of King (City) is in significant need of employees to help meet the agricultural needs of the region;

WHEREAS, the City has been working on a citywide employee housing ordinance to identify the appropriate locations to build employee housing and meet the goals of the City's General Plan Housing Element;

WHEREAS, the City has taken several measures to addressing employer employee housing needs, including but not limited to, meeting with the agricultural community to identify their housing needs, extended sewer service to Collegeville (outside city limits), approved three-hundred and sixty-four (364 seasonal employee beds at 218 North First Street), participated in and jointly funded a regional study on employee housing;

WHEREAS, after due study and consideration, it has been determined the best location for employee housing is along portions of First Street and not necessarily within specific zoning districts;

WHEREAS, there is no need to locate farmworker housing exclusively within the Historic Corridor Revitalization Plan and the First Street Corridor (FSC) or General Commercial (C-2) zoning districts; and

WHEREAS, by disallowing farmworker housing in the FSC zoning district, it is also being deleted in the C-2 zoning district by reference pursuant to section 17.24.030 (9).

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

Section 1: Section 4.7 (Allowed Land Uses and Permit Requirements) subsection Residential is hereby amended by adding in alphabetical order the designation of Farmworker housing as an unacceptable use as follows:

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Land Use Type	FSC	VC	VB
Farmworker Housing	CUP	--	--

Section 2: Section 4.10 (Glossary) subsection F, (Definitions) is hereby amended by deleting in alphabetical order the definition of Farmworker housing as follows:

~~Farmworker Housing: "Farmworker housing" means housing for agricultural workers that is available to, and occupied by, only farmworkers and their households.~~

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

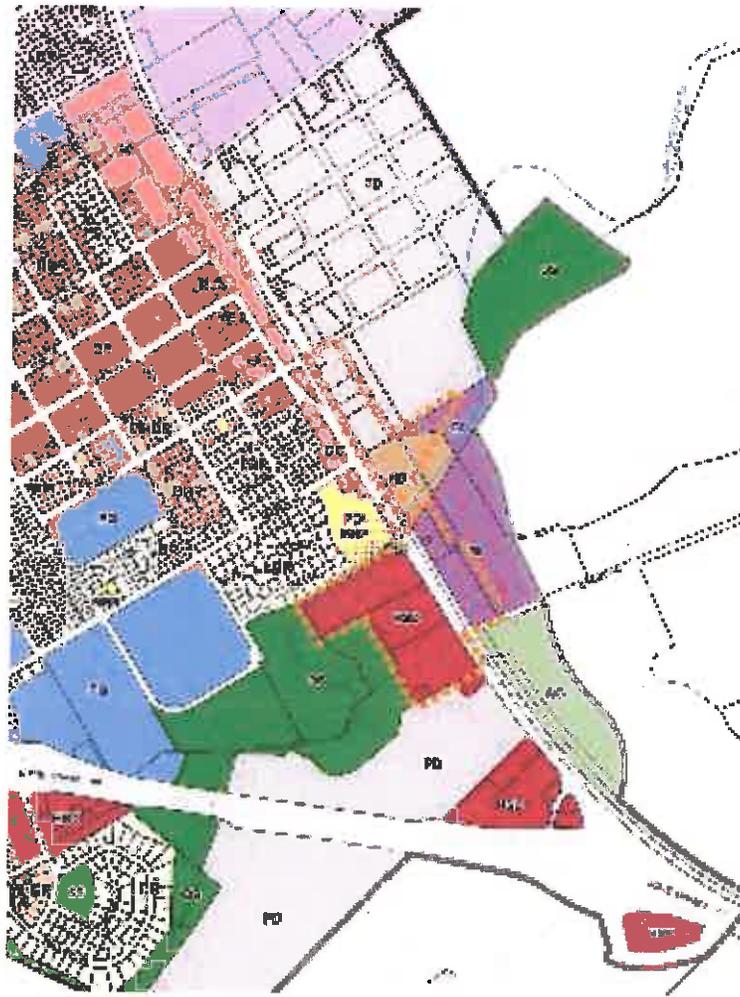
Section 4: This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

PASSED ADOPTED AND APPROVED THIS _____ day of _____, 2018.

Mayor Mike LeBarre, City of King

ATTEST:

City Clerk of the Council of the
City of King



City Line
 County Line
 City Line
 County Line

