

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, JUNE 19, 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: Oscar Avalos, Ralph Lee, David Mendez,
Domingo Uribe 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

- A. Oath of Office for new member Domingo Uribe and Oscar Avalos
- B. Selection of Vice Chairperson by a vote of the committee for a period of one year.

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 May 15, 2018 Planning Commission Meeting
Recommendation: Approve and file.

7. PUBLIC HEARINGS

- A. Project: Conditional Use Permit to Continue the Use of 32,000 sq. foot Vehicle Storage Area for Always towing.
Case No.: CUP 2018-003
Applicant: Always Towing
Location: 1011 Broadway St., King City, CA. 93930
Consideration: Conditional Use Permit Case No. 2018-003 for Always Towing to Continue the Use of a Vehicle Storage Yard at 1011 Broadway Street.

Recommendation: Planning Commission approve Conditional Use Permit Case No. CUP 2018-003 for Always Towing to continue the use of a 32,000 square foot vehicle storage area at 1011 Broadway Street, King City, CA. 93930, subject to the conditions of approval (COA).

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical exemption set forth in CEQA Guidelines, section 15301 as this project involves change of operation of existing structures and involves no expansion to structures and involves no expansion to existing facilities.

B. Project: Conditional Use Permit to Continue the Use of 6,325 sq. foot Vehicle Storage Area for Leyva's towing.

Case No.: CUP 2018-002

Applicant: Leyva's Towing

Location: 815 and 905 Broadway St., King City, CA. 93930

Consideration: Conditional Use Permit Case No.2018-002 for LEYVA's Towing to Allow for a Temporary 2,250 Square Foot Vehicle Storage Area at 815 Broadway St., and a Temporary 6,550 Square Foot Vehicle Storage Area at 905 Broadway St.

Recommendation: Planning Commission approve Conditional Use Permit (CUP) Case No. CUP 2018-002 for Leyva's Towing to allow an eight (8') foot high chain link fence for the temporary use of vehicle storage areas at two (2) locations, 815 Broadway Street and 905 Broadway Street, and subject to the conditions of approval (COA).

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical exemption set forth in CEQA Guidelines, section 15301 as this project involves change of operation of existing structures and involves no expansion to structures and involves no expansion to existing facilities.

C. Project: Amendment to the City's Zoning Ordinance Pertaining to Commercial Cannabis Activities and Associated CEQA Determination

Case No.: ZC 2018-001

Applicant: City of King

Location: The regulatory ordinance would apply to all M-1 and M-2 zone districts along with the East Ranch Business Park Specific Plan (ERBP-SP). As uses authorized in M-1 and M-2 zoned districts are also currently allowable in the M-3 zoned district, the ordinance would also have a similar effect for uses in the M-3 zoned district. The area affected (ERBP SP and M- Districts) are located in the northeast portion of the City, near the airport and bordered by Metz Road, Bitterwater Road, and the eastern boundary of the City.

Consideration: Recommendation To The City Council Regarding Amending Chapter 17.03 Of Title 17 Of The King City Municipal Code Pertaining To Commercial Cannabis Activity; Amending Chapter 17.30 Of Title 17 Of The King City Municipal Code Pertaining To M-1 Industrial District; Amending Chapter 17.31 Of Title 17 Of The King City Municipal Code Pertaining To M-2 Industrial District; And Introduction Of An Ordinance Amending Section D.3(G) Of Chapter 4 (Development Standards) Of The East Ranch Business Park Specific Plan For The Purpose Of Adding Non-Storefront Cannabis Retail Sales

Recommendation: Planning Commission 1) review proposed amendments to the Ordinances and Environmental Document, 2) receive public comment 3) recommend the City Council introduce and adopt the Ordinances.

Environmental Determination: An environmental determination the Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation pursuant to CEQA Guidelines sections 15307 and 15308.

8. NON-PUBLIC HEARINGS

A. None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

JUNE

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

JULY

July 3 rd	6:00 p.m.	Planning Commission (Canceled)
July 9 th	6:00p.m.	Airport Advisory Committee
July 10 th	6:00p.m.	City Council
July 16 th	6:00 p.m.	Recreation Commission
July 17 th	6:00p.m.	Planning Commission
July 24 th	6:00 p.m.	City Council

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

ALUC: Airport Land Use Commission

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

APCD: Air Pollution Control District

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

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

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

CEQA: California Environmental Quality Act

CFD: Community Facilities District

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

CUP: Conditional Use Permit

EIR: Environmental Impact Report

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

LLA: Landscaping and Lighting District

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

MIMTC: 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

May 15, 2018

1. Call to Order

Chairperson Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:03 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

Michael Barbree X Ralph Lee X David Mendez X

Staff present: Community Development, Director Doreen Liberto; Principal Planner, Scott Bruce; Admin. Asst./Deputy City Clerk, Erica Sonne; City Manager, Steve Adams.

Chair Nuck asked for a moment of silence for our Planning Commissioner Margaret Raschella who passed last month.

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: April 17, 2018

Action: Motion made by Commissioner Mendez to approve minutes of April 17, 2018. Seconded by Commissioner Barbree. Motion carried 4-0.

7. PUBLIC HEARINGS

- A. Project: **General Plan text and map amendment**, Case No. GPA 2018-001, **Zoning text and map amendment** Case No. ZC 2018-001 and **Zoning text** amendment Case No. ZC 2018-002. The **General Plan text** would be amended to add Objectives and Policies regarding Seasonal Employee Housing. The **General Plan map** would be amended identifying areas along First Street within a Dual Land Use Designation which allows Seasonal Employee Housing. The **Zoning text** (including amendment to the Historic Corridor Revitalization Plan) would be amended to eliminate Farmworker Housing in the FSC Zone District and by reference, the C-2 Zoning District, and add Municipal Code Section 17.79 creating criteria for the development of seasonal employee housing. The **Zoning map** would be amended identifying areas along First Street within a Dual Land Use Designation which allow Seasonal Employee Housing.

Case No.:	GPA 2018-001, ZC 2018-001, ZC 2018-002
Applicant:	City of King
Location:	Applies to designated areas within the City
Consideration:	Amending the General Plan Land Use Element text and map, Zoning Code text and map and the Historic Corridor Revitalization Plan creating Seasonal Employee Housing standards by adopting General Plan Goals and Policies, adding Chapter 17.79 to the Municipal Code, removing farmworker housing as an allowable use in the FSC and C-2 Zoning Districts and adopting a Dual Land Use Designation along First Street.
Recommendation:	Review proposed Resolutions and Ordinances regarding Seasonal Employee Housing, receive public comment, and forward an affirmative recommendation to the City Council.
Environmental Determination:	An Initial Study has been prepared for the project in compliance with CEQA. The Initial Study determined there are no significant impacts to the environment due to the project. A Negative Declaration (ND) has been prepared for the project.

City Manager Adams went over the key objectives for the Farm Worker Housing.

1. Establish locations where farmworker housing is allowed.
2. Streamline the process.
3. Insure agricultural employees have appropriate housing.
4. Need to plan projects for the future.

Community Development Director Liberto introduced this item with a PowerPoint.

- Existing Zoning
- Dual Land Use Designation (Seasonal Employee Housing)
 - CUP if using underlying zoning standards.
 - PD if not using underlying zoning standards.
- Hybrid – Combination of uses under existing zoning and seasonal employee housing.
 - CUP if using underlying zoning standards.
 - PD if not using underlying zoning standards.

Definition of Courtyard housing be consistent with the Downtown Addition specific plan.

Chair Nuck opened the public hearing,

Jill Lebar, Republic Mission Distributors asked for clarification on the zoning with dual land use. They are in support of the ordinance.

Chair Nuck closed the public hearing.

Commissioner Lee made a motion to approve Resolution 2018-225 Negative Declaration seconded by Commissioner Mendez. Approved 4-0.

Commissioner Barbree made a motion to approve Resolution 2018-226 Text amendment, zoning amendment seconded by Commissioner Lee. Approved 4-0.

8. NON- PUBLIC HEARINGS –

- A . Project: Mills Ranch Design Manual Amendment
- Case No.: AR 2018-013
- Applicant: Mike Nino, Nino Homes
- Location: Mills Ranch Specific Plan located near San Antonio Drive, Spreckels Road and Metz Road
- Consideration: Amended renderings and elevations for the Mills Ranch Design Manual.
- Recommendation: Review the amended renderings and elevations as part of the Mills Ranch Design Manual, provide comments and forward an affirmative recommendation to the City Council.
- Environmental Determination: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15305 (Class 5 – Minor Alterations to Land Use Limitations). This exemption applies to projects involving minor alterations to plans, which do not result in changes in land use or density. The amended renderings and elevations falls under a Class 5 categorical exemption because it involves minor amendments to an existing design manual. The Project does not propose or require physical changes to any specific property that will negatively impact the environment.

Community Development Director Liberto introduced this item
Mike Nino further introduces this item with a PowerPoint.

Commissioner Barbree made a motion to approve resolution 2018-228 seconded by Commissioner Mendez motion carried 4-0.

- B. Project: Architectural Review (AR) Resolutions for the following Conditional Use Permit (CUP) projects: CUP2016-008, CUP2016-009, CUP2016-010, CUP2016-012, CUP 2016-014, CUP2017-008, CUP2017-009, CUP2017-010, CUP 2016-011

Case No.: AR2018-004, AR2018-005, AR2018-006, AR2018-007, AR2018-008, AR2018-009, AR2018-010, AR2018-011, AR2018-012

- Applicants & Locations:
- Boutique Unlimited, 151 Airport Dr. (CUP2016-008)
 - The Tribe & King City Cultivation, Industrial Way (CUP2016-009)
 - The Tribe, 150 Don Bates Way (CUP2016-010)
 - King City Cultivation, 135 E. San Antonio Dr. (CUP2016-012)
 - Boutique Unlimited, 161 Airport Dr. (CUP 2016-014)
 - MD BioDesigns, 991 Industrial Way (CUP2017-008)
 - Elite Molecular, 101 Airport Dr. (CUP2017-009)
 - King City Farms, 325 Airport Dr. (CUP2017-010)
 - Golden State Sciences, 190 San Antonio Dr., (CUP2016-011)

Consideration:

Architectural Review for approved CUP's

Recommendation: Staff recommends the Planning Commission: 1) review individual architectural review applications; 2) receive public comment; and 3) adopt the attached Resolutions approving AR2018 -004 through 2018-012, inclusive.

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. The Municipal Code was amended in June and August of 2017 to allow Manufacturing Level 2 (CA Type 7 and Distribution (CA Type 11.) Article 19 Section 15300.1 Categorically Exempt

Principal Planner Scott Bruce introduced this item.

Commissioner Barbree made a motion to approve Resolution 2018-217 thru 2018-224 and 2018-227 approving AR2018 -004 through 2018-012, inclusive, seconded by Commissioner Mendez. Motion carried 4-0.

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports- Update on cannabis items. MST will meet next week and will brought to Planning Commission in June. Rava's on Jayne St. Dorm style housing being worked on. Sunstreet center is coming along. 300 Block of Broadway looks good.

12. Written Correspondence-- None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:57 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: JUNE 19, 2018

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: CONSIDERATION OF CONDITIONAL USE PERMIT CASE NO. 2018-003 FOR ALWAYS TOWING TO CONTINUE THE USE OF A VEHICLE SOTRAGE YARD AT 1011 BROADWAY STREET, KING CITY, CA 93930

RECOMMENDATION:

It is recommended Planning Commission approve Conditional Use Permit ("**CUP**") Case No. CUP2018-003 for Always Towing to continue the use of a 32,000 square foot vehicle storage area at 1011 Broadway Street, King City, CA 93930, subject to the conditions of approval.

BACKGROUND:

On October 18, 2016, the Planning Commission ("**Commission**") approved CUP2016-006 for Always Towing's fenced vehicle storage area for a two (2) year term. The applicant could return for a two (2) year extension and waiver of renewal fees. On May 14, 2018, Joan Miller, the applicant, submitted a request asking the Commission to approve a two (2) year extension of the conditional use permit ("**CUP**").

The subject property located at 1011 Broadway Street abuts property (1023 Broadway Street) which was owned by the former Community Development Agency of the City of King (now Successor Agency). The property is now owned by the City. The City's property is currently on the market for sale. The site is a gateway to the City and a potential site for retail development. As a result, the City has been marketing this area for retail development uses.

In balancing the applicant's requests and the community's needs, PRC recommended the Commission extend the use of the vehicle storage area for a

**PLANNING COMMISSION
ALWAYS TOWING & RECOVERY
1011 BROADWAY STREET
CUP 2018-003
PAGE 2 OF 17**

two (2) year period. There are no proposed improvements to the site. The applicant can re-apply for consideration on an extension before the expiration of the approval period.

VICINITY MAP:



ZONING DESIGNATION:

Highway Service (“H-S”)

**GENERAL PLAN LAND USE
DESIGNATION:**

Highway Service Commercial
 (“HSC”)

DISCUSSION:

Development Standards Analysis

- Proposed Use(s)

The proposed request is to extend an approved CUP allowing the use of a vehicle storage area (approximately 32,000 square feet). The original CUP (Case No. CUP 2016-006) was approved by Commission on October 18, 2016 with a requirement to re-apply after two (2) years of approval. The applicant has submitted an application to extend the life of the use for the vehicle storage area. There are no additional uses proposed and there are no expansions proposed to the existing building. The properties are zoned Highway Service (“H-S”) and have the General Land Use Designation of Highway Service Commercial (“HSC”).

The fenced area is for a maximum of 30 vehicles for storage. **Always Towing** is an AAA certified towing service serving Southern Monterey County/Northern Monterey County with other offices in Salinas and Prunedale.

**PLANNING COMMISSION
ALWAYS TOWING & RECOVERY
1011 BROADWAY STREET
CUP 2018-003
PAGE 3 OF 17**

The Project Description from the original CUP 2016-006 indicates and applies to CUP2018-003:

- The proposed use would take up approximately .8 acres of the 1.8 acre site.
- The fenced area would be screened.
- No additional signage is proposed.
- Vehicles would be limited to cars and pick-up trucks.
- Office hours 8 – 5 Monday to Friday with 24-hour towing.
- Employees will include one (1) office person and six (6) tow truck operators.
- The existing surface of the existing Parking Lot is DG and gravel.
- Approximately 10,000.
- Fence screening is Boen “Value Veil” PN 30058.
- Per the original CUP Case No. 2016-006 the applicant agreed to provide an additional layer of gravel (2” – 3” prior to commencing operations). The trailer lot to the south is “paved” similarly.

Per staff’s observation from a site visit on **June 6, 2018**, the applicant has complied with the conditions of the original CUP2016-006. However, there were a few items to point out as noted in the figures below.

Current Conditions (Figures 1 - 7)



Figure 1 - Staff observation:
There are some weeds growing outside of the fenced area. The business owner said they will be clearing these weeds.



Figure 2 - Staff observation:
This is the only access gate and appears to be in good condition.



Figure 3 & 4 - Staff observation & recommendation: The trash enclosures are not being utilized by all the tenants. At this time Always Towing does not have access to the trash enclosure as it is being used by other tenant(s). The Applicant needs to present a solution on the trash enclosure and update the Planning Commission during the public hearing. **(Reference COA No. 10)** Municipal Code Chapter 8.24 require proper garbage collection and disposal. Any transportation of garbage carried through public streets needs to comply with Health & Sanitary laws of the city and the state.





Figure 4 & 5- Staff observation: The vehicle storage area is kept in good conditions. The Applicant has been monitoring the amount of vehicle storage and does not exceed the approved number of vehicle storage area.



Figure 6 - Staff observation: The Applicant has been clearing out any weeds along Franciscan Way.

Surrounding Uses:

Table 1 provides an overview of the adjacent zoning and land use.

Table 1 Adjacent Zoning/Land Use			
North:	R-1/OS	East:	H-S/MDR/MHP

West:	H-S/HSC	South:	H-S/HSC
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General Plan/Policies and Requirements:

Table 2 provides the land use designations for the project.

Table 2	
General Plan Designations	
General Plan Land Use Designation:	Highway Service Commercial (HSC)
Specific Plan Area:	N/A Note: The property is within the West Broadway Master Plan (advisory document)

Environmental Determination

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 1 Section 15301 as it relates only to continuing the operations of existing facilities with no expansion to the existing uses. Furthermore, Staff has determined that none of the exemptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Project Review Committee Comments and Review & Review by Other Agencies

The PRC has reviewed and provided comments incorporated through the staff report. The City is a neighboring property owner and based on the future development of that property and its viability for future economic growth in the City, the City Manager's office is recommending that the approval of a vehicle storage yard be conditioned for a two (2) year approval. **(Reference COA No. 2.)** The Community Development Department has commented on the need for evaluating the trash enclosure and that the Applicant provide a solution before the Planning Commission during the public hearing. A condition of approval has been added to address the trash enclosure. **(Reference COA No. 10.)** The City Manager's office has also noted that there are outstanding development review fees for the processing of original CUP2016-006 have not been paid. A condition has been added for payment of the outstanding balance or the extension will not go into effect. **(Reference COA No. 3.)**

**PLANNING COMMISSION
ALWAYS TOWING & RECOVERY
1011 BROADWAY STREET
CUP 2018-003
PAGE 7 OF 17**

Public Notification and Input

A public hearing notice was published on **June 6, 2018** in the South County Newspaper *The Rustler*. Notices were mailed to the property owners within three hundred feet of the property. As of writing of this report no public written comments have been received.

COST ANALYSIS:

The processing of this Conditional Use Permit fees were waived per the original conditional use permit Condition of Approval No. 3, which states: Fees waived on future CUP request for extensions.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Approve CUP2018-003 to extend the use for Always Towing for two (2) year extension and require the Applicant to re-apply for a CUP on any future extensions.
2. Deny CUP2018-003 and return with findings for denial.
3. Modify CUP2018-003.
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 - Findings of Fact
2. Exhibit 2 – Resolution No.
3. Exhibit 3 – Conditions of Approval
4. Exhibit 4 – Application for Extension Request

Submitted by:



Maricruz Aguilar, Assistant Planner

Approved by:

Doreen Liberto, AICP, MDR, ACR, Community Development
Director

EXHIBIT 1

CASE NO. CUP 2018-003 FINDINGS OF FACTS

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

California Environmental Quality Act ("CEQA") Findings of Fact

The project qualifies for a Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities. The proposed is an extension of use of the original Conditional Use Permit approved by Planning Commission on October 18, 2016 and proposes no expansion to the existing use.

Conditional Use Permit Findings

1. **The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan and West Broadway Master Plan.**

***Analysis:** The project is a temporary use approved on a two (2) year period. The existing building that Always Towing occupies was previously used for a Lube-N-Go vehicle service operation. The site is partially developed and has a vacant area that is being used for the temporary storage of vehicles for Always Towing. The City's General Plan Land Use Element Policy 3.2.1 provides flexibility in interpretation of allowable uses in order to encourage good retailing design and effective utilization of commercial property. Considering that at the time of this permit review there are no proposed development along the adjacent commercial properties. However, in the event of future development the City's General Plan Land Use Element Policy 3.1.1 the City shall promote available land to accommodate a mix of retailing, tourist related commercial and service uses, wholesaling, dining and entertainment, professional and business services, shopping centers, and mixed uses (commercial and residential) consistent with the economic goals of the City.*

2. **The Conditional Use Permit, as approved, conforms with the Zoning Ordinance and all other provisions of the City of King Municipal Code applicable to the project.**

Analysis: The purpose of Highway Service (“H-S”) Zoning District is to provide a district for vehicular oriented uses with sufficient architectural and landscaping controls to protect the amenities of the areas. The proposed use is a temporary use for two (2) year. The existing fenced area will remain and be kept in good working conditions and would have to re-apply for any extensions.

- 3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies regarding economic development and other policies.**

Analysis: The City is allowing for flexibility in interpretation of allowable uses within the H-S Zoning District to accommodate uses that have been displaced from other zones. The use of a vehicle storage yard in the H-S Zoning District is being conditioned with a limited approval period in the even that new commercial retailing develops. During the approval period and any extensions thereafter.

- 4. The Project will not adversely affect the health and safety of the community of the community.**

Analysis: The project involves only a temporary approval for vehicle storage. No proposed long-term storage is part of this approval. The vehicles will have a maximum period of forty-five (45) days and then be relocated to a wreckage yard located outside of the city.

- 5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

Analysis: The site was previously used for the operations of a vehicle service oil change shop (Lube-N-Go). The site consists of mixed commercial (bakery, church, retail sales and the towing company). The site will continue with the maintenance of the fence during the duration of the CUP approval(s).

- 6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (“CEQA”), will not have an unacceptable negative affect on adjacent property or properties. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and**

odor which, even if insignificant for purposes of CEQA, will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The project qualifies for a Categorical Exemption (“CE”) under CEQA Guidelines Section 15301(a) for minor interior/exterior modifications to existing facilities. The project qualifies for a Class 1 CE set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.

7 . Traffic access, pedestrian access and parking are adequate.

Analysis: Access to the subject site is provided via Broadway Street and Franciscan Way. Access to the project site from this roadway has been reviewed by the City Engineer and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to pedestrian walkways on the property.

The parking is sufficient to on site for the proposed use. There are no proposed changes to the parking or circulation.

EXHIBIT 2

RESOLUTION NO. 2018-229

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2018-003 FOR ALWAYS
TOWING FOR AN EXTENSION OF USE OF THE VEHICLE STORAGE AREA AT
1011 BROADWAY STREET, KING CITY, CALIFORNIA.**

WHEREAS, on **August 30, 2016**, Joan Miller ("**Applicant**") submitted a Conditional Use Permit ("**CUP**") to allow a vehicle storage towing area for Always Towing at 1011 Broadway Street, King City, Ca. ("**Project**"); and

WHEREAS, on **October 18, 2016**, the Planning Commission ("**Commission**") approved the Project, CUP Case No. CUP2016-006 for two (2) years with condition of approval ("**COA**") No.2 allowing the Applicant to re-apply at no charge for an extension of time for two (2) years; and

WHEREAS, on **May 14, 2018**, Applicant submitted a CUP to request approval of CUP Case No. 2018-003 to extend the Project for two (2) years; and

WHEREAS, on **June 13, 2018, 2018**, the Project Review Committee ("**PRC**") recommended the Commission approve a two (2) year extension for the Project; and

WHEREAS, the property, as described in the Staff Report and attached as **Exhibit X**, is within the West Broadway Master Plan area, zoned Highway Service ("**H-S**") and designated Highway Service Commercial ("**HSC**") in the General Plan; and

WHEREAS, the Project qualifies for a Class 1 Categorical Exemption of the California Environmental Quality Act ("**CEQA**") consisting of "Existing Facilities," where the project both individually and cumulatively will not have a significant negative environmental impact; and

WHEREAS, on **June 19, 2018**, the Commission reviewed the staff report, accepted public testimony, and considered all other relevant information on the Project during a duly noticed public hearing; and

WHEREAS, the Commission makes the followings findings of facts:

Conditional Use Permit Findings

1. *The project is a temporary use approved on a two (2) year period. The existing building that Always Towing occupies was previously used for a Lube-N-Go vehicle service operation. The site is partially developed and has a vacant area that is being used for the temporary storage of vehicles for Always Towing. The City's General Plan Land Use Element Policy 3.2.1 provides flexibility in interpretation of allowable uses in order to encourage good retailing design and effective utilization of commercial property. Considering that at the time of this permit review there are no proposed development along the adjacent commercial properties. However, in the event of future development the City's General Plan Land Use Element Policy 3.1.1 the City shall promote available land to accommodate a mix of retailing, tourist related commercial and service uses, wholesaling, dining and entertainment, professional and business services, shopping centers, and mixed uses (commercial and residential) consistent with the economic goals of the City.*

**PLANNING COMMISSION
ALWAYS TOWING & RECOVERY
1011 BROADWAY STREET
CUP 2018-003
PAGE 12 OF 17**

2. *The purpose of Highway Service (“H-S”) Zoning District is to provide a district for vehicular oriented uses with sufficient architectural and landscaping controls to protect the amenities of the areas. The proposed use is a temporary use for two (2) years. The existing fenced area will remain and be kept in good working conditions and would have to re-apply for any extensions.*
3. *The City is allowing for flexibility in interpretation of allowable uses within the H-S Zoning District to accommodate uses that have been displaced from other zones. The use of a vehicle storage yard in the Highway Service District is being conditioned with a limited approval period in the even that new commercial retailing develops. During the approval period and any extensions thereafter.*
4. *The project involves only a temporary approval for vehicle storage. No proposed long term storage is part of this approval. The vehicles will have a maximum period of 45 days and then be relocated to a wreckage yard located outside of the city.*
5. *The site was previously used for the operations of a vehicle service oil change shop (Lube-N-Go). The site consists of mixed commercial (bakery, church, retail sales and the towing company). The site will continue with the maintenance of the fence during the duration of the CUP approval(s).*
6. *The project qualifies for a Categorical Exemption (“CE”) under the California Environmental Quality (“CEQA”) Guidelines Section 15301(a) for minor interior/exterior modifications to existing facilities. The project qualifies for a Class 1 CE set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.*
7. *Access to the subject site is provided via Broadway Street and Franciscan Way. Access to the project site from this roadway has been reviewed by the City Engineer and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to pedestrian walkways on the property. The parking is sufficient to on site for the proposed use. There are no proposed changes to the parking or circulation.*

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves CUP Case No. CUP 2018-002, consistent with **Exhibits 4** and all conditions of approval as presented.

This resolution was passed and adopted this 19th day of June 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST:

ERICA SONNE
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3

NEW CASE NUMBER: CUP 2018-003
ORIGINAL CUP 2016-003
FINAL CONDITIONS OF APPROVAL
June 19, 2018

General Conditions (Applicant should contact Maricruz Aguilar, Assistant Planner if there is are questions on the following conditions of approval "**COA**".)

- 1 **Project Description:** Conditional Use Permit ("**CUP**") Case No. 2018-003 is to extend the use of the parking of vehicles as part Always Towing and Recovery operations ("**applicant**") at the southwest corner of Broadway Street and Franciscan Way **for two (2) years**. The applicant's dispatch space is located on a part of the same lot to the north. Outdoor parking will occur only within the existing fenced area. The property is located in the Highway Service ("**H-S**") Zoning District and is within the boundary of the advisory document West Broadway Master Plan.
- 2 **Approval Period:** The approval period for the CUP shall be in accordance with the approved drawings and sketches and shall be valid for two (2) years. The applicant may re-apply for a CUP, **prior to the expiration date and request another year**.
- 3 **Application Fees:** Fees shall be waived on future CUP request for extensions. Any outstanding fees for the development review of the original CUP Case No. 2016-006 need to be cleared. All development review applications are based on times and materials per City Fee Schedule. The applicant shall contact the Finance Department for clearing the remaining balance owed for processing the original CUP.
- 4 **Lighting:** No new lighting is proposed and must be approved before installation. If approved, all new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads or surrounding properties.
- 5 **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.
- 6 **Hold Harmless Clause:** Defend, Hold Harmless, and Indemnify. To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term

**PLANNING COMMISSION
ALWAYS TOWING & RECOVERY
1011 BROADWAY STREET
CUP 2018-003
PAGE 14 OF 17**

“Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (including CUP 2018-003) (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant’s obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an Approval.

The nature and extent of Applicant's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in the proceeding paragraph shall be governed by this paragraph. To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, Applicant or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance authorized or required by the Approvals, requirements (including any mitigation measures) related to CEQA, or the performance of any or all work to be done by Applicant or its contractors, agents, successors and assigns pursuant to the Approvals (including, but not limited to any design, construction and/or ongoing operation and maintenance of off-site improvements, if any, unless and until such off-site improvements are dedicated to and officially accepted by the City). Applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, consultants or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, consultants agents or volunteers. If Applicant should subcontract all or any portion of the services to be performed pursuant to the Approvals, Applicant shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers in accordance with the terms of this paragraph. The provisions of this paragraph

**PLANNING COMMISSION
ALWAYS TOWING & RECOVERY
1011 BROADWAY STREET
CUP 2018-003
PAGE 15 OF 17**

shall survive any termination, revocation, overturn, or expiration of an Approval.

- 7 **Structural/Architectural Changes:** (Improvements as submitted are limited to screening material placed in the existing fence and two (2) to three (3) inches of gravel to be placed in the parking lot.) Construction (location of parked vehicles) shall be in substantial conformance with the plans, and COA presented to and approved by the Planning Commission in connection with the Project. Minor changes, which are determined by the Community Development Director to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Planning Commission, may be granted by the Community Development Director.
 - a) Screening material shall be same or equivalent to the material presented to the Planning Commission (Boen "Value Veil" PN 30058). 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 two (2) years. Screening material and fencing shall be maintained in good condition throughout the duration of the approval period.
 - b) Parked vehicles will be located as far to the west as possible in the lot.
- 8 **Other County, State and Federal Permits:** Prior to initiation of the proposed use, the applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
- 9 **Signage/Window Coverage:** (No requests for new signage have been submitted at this time.) New signs shall require a Sign Permit from the City. A Temporary Sign Permit shall be obtained from the City for any temporary banners or temporary signs. A separate sign permit shall be obtained for new signage, including window signage and reviewed and approved by the Community Development Department.

Miscellaneous Conditions (The Applicant should talk with Maricruz Aguilar, Community Development Department, on the following COA, if there are any questions.)

- 10 **Trash Enclosure:** At the time of Commission public hearing, the applicant shall update the Commission of usage of the existing trash enclosure area. Any amendments to the existing trash enclosure area or additional trash enclosure areas shall require a site plan be submitted to the Director and Engineer Department identifying the location of garbage/recycling bins and internal circulation for collection service. Said site plan shall be approved by the City Engineer and Director. Trash containers

**PLANNING COMMISSION
ALWAYS TOWING & RECOVERY
1011 BROADWAY STREET
CUP 2018-003
PAGE 16 OF 17**

shall be stored within the trash enclosure at all times, except when being unloaded. The trash enclosure shall be sized to accommodate trash, recycling, and green waste containers. A trash storage area shall be identified with bins for trash and recyclables. The storage area shall be screened from public view.

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: _____

EXHIBIT 4



GENERAL APPLICATION FORM
 SUBMITTED WITH ALL COMMUNITY DEVELOPMENT APPLICATIONS

Type of Application: NEW AMENDMENT (PLEASE PROVIDE DATE OF PREVIOUS APPROVAL) 19 OCT 2016

<input type="checkbox"/> Pre-Application Review (PRE-APP)	<input type="checkbox"/> General Plan Amendment (GPA)	<input type="checkbox"/> Development Agreement (DA)
<input type="checkbox"/> Sign Permit (SP) Temporary Sign Permit (TSP)	<input type="checkbox"/> Zone Change (ZC) Pre-Zoning (PZ)	<input type="checkbox"/> Memorandum of Understanding (MOU) Sphere of Influence Amendment (SOI)
<input type="checkbox"/> Landscape Permit (LP)	<input type="checkbox"/> Planned Development (PD)	<input type="checkbox"/> Annotation
<input checked="" type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Tentative Tract Map (TTM) Vesting Tentative Tract Map (VTM)	<input type="checkbox"/> Specific Plan (SP) Records Research (RR)
<input type="checkbox"/> Architectural Review (AR)	<input type="checkbox"/> Parcel Map (PM)	<input type="checkbox"/> Planning Commission or City Council Interpretation
<input type="checkbox"/> Variance (VAR)	<input type="checkbox"/> Lot Line Adjustment (LLA)	<input type="checkbox"/> Planning Commission Appeal City Council Appeal
<input type="checkbox"/> Plat Plan Review (PPR)	<input type="checkbox"/> Home Occupation Permit (HOP)	<input type="checkbox"/> Other Application(s)

RECEIVED
MAY 9 2018

APPLICANT INFORMATION

Applicant Name: Joan Miller CITY OF KING Telephone No.: (805) 239-0421

Business/Organization Name: Always Towing & Recovery Fax Number: N/A

Residing Address: 3655 Traditions Loop Email: larryhayes22@gmail.com
 Address, City, State, Zip: Paso Robles, CA 93446

Architect/Engineer/Representative: Larry Hayes Representative Phone No.: (805) 236-4090

PROJECT SPECIFIC INFORMATION

Project Location/Address: 1011 Broadway, King City CA 93446 Assessor Parcel Number: 026-391-022

Request: Renewal of CUP for 2 years or longer Towing, Bakery, Church, Phono Existing Use(s):

Existing Zoning: HS Existing General Plan Designation: HS

Adjacent General Plan Designations:	North:	South:	East:	West:
Adjacent Zoning:	North: <u>R1</u>	South: <u>PD</u>	East: <u>HS/L2</u>	West: <u>HS</u>
Adjacent Uses:	North: <u>Cemetery</u>	South: <u>Streets</u>	East: <u>Twin Oaks</u>	West: <u>Carlot</u>

The undersigned applicant affirms that all information contained with this application is true and accurate and that the applicant is authorized to make such application to the City of King. Additionally, the undersigned applicant understands and agrees that the application fee is a deposit and the application is processed on a time and materials basis. By signing this application, the undersigned applicant agrees to all statutory processing time periods (e.g., Permit Streamlining Act) and understands that if the deposit is depleted and an additional deposit is not made to the City Finance Department, the City will suspend processing the application until said deposit is made with the City Finance Department.

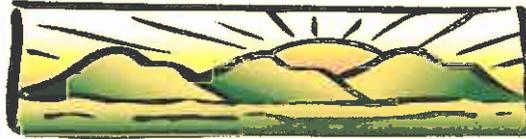
Applicant Signature: Larry Hayes, Property Manager for Joan Miller Date: 5/14/2018

If the applicant is not the property owner, the property owner must either sign below or provide written authorization for the applicant to act on his/her behalf.

Property Owner (Please Print): Joan Miller Date: 5/14/2018

Property Owner Signature: Joan Miller

Please refer to the City Fee Schedule and project specific Checklist for additional submittal requirements.



KING CITY
CALIFORNIA

Item No. 7(B)

REPORT TO THE PLANNING COMMISSION

DATE: JUNE 19, 2018

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: CONSIDERATION OF CONDITIONAL USE PERMIT CASE NO. 2018-002 FOR LEYVA'S TOWING TO ALLOW FOR A TEMPORARY 2,250 SQUARE FOOT VEHICLE STORAGE AREA AT 815 BROADWAY ST., AND A TEMPORARY 6,550 SQUARE FOOT VEHICLE STORAGE AREA AT 905 BROADWAY STREET, KING CITY, CA 93930.

RECOMMENDATION:

It is recommended Planning Commission approve Conditional Use Permit (CUP) Case No. CUP2018-002 for Leyva's Towing to allow an eight (8') foot high chain link fence for the temporary use of vehicle storage areas at two (2) locations, 815 Broadway Street and 905 Broadway Street, and subject to the conditions of approval (COA).

BACKGROUND:

On April 26, 2018, Connie Leyva, Leyva's Towing submitted an application for a Conditional Use Permit (CUP) for the consideration of temporary vehicle storage areas at two (2) separate locations, 815 Broadway Street and 905 Broadway Street. The Applicant has expressed an urgency in finding a new location for their operations. Leyva's Towing had been operating at 589 Bitterwater Road since April of 2005.

On June 6, 2018, the Applicant submitted a revised site plans with the following proposals:

815 Broadway Street:

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 2 OF 23**

1. Operate Dispatch Office within an existing office space. Operates Monday – Friday from 8AM – 5PM and three (3) employees.
2. Store a maximum of two (2) vehicles on the existing delivery ramp located adjacent to the office. See **Figure 3** below for reference.
3. Store vehicles for a max of 40-45 days.
4. Park two (2) service trucks for display during non-operating hours along the front entrance of 815 Broadway Street.
5. No proposed changes to the parking lot. (**Reference COA No. 14.**)
6. No proposed landscaping as part of this submittal. (**Reference COA No. 15.**)
7. No proposed signage as part of this application. Any new signage would be subject to a sign permit application. (**Reference COA No. 9.**)
8. Installation of a new eight (8') ft. high chain link fence with a gate and privacy slats (approximately 2,250 square feet storage area (25'x90')). (**Reference COA No. 12.**)

905 Broadway Street:

1. A 6,550 square foot vehicle storage area for a max of forty (40) vehicles.
2. An eight (8') ft. high chain link fence with slats located behind the Auto Sales Temporary Modular Building (approximately 6,550 sq. ft. storage area) See **Figure 1** for reference. (**Reference COA No. 12.**)
3. Store the vehicles for a max of 40-45 days.
4. The parking lot will be striped for designated tenant spaces. (**Reference COA No. 13.**)
5. No proposed landscaping.
6. No proposed new lighting.
7. No proposed signage as part of this application. Any new signage would be subject to a sign permit application. (**Reference COA No. 9.**)
8. Unclaimed vehicles will be sent to wrecking yards (out of town) and not kept at this location for long term storage.
9. Upon availability of space within the storage yard on occasions there may be trailers or semi-trucks stored.

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 3 OF 23**

VICINITY MAP:



ZONING DESIGNATION:

815 Broadway St: Highway Service (H-S)

905 Broadway St: Highway Service (H-S) and Planned Development (P-D)

GENERAL PLAN LAND USE DESIGNATION:

815 Broadway St: Highway Service Commercial (HSC)

905 Broadway St: Highway Service Commercial (HSC)

**PLANNING COMMISSION
 LEYVA'S TOWING
 815 & 905 BROADWAY STREET
 CUP 2018-002
 JUNE 19, 2018
 PAGE 4 OF 23**

DISCUSSION:

Development Standards Analysis

- Proposed Use(s)

Leyva's Towing services towing of vehicles for the California Highway Patrol (CHP), the Monterey County Sheriff Department, the King City Police Department, personal vehicles and motor club vehicles within the County of Monterey. The business is not certified for AAA. The operations will consist of a dispatch office at 815 Broadway Street and two (2) storage yards as described below. Vehicles will be kept at these storage areas for a max of 40-45 consecutive days. If the vehicles are unclaimed they are taken out of town to a wrecking yard or sold. No dismantling is part of the operation. No long term permanent parking is proposed. The office operates from Monday – Friday from 8AM - 5PM and has three (3) employees.

- **815 Broadway St:** 2,250 square feet of overnight towing storage (maximum of (2) vehicles)
- **905 Broadway St:** 6,550 square feet of vehicle storage area at 905 Broadway St (maximum of forty (40) vehicles).

Parking Conditions

Both properties are currently owned and operated by the same property owners. The site has multiple existing businesses. Table 1 and Table 2 is a breakdown of existing businesses and proposed businesses with their parking ratio.

Table 1 - Parking at 815 Broadway St				
815 Broadway Street	Tenant	Existing Parking	Required Parking	Parking Requirement Met?
	Leyva's Towing Approximate 300 sq. ft. of office	1	1 space for office (1 space for 300 sq. ft. of gross floor area)	Yes
	2,250 sq. ft. of yard	2	2 spaces for yard area (1 space for 1000 sq. ft. of gross floor area)	Yes
	Unit 1:		31 spaces for	

**PLANNING COMMISSION
 LEYVA'S TOWING
 815 & 905 BROADWAY STREET
 CUP 2018-002
 JUNE 19, 2018
 PAGE 5 OF 23**

905 Broadway Street	El Mercado 6,200 sq. ft. sales 2,350 sq. ft. gross area	31 2	sales area (1 space per 200 sq. ft. sales area) 2 spaces for sales area (1 space per 1000 sq. ft. gross area)	
	Unit 2: Laundromat 7,328 sq. ft.	18	18 spaces for laundromat (1 space per 400 sq. ft. sales area and 1 per 1,000 per remaining gross)	Yes
	Jenny's Decoration Approx. 3,570 sq. ft. sales area Approximately 1,000 sq. ft. gross area	18 1	18 spaces for party store (1 space per 200 sq. ft. sales area and 1 per 1,000 per remaining gross) 1 space for storage	Yes
	Totals	72 Existing Parking Spaces	72 Parking Spaces Required	Yes

Table 2 - Parking at 905 Broadway St				
905 Broadway Street	Tenant	Proposed/ Existing Parking	Required Parking	Parking Requirement Met?
905 Broadway Street	Leyva's Towing 6,550 sq. ft. yard area	None Proposed. Sales office located at 815 Broadway	7 spaces (1 space for 1000 sq. ft. of gross area)	No

PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 6 OF 23

	St		
Auto Repair Shop Unit #1 1,920 sq. ft.	32	4 spaces (1 space for 500 sq. ft. of gross floor area)	Yes
Auto Repair Shop Unit #2 960 sq. ft.	16	2 spaces (1 space for 500 sq. ft. of gross floor area)	Yes
Smog Shop Unit #3 Approx. 169 sq. ft.	3	1 space (1 space for 500 sq. ft. of gross floor area)	Yes
Detail Shop/Carwash Approximate 1,331 gross area Approximate 3,900 sq. ft. yard area	6	8 spaces (1 space for 500 sq. ft. of gross floor area) 4 spaces (1 space for 1000 sq. ft. of remaining gross floor area)	No
JV Auto 1,400 sq. ft. sales area 13,600 sq. ft. of display area	0	4 spaces (1 space for 400 sq. ft. of sales area) 14 (1 space for 1,000 sq. ft. gross area)	No
Salinas Small Recycling Facility 480 sq. ft.	6	1 (1 space for 400 sq. ft. of sales area)	Yes
	63 Parking Spaces	40 Required Spaces	Reference COA No. 14 Parking Plan

Current Conditions (Figure 1-4 below)



Figure 1 – Proposed area for an 8ft high chain link fence w/slats Leyva's Towing (6,550 sq. ft.). Max 40 vehicles. *Reference COA NO. 13*



Figure 2 – Proposed dispatch office for Leyva's Towing



Figure 3 – Proposed vehicle storage (2,250 sq. ft.) fenced with an 8ft high fence. Max 2 vehicles. *Reference COA No. 13*



Figure 4 – The sites do not have trash enclosures. Staff recommendation is for a trash enclosure to be placed onsite. The Applicant/Property Owner to present a plan for trash enclosures during the Planning Commission hearing. Per Municipal Code Chapter 8.24 require proper garbage collection and disposal. Any transportation of garbage carried through public streets needs to comply with Health and Sanitary laws of the city and the state. *Reference COA No. 16*

Surrounding Uses

Table 1 provides an overview of the adjacent zoning and land use.

Table 1			
Adjacent Zoning/Land Use			
North:	R-1/PQ	East:	H-S/HSC
West:	H-S/HSC	South:	H-S/HSC

General Plan/Policies and Requirements:

Table 2 provides the land use designations for the project.

Table 2	
General Plan Designations	
General Plan Land Use Designation:	Highway Service Commercial (HSC)
Specific Plan Area:	N/A Note: The property is within the West Broadway Master Plan (advisory document)

Environmental Determination

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption (CE) set forth in

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 9 OF 23**

Class 1 Section 15301 as it relates to occupying an existing office space and installing a fenced area for temporary vehicle storage. The project involves no expansion to the facilities. Furthermore, Staff has determined that none of the exemptions to CE set forth in the California Environmental Quality Act (CEQA) Guidelines, Section 15300.2 apply to this project.

Project Review Committee Comments and Review & Review by Other Agencies

The PRC has reviewed and provided comments incorporated through the staff report. The use is conditioned to be approved for a one year (1) period and the applicant can re-apply each year for consideration of an extension. City Manager Department has also noted the importance of maintaining and adding landscaping along the frontage of 815 Broadway Street. City Engineer Department will need to review the trash enclosure. City Engineer and Building Department will need to review the parking plan for 905 Broadway regarding ADA accessibility parking.

Public Notification and Input

A public hearing notice was published on **June 6, 2018** in the South County Newspaper *The Rustler*. Notices were mailed to the property owners within three hundred feet of the property. As of writing of this report no public written comments have been received.

COST ANALYSIS:

The processing of this CUP fees are based on times and material per the City Fee Schedule. The Applicant will be responsible for any balances beyond the initial application deposit.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Approve CUP2018-002 to temporary allow Leyva's Towing for one (1) year period and re-apply after the one-year period for any extensions.
2. Deny CUP2018-002 and return with findings for denial.
3. Modify CUP2018-002.
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 - Findings of Fact
2. Exhibit 2 – Resolution No.

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 10 OF 23**

3. Exhibit 3 – Conditions of Approval
4. Exhibit 4 – 815 Broadway St Site Plan
5. Exhibit 5 – 905 Broadway St Site Plan

Submitted by: *Maricruz Aguilar for MC*
Maricruz Aguilar, Assistant Planner

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

EXHIBIT 1

Case No. CUP 2018-002
Findings of Facts

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

California Environmental Quality Act (CEQA) Findings of Fact

The project qualifies for a Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.

Conditional Use Permit Findings

1. **The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan and West Broadway Master Plan.**

***Analysis:** The project is compatible with the surrounding uses. The site consists of a mechanic shop, detail shop, carwash, auto sales display area. The project involves a temporary fenced area for vehicle storage. The City is recommending a one (1) year approval. The Applicant would need to re-apply each year to determine if the use remains consistent. The General Plan Land Use Element allows for maximum flexibility in interpreting allowable uses under the zoning code. The Highway Service (H-S) Zone District allows for motor vehicle, trailer, farm machinery sales and service and tire recapping. These uses which include vehicle storage. The General Land Use Element also requires that commercial development be designed and screened in an attractive manner taking into account the surrounding environment and land uses. The project consists of installing a temporary chain link fence with slats for screening of the vehicles.*

2. **The Conditional Use Permit, as approved, conforms with the Zoning Ordinance and all other provisions of the City of King Municipal Code applicable to the project.**

***Analysis:** The purpose of Highway Service (H-S) Zoning District is to provide a district for vehicular oriented uses with sufficient architectural and landscaping controls to protect the amenities of the areas. The*

proposed use is a temporary use for one (1) year. The fenced area will be placed behind the modular auto sales office at 905 Broadway Street. The fenced area at 815 Broadway Street will be temporarily placed to screen the dock area where they will leave a max of two (2) overnight vehicles.

- 3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies regarding economic development and other policies.**

***Analysis:** The City has seen a shift in land uses with the recent code changes to the East Ranch Business Park; Industrial area. The City is allowing for flexibility in interpretation of allowable uses within the H-S Zoning District to accommodate uses that have been displaced. The use of a vehicle storage yard in the H-S Zoning District is being conditioned with a limited approval period in the event that new commercial retailing develops. During the approval period and any extensions thereafter, the Applicant shall protect the adjacent trailer park from noise, unsightliness, offending odors, and other nuisances.*

- 4. The Project will not adversely affect the health and safety of the community of the community.**

***Analysis:** The project involves only a temporary approval for vehicle storage. No proposed long-term storage is part of this approval. The vehicles will have a maximum period of forty-five (45) days and then be relocated to a wreckage yard located outside of the city.*

- 5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

***Analysis:** The site was previously used for the operations of a car dealership. The site at 905 Broadway Street underwent a fire incident years ago that burnt down the dealership sales office and shops. The site is starting to rebuild as a temporary sales office is now located along the frontage of the property. The proposed use will be located behind the sales office and install a temporary chain link fence with slats to match the colors of the sales office. The site will be striped to accommodate for all the parking for the multi-tenants located on site. A condition has been placed that a Parking Plan be submitted to meet with city parking standards and ADA parking standards.*

6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The project qualifies for a Categorical Exemption (CE) under CEQA Guidelines Section 15301(a) for minor interior/exterior modifications to existing facilities. The project qualifies for a Class 1 CE set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.

- 7 . Traffic access, pedestrian access and parking are adequate.

Analysis: Access to the subject site is provided via Broadway Street is a fully-improved roadway. Access to the project site from this roadway has been reviewed by the City Engineer and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to pedestrian walkways on the property.

The parking is sufficient to on site for the proposed use.

EXHIBIT 2

RESOLUTION NO. 2018-230

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2018-004 FOR
LEYVA'S TOWING FOR TEMPORARY USE OF VEHICLE STORAGE AREAS
AT 815 BROADWAY STREET AND 905 BROADWAY STREET, KING CITY,
CALIFORNIA.

WHEREAS, On **April 26, 2018**, Connie Leyva, Applicant, requested a Conditional Use Permit ("**CUP**") Case No. 2018-002 to allow temporary vehicle storage towing areas for Leyva's Towing at 815 Broadway Street and 905 Broadway Street, King City, CA.

WHEREAS, the property, as described in the Staff Report, is within the West Broadway Master Plan area. The site is zoned Highway Service ("**H-S**") and is designated Highway Service Commercial ("**HSC**") in the General Plan.; and

WHEREAS, City staff recommends the project be approved for a one (1) year period; and

WHEREAS, On **June 19, 2018**, the Planning Commission ("**Commission**") held a public hearing to consider the conditional use permit for Leyva's Towing; and

WHEREAS, the project qualifies for a Class 1 Categorical Exemption of CEQA consisting of "Existing Facilities," where the project both individually and cumulatively will not have a significant negative environmental impact; and

WHEREAS, the Commission reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **June 19, 2018**; and

WHEREAS, the Commission makes the followings findings of facts:

Conditional Use Permit Findings

1. The project is compatible with the surrounding uses. The site consists of a mechanic shop, detail shop, carwash, auto sales display area. The project involves a temporary fenced area for vehicle storage. The City is recommending a one (1) year approval. The Applicant would need to re-apply each year to determine if the use remains consistent. The General Plan Land Use Element allows for maximum flexibility in interpreting allowable uses under the zoning code. The Highway Service (H-S) Zoning District allows for motor vehicle, trailer, farm machinery sales and service

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 15 OF 23**

and tire recapping. These uses which include vehicle storage. The General Land Use Element also requires that commercial development be designed and screened in an attractive manner taking into account the surrounding environment and land uses. The project consists of installing a temporary chain link fence with slats for screening of the vehicles.

2. The purpose of H-S Zoning District is to provide a district for vehicular oriented uses with sufficient architectural and landscaping controls to protect the amenities of the areas. The proposed use is a temporary use for one (1) year. The fenced area will be placed behind the modular auto sales office at 905 Broadway Street. The fenced area at 815 Broadway Street will be temporarily placed to screen the dock area where they will leave a max of two (2) overnight vehicles.
3. The City has seen a shift if land uses with the recent code changes to the East Ranch Business Park Specific Plan; Industrial area. The City is allowing for flexibility in interpretation of allowable uses within the H-S Zoning District to accommodate uses that have been displaced. The use of a vehicle storage yard in the H-S Zoning District is being conditioned with a limited approval period in the even that new commercial retailing develops. During the approval period and any extensions thereafter, the Applicant shall protect the adjacent trailer park from noise, unsightliness, offending odors, and other nuisances.
4. The project involves only a temporary approval for vehicle storage. No proposed long-term storage is part of this approval. The vehicles will have a maximum period of forty-five (45) days and then be relocated to a wreckage yard located outside of the city.
5. The site was previously used for the operations of a car dealership. The site at 905 Broadway Street underwent a fire incident years ago that burnt down the dealership sales office and shops. The site is starting to rebuild as a temporary sales office is now located along the frontage of the property. The proposed use will be located behind the sales office and install a temporary chain link fence with slats to match the colors of the sales office. The site will be striped to accommodate for all the parking for the multi-tenants located on site. A condition has been placed that a Parking Plan be submitted to meet with city parking standards and ADA parking standards.
6. The project qualifies for a Categorical Exemption (CE) under CEQA Guidelines Section 15301(a) for minor interior/exterior modifications to existing facilities. The project qualifies for a Class 1 (CE) set forth in CEQA Guidelines, Section 15301 as it involves no change of operation of existing structures and involves no expansion to existing facilities.

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 16 OF 23**

7. Access to the subject site is provided via Broadway Street is a fully-improved roadway. Access to the project site from this roadway has been reviewed by the City Engineer and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to pedestrian walkways on the property. The parking is sufficient to on site for the proposed use.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approves CUP Case No. CUP 2018-002, consistent with **Exhibits 4** and all conditions of approval as presented.

This resolution was passed and adopted this 19th day of June 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST:

ERICA SONNE
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 3

Case Number: CUP 2018-002
CONDITIONS OF APPROVAL

General Conditions (The applicant should contact Maricruz Aguilar, Assistant Planner if there is are questions on the following conditions of approval ("**COA**").

- 1 **Project Description:** Conditional Use Permit ("**CUP**") Case No. 2018-002 is to allow Leyva's Towing to:
 - a. Install a 2,250 sq. ft. vehicle storage yard at 815 Broadway Street with an eight (8') foot high chain link fence with slats. Max storage of two (2) vehicles with a maximum stay of forty-five (45) days. No long-term parking storage.
 - b. Install a 6,550 sq. ft. vehicle storage yard at 905 Broadway Street with an eight (8') foot high chain link fence with slats. Max storage of forty (40) vehicles with a maximum stay of forty-five (45) days. No long-term parking storage.

The extent of the use of the parking of vehicles as part of Leyva's Towing operations ("**applicant**") at 815 Broadway Street and 905 Broadway Street is **for one (1) year**. The applicant's dispatch space is located on 815 Broadway Street. The property is located in the Highway Service ("**H-S**") Zoning District and is within the boundary of the advisory document West Broadway Master Plan.

- 2 **Approval Period:** The approval period for the CUP shall be in accordance with the approved drawings and sketches and shall be valid for one (1) year. The applicant may re-apply for a CUP, **prior to the expiration date and request another year.**
- 3 **Application Fees:** Fees shall be waived on future CUP request for extensions.
- 4 **Lighting:** No new lighting is proposed and must be approved before installation. If approved, all new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads or surrounding properties.
- 5 **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.
- 6 **Hold Harmless 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,

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 18 OF 23**

contractors, consultants (including Earth Design International, Hanna & Brunetti, Aleshire & Wynder, 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 International, Aleshire & Wynder, attorneys, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

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

Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("**CEQA**") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or involved in such proceeding.

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

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

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

- The counsel to so defend City.

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 19 OF 23**

- All significant decisions concerning the manner in which the defense is conducted; and
- Any and all settlements.

City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants' fees and costs shall be paid by the applicant. In addition, in the event of litigation, the applicant shall pay any and all City Staff and consultants' fees and costs. The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

- 7 Structural/Architectural Changes:** (Improvements as submitted are limited to screening material placed in the temporary chain link fence. Location of vehicle storage shall be in substantial conformance with the plans, and COA presented to and approved by the Planning Commission in connection with the Project. No COA, colors, materials or architectural features shall be eliminated, added or modified without Planning Commission ("**Commission**") review and action. Minor changes, which are determined by the Community Development Director ("**Director**") to be substantially in conformity with the plans, layout, building design, landscaping and architecture, including architectural features and colors approved by the Commission, may be granted by the Director.
 - a) Screening material shall be reviewed by the Community Development Director prior to installation. A determination of condition/requirement for replacement of damaged areas to be presented to Planning Commission at the time of extension request.
- 8 Other County, State and Federal Permits:** Prior to initiation of the proposed use, the applicant shall provide copies of any required County, State and Federal permits or written verification of a waiver of permit requirement.
- 9 Signage/Window Coverage:** (No requests for new signage have been submitted at this time). New signs shall require a Sign Permit from the City. A Temporary Sign Permit shall be obtained from the City for any temporary banners or temporary signs. A separate sign permit shall be obtained for new

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 20 OF 23**

signage, including window signage and reviewed and approved by the Community Development Department.

Building and Safety Department (The applicant should talk with Joe Strasser, Chief Building Official and Maricruz Aguilar, Assistant Planner on the following COA, if there are any questions.)

- 10 **Building Plans:** All Commission COA shall be imprinted on plans submitted for building permits.
- 11 **Scope of Work Description:** The applicant shall complete a concise Scope of Work description specific to the project imprinted on the Title Sheet at the time of plan submittal for plan check review.
- 12 **Fence:** A building permit application shall be submitted for each site to the Building & Safety Department for the installation of the eight (8') foot high chain link fences with gates.
- 13 **Parking Plan 905 Broadway Street:** At the time of building permit submittal, the applicant and/or property owner shall submit a parking plan for 905 Broadway Street. Parking lot shall be reviewed and approved by the Community Development Department, Building Department, and Engineering Department. Parking lot shall comply with accessibility ADA requirements.
- 14 **Parking Improvements 815 Broadway Street:** Prior to final of building permit, the applicant and/or property owner shall review the existing conditions of the parking lot asphalt surface to be free of pot holes.
- 15 **Landscaping at 815 Broadway Street:** At the time of building permit submittal, the applicant and/or property owner shall maintain the existing landscaped areas clear of weeds and add or replace with new vegetation along the frontage of 815 Broadway Street. Applicant and/or property owner to consult with the Community Development Director of the type of vegetation to be used along the property frontage of 815 Broadway Street.
- 16 **Trash Enclosure:** At the time of building permit submittal, the Applicant and/or property owner shall submit an enclosure detail and revised site plan of where the enclosure will be located. Prior to submittal, Applicant and/or property owner to obtain recommendation from Waste Management on the size and location of the enclosure. The site plan shall be routed to the Community Development Director and Engineer Department identifying the location of garbage/recycling bins and internal circulation for Waste Management to provide service. Said site plan shall be approved by the City Engineer and Community Development Director. Trash containers shall be stored within the trash enclosure at all times, except when being unloaded. The trash enclosure shall be sized to accommodate trash, recycling, and green waste containers. A trash storage area shall be identified with bins for trash and recyclables. The storage area shall be screened from public view.

**PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 21 OF 23**

Conditional Use Condition Agreement:

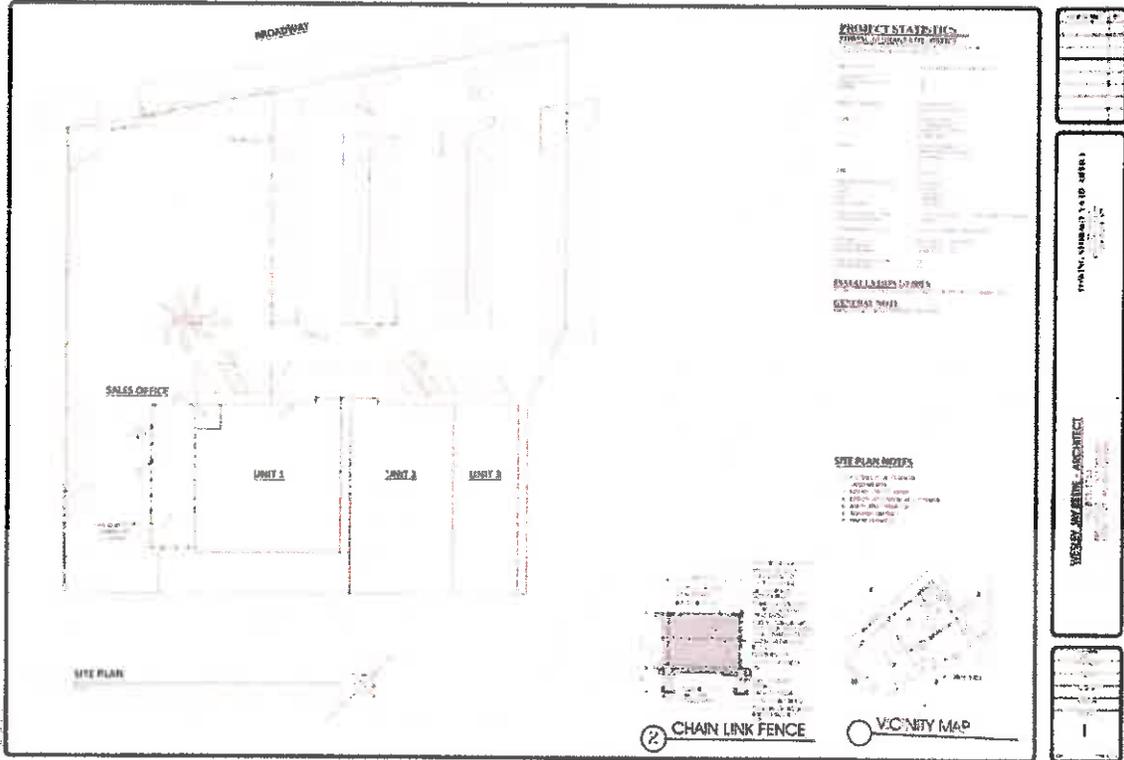
The conditional use permit is **not** valid until all Conditions of Approval ("**COA**") and mitigated measures imposed by the Planning Commission are signed for and agreed to by the applicant.

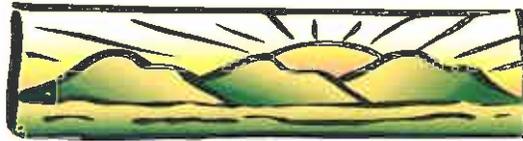
I have received a copy of the conditional use permit conditions of approval and mitigated measures and agree with them. I understand that if I do not abide by them the Planning Commission has the authority to revoke my conditional use permit, pursuant to the Municipal Code. (*Reference Municipal Code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

Applicant Signature: _____ Date: _____

PLANNING COMMISSION
LEYVA'S TOWING
815 & 905 BROADWAY STREET
CUP 2018-002
JUNE 19, 2018
PAGE 22 OF 23

EXHIBIT 4 – 815 Broadway Street Site Plan





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

Item No. 7(C)

REPORT TO THE CITY COUNCIL

DATE: JUNE 19, 2018

TO: PLANNING COMMISSION

FROM: STEVEN ADAMS, CITY MANAGER
ROY C. SANTOS, ASSISTANT CITY ATTORNEY

RE: CONSIDERATION OF RECOMMENDATION TO THE CITY COUNCIL REGARDING AMENDING CHAPTER 17.03 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO COMMERCIAL CANNABIS ACTIVITY; AMENDING CHAPTER 17.30 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-1 INDUSTRIAL DISTRICT; AMENDING CHAPTER 17.31 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-2 INDUSTRIAL DISTRICT; AND INTRODUCTION OF AN ORDINANCE AMENDING SECTION D.3(G) OF CHAPTER 4 (DEVELOPMENT STANDARDS) OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN FOR THE PURPOSE OF ADDING NON-STOREFRONT CANNABIS RETAIL SALES

RECOMMENDATION:

Staff recommends that Planning Commission 1) review proposed amendments to the Ordinances and Environmental Document, 2) receive public comment 3) recommend the City Council introduce and adopt the Ordinances.

BACKGROUND:

At the February 27, 2018 meeting, Mayor LeBarre requested and the Council concurred to place this item on a future agenda for discussion, which was done at the March 13, 2018 meeting. At that meeting, Mayor LeBarre proposed the City Council consider directing staff to prepare an ordinance that would allow businesses manufacturing cannabis products in King City to receive orders and payments, typically online, and deliver products directly to a customer's residence. A number of issues were discussed and staff was directed to return with additional information, which was provided at a subsequent meeting. At that

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL REGARDING AMENDING THE
MUNICIPAL CODE TO AUTHORIZE LICENSES FOR NON-STOREFRONT
CANNABIS RETAIL SALES
JUNE 19, 2018
PAGE 2 OF 5**

time, the City Council supported the changes in concept, but directed staff to delay taking any action until such time as an individual or corporation submitted a request and provided the required deposit to prepare the necessary Municipal Code Amendment. Shortly after the City Council's decision, City staff received a request to amend the current Commercial Cannabis Activity Ordinance, which facilitated the current amendments presented at this time to the Planning Commission.

DISCUSSION:

Type of License Required

There has been some confusion regarding the type of license that would be necessary in order to approve non-storefront retail sales by deliver only. Originally, a Type 9 License was defined as involving non-storefront retail sales. However, State legislation eliminated Type 9 licenses from the Business and Professions Code and incorporated them into a Type 10 license, although it is confusing since the Code of Regulations created by the state departments governing commercial cannabis still references a Type 9 license.

Currently the King City Municipal Code does not prohibit the creation of an electronic processing center for the purchase of cannabis or cannabis products. However, the retail sale or making available of cannabis and cannabis products are expressly prohibited within the City. Section 17.03.040 states:

(b) Cannabis dispensaries, cooperatives and/or collectives shall be prohibited in all zoning districts within the City. Further, no retail deliveries or dispensing of any cannabis or cannabis product shall be allowed within the jurisdictional boundaries of the City. The establishment, development, construction, maintenance, or operation of a cannabis dispensary, cooperative and/or collective are hereby prohibited, and is not an authorized or conditionally permitted use in any zoning district, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a cannabis dispensary, cooperative and/or collective, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any cannabis dispensary, cooperative and/or collective shall be approved by any officer or employee of the City.

(c) The retail sale, gift, trade, barter or making available of cannabis or cannabis products by two or more persons shall be prohibited in all zoning districts of the City.

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL REGARDING AMENDING THE
MUNICIPAL CODE TO AUTHORIZE LICENSES FOR NON-STOREFRONT
CANNABIS RETAIL SALES
JUNE 19, 2018
PAGE 3 OF 5**

(f)(8) a Type 12 licensee/permit holder shall not receive a commercial cannabis permit authorizing the establishment, development, construction, maintenance, or operation of a cannabis dispensary, cooperative and/or collective within the City.

A Type 10 retailer can be either a non-storefront, delivery only, or storefront dispensaries. A retailer shall have licensed premises upon which commercial cannabis activities are conducted. Previously, the retail sales designation could be either Type 10 retail sales from a physical location or Type 9 retail non-storefront. A storefront dispensary may be closed to the public and includes both direct customer sales and deliveries. A non-storefront dispensary must be located in a brick and mortar licensed building, which is not open to the public. The non-storefront dispensary conducts their sales exclusively by delivery.

A Microbusiness license allows commercial cannabis business owners to structure their business to vertically integrate. In order to hold a Type 12 Microbusiness license a licensee must engage in at least three of the four following commercial cannabis activities: (1) **Cultivation** (Limited to 10,000 sq. ft. of cannabis canopy), (2) **Manufacturing** (Limited to Type 6, non-volatile, "Manufacturer" means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container), (3) **Distribution** (Type 11 Distribution, "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees), and (4) **Retail Sales** (Type 10 Dispensary and/or Delivery Service, "Dispensary" means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale. "Dispensing" means making cannabis or cannabis products available to, delivering to, or distributing to two or more persons and/or any activity involving the wholesale of cannabis or cannabis products. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer, including the use by a retailer of any technology platform owned and controlled by the retailer.).

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL REGARDING AMENDING THE
MUNICIPAL CODE TO AUTHORIZE LICENSES FOR NON-STOREFRONT
CANNABIS RETAIL SALES
JUNE 19, 2018
PAGE 4 OF 5**

Deliveries in King City

Deliveries are currently prohibited in King City. The City Council discussed this restriction and did not provide direction for any changes, but instead indicated they would consider it if a request was received. The current applicant did not include that in their request and is not recommended by staff. Therefore, the draft Ordinance would allow deliveries outside King City, but would not change the prohibition on deliveries in King City.

Sales Tax

One of the key goals in considering amending the current Commercial Cannabis Activity ordinance was to generate sales tax revenues, but there were some issues involved with how sales tax is applied. City staff contacted HdL Companies, the City's sales tax consultant to confirm what sales taxes the City could expect to receive.

First, it was confirmed that the City would receive the full one cent statewide sales tax amount for each one dollar of sales. To assured this is the case, the orders would have to be both received and filled in King City. If only one of these activities occurred within the City, the sales tax may be placed in the County pool, whereby the City only receives a small portion. The one-half cent local sales tax would not be charged for these purchases.

Second, it was confirmed that sales tax is not charged on sales of cannabis and/or cannabis products if the purchaser provides evidence of a valid State issued medical cannabis purchase card. There is a process and charge involved to obtain this card; however, they are relatively easy to obtain.

Permit Renewals

The City's current Ordinance does not provide for renewal of existing permits if the business has not been operating for at least four months prior to expiration of the permit. As a result, there are existing permits due to expire that will have to reapply for a new permit rather than simply applying for a renewal. This will require them to pay a higher fee even though little staff time will be required to process the permit since it has already been issued. Therefore, the proposed Ordinance amendments include language providing the City Manager authority to grant exceptions to this restriction if the delay has been due to special circumstances and the applicant has been making a good faith effort to commence operations.

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL REGARDING AMENDING THE
MUNICIPAL CODE TO AUTHORIZE LICENSES FOR NON-STOREFRONT
CANNABIS RETAIL SALES
JUNE 19, 2018
PAGE 5 OF 5**

ENVIRONMENTAL REVIEW:

The Ordinances are exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307, 15308.)

ALTERNATIVES:

The following alternatives are provided for Commission consideration:

1. Recommend the City Council introduce and adopt the Ordinances;
2. Recommend the City Council adopt the Ordinances, but allow local deliveries;
3. Request other changes to the Ordinance;
4. Do not recommend the City Council adopt the Ordinances; or
5. Provide other direction to staff.

ATTACHMENTS:

1. Ordinance No. ____ (Section 17.03, Regulatory Ordinance and (Sections 17.30 and 17.31 (M-1 and M-2 Districts)
2. Ordinance No. ____ (East Ranch Business Park Specific Plan Amendment).

Prepared and Approved by:



Steven Adams, City Manager

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING CHAPTER 17.03 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO COMMERCIAL CANNABIS ACTIVITY; AMENDING CHAPTER 17.30 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-1 INDUSTRIAL DISTRICT; AND AMENDING CHAPTER 17.31 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-2 INDUSTRIAL DISTRICT

WHEREAS, the City of King (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical cannabis use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act (“Act”), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial cannabis operations; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis”, and making other technical changes to the Act. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in 2016, the City adopted Title 17, Chapter 17.03 et seq., of the King City Municipal Code pertaining to Medical Cannabis Activity. The Medical Cannabis Ordinance places complete bans and regulations on medical cannabis activity in the City based upon various health, safety and welfare and land use findings relating to cannabis cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

WHEREAS, on August 1, 2017, at a lawfully noticed hearing, the Planning Commission for the City of King heard and considered the issue of increasing the maximum number of manufacturing permits the City will approve. The Planning Commission, upon hearing and considering the issue of increasing the maximum number of manufacturing permits, recommends

that the City Council of the City of King increase the maximum number of manufacturing permits the City will approve from six (6) to ten (10).

WHEREAS, in November of 2016 the Adult Use of Marijuana Act (“AUMA”) was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical cannabis, including cannabis products. Adults, age 21 and older, will be allowed to possess cannabis and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of cannabis became effective the day after the November 8, 2016; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.1(a)(3), will make it lawful under state and local law for any person twenty-one (21) years of age or older to “Possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants”; and

WHEREAS, the City wishes to enact regulations governing commercial cultivation of cannabis at this time; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.2(b) explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of cannabis so long as the City does not prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, several California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, cannabis plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of cannabis plants and their strong smell (which alerts others to their locations), cannabis cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated cannabis cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance, in that cannabis cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, the indoor cultivation of cannabis has potential adverse effects to the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage grow lights and

excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of cannabis can be harmful to the public health, safety and welfare, given electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, MMRSA and AUMA mandated comprehensive state licensing and regulatory framework for cultivation, manufacturing, distribution, transporting, testing and dispensing cannabis and cannabis products; however, implementing regulations have yet to be written and state licenses may not be available until 2018; and

WHEREAS, there are numerous well publicized studies and reports, as well as numerous documented incident in Monterey County and throughout the State, which show that unregulated cannabis activities have a significant adverse effect on the community; and

WHEREAS, the City finds that the absence of a formal regulatory framework the adverse impacts frequently associated with commercial cannabis activities will occur, resulting in an unregulated and potentially significant negative impact upon the environment and upon public health, safety, and welfare of the community; and

WHEREAS, outdoor cannabis cultivation and unregulated indoor cannabis cultivation are likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City desires to explicitly prohibit the outdoor cultivation of commercial cannabis for both recreational and medical use; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City also desires to enact reasonable regulations for the indoor cultivation, manufacturing, testing, distribution, or consumption of commercial recreational and medical cannabis; and

WHEREAS, absent clear regulation, cannabis cultivation in the City poses a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it, the secondary impacts described above are likely to occur very soon after the passage of the AUMA; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the

neighborhoods within the City by regulating the commercial cultivation of recreational and medical cannabis; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, manufacturing, testing, distribution, or consumption of cannabis which is illegal under state or federal law; and

WHEREAS, it is the intent of the City to regulation commercial cannabis activities, both recreational and medical, within the boundaries of the City.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.)

SECTION 3. Chapter 17.03, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.03

COMMERCIAL CANNABIS ACTIVITY

Section 17.03.020 Definitions.

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

- (j) *“Delivery”* means the ~~commercial~~ transfer of cannabis and/or cannabis products from a cultivation site, up to an amount determined by the State of California, or any of its departments or divisions, to a manufacturer or a testing laboratory, or the wholesale or retail sale of cannabis, cannabis products and/or devices for the use of cannabis or cannabis products from a non-storefront dispensary, up to an amount determined by the State of California, or any of its departments or divisions, to a retail customer.
- (k) *“Dispensary”* means any facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to

express authorization, cannabis and cannabis products as part of a retail sale.

- (l) “*Dispensing*” means making cannabis and/or cannabis products available to, delivering to, or distributing to two (2) or more persons and/or any activity involving the wholesale or retail sale of cannabis or cannabis products.
- (y) “*Transport*” means the transfer of cannabis or cannabis products from a licensed and permitted commercial cannabis business location to another licensed and permitted commercial cannabis business location, for the purposes of the wholesale or retail delivery of cannabis and/or cannabis products and/or the transfer of cannabis to a manufacturing site or testing site as authorized pursuant to state law and/or the King City Municipal Code.
- (z) “*Transporter*” means a person who transports commercial cannabis or cannabis products to and from a wholesale or retail commercial cannabis business licensed by the State of California or one of its departments or divisions and permitted by the City of King.

Section 17.03.040 Licenses and Permits.

- (a) Commercial cannabis activity shall be authorized in the City of King only as expressly provided in this Chapter and if not expressly authorized by this Chapter shall be prohibited.
- (b) Authorized Commercial Cannabis Activities: Commercial cannabis operations within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, nursery cultivation, retailer (non-storefront delivery outside of the City limits only), manufacturer, testing laboratory, distributor, and microbusiness (excluding all storefront sales and allowing only deliveries outside of the City limits) are allowed subject to issuance and maintenance of the permits and entitlements set forth in this Chapter and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current State license of a classification listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:
 - (1) Type 1A = Cultivation; Specialty Indoor; Small.
 - (2) Type 1B = Cultivation; Specialty Mixed-Light; Small.
 - (3) Type 2A = Cultivation; Indoor; Small.
 - (4) Type 2B = Cultivation; Mixed-Light; Small.
 - (5) Type 3A = Cultivation; Indoor; Medium.

- (6) Type 3B = Cultivation; Mixed-Light; Medium.
- (7) Type 4 = Cultivation; Nursery.
- (8) Upon authorization by the State of California, Type 5A = Cultivation; Indoor; Large.
- (9) Upon authorization by the State of California, Type 5B = Cultivation; Mixed-Light; Large.
- (10) Type 6 = Manufacturer 1.
- (11) Type 7 = Manufacturer 2.
- (12) Type N = Manufacturer (i.e. no extractions, pursuant to 17 CCR § 40118, as may be amended).
- (13) Type P = Manufacturer (i.e. packaging and labeling only, pursuant to 17 CCR § 40118, as may be amended).
- (14) Type 8 = Testing Laboratory.
- (15) As authorized by Code of Regulations, Type 9 = Non-Storefront Retailer (i.e. non-storefront delivery outside of the City limits only, pursuant to 16 CCR § 5414, as may be amended).
- (16) Type 10 = Non-Storefront Retailer (i.e. non-storefront delivery outside of the City limits only).
- (17) Type 11 = Distributor.
- (18) Type 12 = Microbusiness (excluding any storefront dispensary and allowing only non-storefront delivery outside of the City limits).
- (19) Type 13 = Distributor (i.e. transport only, pursuant to 16 CCR § 5315, as may be amended).

The establishment, development, construction, maintenance, or operation of a non-storefront dispensary shall only be authorized in the M-1, M-2 and M-3 zones and/or the East Ranch Business Park Specific Plan area within the City. As such, the establishment, development, construction, maintenance, or operation of a non-storefront dispensary shall be prohibited in all other zones and/or areas within the City. Nothing in this subsection shall be interpreted to authorize the establishment, development, construction, maintenance, or operation of a non-storefront dispensary in violations of the requirements of Health and Safety Code section 11362.768, Code of Regulations section 5026

and any other similar statute, law and/or regulation enacted by the City or State of California or one of its departments charged with regulating cannabis activities.

(c) Prohibited Types of Commercial Cannabis Businesses: Commercial cannabis businesses within the City which involve the activities of outdoor cultivation, non-storefront deliveries within the City limits and storefront sales are prohibited in the City. This prohibition includes, but is not limited to, commercial cannabis activities licensed by the State license classifications listed below, as provided for in Business & Professions section 26050 and applicable State regulations:

(1) Type 1 = Cultivation; Specialty Outdoor; Small.

(2) Type 1C = Cultivation; Specialty Cottage; Small.

(3) Type 2 = Cultivation; Outdoor; Small.

(4) Type 3 = Cultivation; Outdoor; Medium.

(5) Type 5 = Cultivation; Outdoor; Large.

(6) Types 10 and 12 (storefront sales and deliveries within the City limits prohibited).

Except as otherwise expressly provided in this Chapter, the prohibitions of this subsection includes any similar commercial cannabis activities authorized under new or revised State licenses, or any other State authorization, for any type, category, or classification of commercial cannabis activities which involve the above-referenced or similar activities or operations.

Notwithstanding any provision of this Chapter or the King City Municipal Code, storefront sales are prohibited in all zoning districts within the City. No commercial cannabis permit issued to any person, including but not limited to a person holding a Type 10 "Retailer" or Type 12 "Microbusiness" State license, shall include any authorization to engage in storefront sales and/or deliveries within the City limits. This prohibition applies to both adult-use and medicinal cannabis and cannabis products. As such, no medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider, within the meaning of Health and Safety Code section 11362.768, shall be permitted to engage in storefront sales and/or deliveries within the City limits. The term "storefront sales" shall include making available, tendering, offering, bartering, gifting, releasing, delivering, providing or

exchanging any cannabis or cannabis products. However, this subsection does not prohibit the issuance of commercial cannabis permits authorizing non-storefront sales, by delivery only outside of the City limits, of cannabis or cannabis products in the City.

~~Cannabis dispensaries, cooperatives and/or collectives shall be prohibited in all zoning districts within the City. Further, no retail deliveries or dispensing of any cannabis or cannabis product shall be allowed within the jurisdictional boundaries of the City. The establishment, development, construction, maintenance, or operation of a storefront cannabis dispensary, cooperative and/or collective are hereby prohibited, and is not an authorized or conditionally permitted use in any zoning district within the City, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a storefront cannabis dispensary, cooperative and/or collective, or deliver cannabis or cannabis products within the City limits, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any storefront cannabis dispensary, cooperative and/or collective or delivery of cannabis or cannabis products within the City limits shall be approved by any officer or employee of the City. A violation of this Section is declared to be a public nuisance and punishable pursuant to the provisions of the King City Municipal Code.~~

- (de) The storefront retail sale, delivery, gift, trade, barter or making available of cannabis or cannabis products by two or more persons shall be prohibited in all zoning districts of the City. Notwithstanding the requirements of this subsection, non-storefront dispensaries and deliveries outside of the City limits shall not be prohibited.
- (ed) In addition to those other requirements which may be imposed pursuant to this Chapter, no person shall establish, develop, construct, maintain, or operate a commercial cannabis activity and/or open a commercial cannabis business without possessing both a commercial cannabis permit issued by the City and within one (1) year of the ability to obtain a license, a license issued by the State of California or one of its departments or divisions.
- (fe) The City Manager is hereby authorized to issue commercial cannabis permits on behalf of the City. The City Manager, in their sole discretion, may issue a commercial cannabis permit pursuant to the mandatory requirements of this Chapter and the King City Municipal Code as may be repealed or amended by the City Council from time to time.
- (gf) A commercial cannabis permit shall be governed by the following requirements and/or limitations:

- (1) There shall be no retail sales of cannabis and/or cannabis products.
- (2) Excluding repair, maintenance and delivery services, there shall be no public access to the commercial cannabis business.
- (3) It shall be unlawful to employ or grant access to any individual under twenty-one (21) years of age, or another age as set by state law.
- (4) Each commercial cannabis permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance.
- (5) An application for renewal of a commercial cannabis permit shall be filed with the City Manager at least sixty (60) calendar days prior to the expiration date of the permit.
- (6) An application for renewal of a commercial cannabis permit shall be denied if any of the following exists:
 - (A) The application for renewal of the commercial cannabis permit is filed less than sixty (60) calendar days before its expiration. Notwithstanding the requirements of this subsection, the City Manager in his/her sole discretion may wave this requirement upon showing of good cause by the applicant.
 - (B) The commercial cannabis permit is suspended or revoked at the time the application for renewal is submitted or suspended or revoked while the application for renewal is pending.
 - (C) The commercial cannabis business or activity has not been in regular and continuous operation during the four (4) months prior to the submission of the application for renewal. Notwithstanding the requirements of this subsection, the City Manager in his/her sole discretion may wave this requirement upon showing of good cause by the applicant.
 - (D) The commercial cannabis business or activity fails to conform to the requirements of this Chapter, any provision of the King City Municipal Code, any condition(s) imposed as part of a conditional use permit, and/or zoning requirement.
 - (E) The applicant for renewal of the commercial cannabis permit fails to renew its State of California license.
 - (F) The applicant for renewal has failed to pay in full any fees, administrative citation fines, penalties and/or costs issued by the City relating to the commercial cannabis business and/or activity, unless assessment of the fees, administrative citation fines, penalties and/or costs are being appealed.

- (7) If a renewal application is denied, the applicant may file an appeal. The appeal must be in writing, identify the grounds for reversing the denial and be submitted to the City Clerk within ten (10) days from the date of the denial. The appeal shall be conducted as established within this Chapter and/or the King City Municipal Code. In the alternative, the applicant may file a wholly new application for a commercial cannabis permit as established within this Chapter. Upon expiration of the commercial cannabis permit and regardless of a pending appeal or new application for a commercial cannabis permit, all applicant's commercial cannabis activity shall immediately cease. Violations of this Section shall be subject to denial of the appeal or new application for a commercial cannabis permit and/or the enforcement, penalties and cost recovery proscribed within this Chapter and/or the King City Municipal Code.
- (8) An applicant seeking multiple licenses for different types of commercial cannabis activity shall be required to comply with the multiple licensing restrictions contained within Business and Professions Code §Section 19328. An applicant may hold multiple City issued commercial cannabis permit types, consistent with the requirements of Business and Professions Code section 26053 and a State of California Type 12 "Microbusiness" license. An applicant who holds a City issued testing permit and/or State of California issued testing license shall not hold any other City issued commercial cannabis permits. An applicant also shall not receive a commercial cannabis permit authorizing the establishment, development, construction, maintenance, or operation of a storefront cannabis dispensary, cooperative and/or collective within the City. Further, the applicant shall apply and receive a City issued permit for each type of commercial cannabis activity prior to engaging in the commercial cannabis activity.
- (9) Any unpaid fees, administrative citation fines, penalties and/or costs issued by the City relating to the commercial cannabis business and/or activity shall be added to the fee for renewal of the commercial cannabis permit, unless assessment of the fees, administrative citation fines, penalties and/or costs are being appealed.
- (10) A commercial cannabis permit shall not be renewed until the City receives payment in full of the renewal fee.
- (hg) Prior to commencing operation, a commercial cannabis business shall obtain a City of King business license and comply with all applicable provisions and requirements of that license.
- (ih) Prior to commencing operation, a commercial cannabis business shall be subject to a mandatory building inspection and must obtain all required

permits or approvals which would otherwise be required including, but not limited to, building permit(s), King City Fire Department permit(s), and planning-level permit(s) required by Title 17 Zoning of the King City Municipal Code.

- (j) Consistent with the requirements of Business and Professions Code section 26053, a commercial cannabis business conducting multiple commercial cannabis activities shall obtain a City issued permit for each type of commercial cannabis activity prior to engaging in that activity. A commercial cannabis business which holds a City issued testing permit shall not hold any other City issued commercial cannabis permits. In addition, a commercial cannabis business authorized to conduct multiple commercial cannabis activities, consistent with the requirements of Business and Professions Code section 26053, shall not receive a City issued permit authorizing the establishment, development, construction, maintenance, or operation of a cannabis dispensary, cooperative and/or collective within the City.
- (k) Revocation, termination, denial, non-issuance or suspension of a license issued by the State of California, or any of its departments or divisions, shall immediately terminate the commercial cannabis permit and all commercial cannabis activity shall immediately cease. Upon reinstatement or receipt of a new license from the State of California, or any of its departments or divisions, the commercial cannabis activity may file for a new permit from the City. While a new application for a commercial cannabis permit is pending, applicant shall not engage in any commercial cannabis activity. Violations of this Section shall be subject to denial of the application for a commercial cannabis permit and/or the enforcement, penalties and cost recovery proscribed within this Chapter and/or the King City Municipal Code.

Section 17.03.060 Security Measures.

- (b) A permitted commercial cannabis business, regardless of building type utilized, shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager, these security measures shall include, but shall not be limited to, all of the following:
 - (9) Security personnel hired by the commercial cannabis business shall be certified by the State of California and submit to and pass a background check conducted by the ~~King City Police Department~~ City Manager, including but not limited to finger print analysis utilizing

the California Department of Justice Live Scan system. In the alternative, the security personnel or commercial cannabis permit holder may provide the City Manager with a completed background check performed by a third party vendor approved by the City.

- (c) Each commercial cannabis business shall provide the ~~Chief of Police~~City Manager with the identity and contact information for a liaison who shall be reasonably available to meet and discuss compliance with the requirements of the King City Municipal Code, state law and/or any other regulations relating to the commercial cannabis activity.
- (d) As part of the application and permitting process, each commercial cannabis business shall provide the ~~Chief of Police~~City Manager with a detailed transportation plan describing the procedures for safely and securely transporting cannabis, cannabis products and/or currency.

Section 17.03.070 Employee Work Permits.

- (b) Each prospective employee or independent contractor shall be required to submit an application to the City Manager so that a background check can be performed by the Chief of Police. The application shall contain the following:
 - (1) Name, current resident address, and telephone number.
 - (2) Date of birth.
 - (3) Social security number, tax identification number or State of California identification card.
 - (4) Height, weight, eye color and hair color.
 - (5) Photographs for identification purposes (~~photographs shall~~may be taken by the King City Police Department or the prospective employee may provide the City with a United States Passport quality photograph).
 - (6) Be fingerprinted by the King City Police Department or the California Department of Justice Live Scan system ~~and agree to a criminal history records check conducted by the King City Police Department~~City Manager based upon their fingerprints.
 - (7) Such other identification and information as deemed necessary by the Chief of Police and pertinent to the Employee Work Permit.
 - (8) Authorization for the City Manager to seek verification of the information contained within the application, including but not limited to the prospective employee's criminal arrest and credit history.

- (9) The name of the commercial cannabis permit holder for which the applicant is seeking to work.
- (d) ~~The Chief of Police~~City Manager, upon receiving a properly completed application and payment of the application fee or a completed third party background check, shall conduct an investigation into the information provided by the applicant. The background check and investigation or review shall be complete within thirty (30) days of receiving the properly completed application and completed background check. The City Manager shall provide the applicant with notice either approving or denying the requested Employee Work Permit within fifteen (15) days of completing the background check and investigation. The City Manager, in their sole discretion, may conditionally approve the issuance of an Employee Work Permit pending completion of the background check and investigation. Notice of the decision shall be personally served or mailed to the applicant via U.S. mail. Notice of the decision is presumed served upon the applicant at the time it is deposited within the U.S. mail. The decision of the City Manager on an Employee Permit shall be final, subject to judicial review.

Section 17.03.210 Operating Requirements.

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

- (k) **Background Check.** Every person listed as an owner, manager, supervisor or employee of the commercial cannabis business must submit fingerprints and other information deemed necessary by the ~~Chief of Police~~City Manager for a background check by the ~~King City Police Department~~. In the alternative, the applicant can submit a completed background check from a City approved vendor which shall be reviewed by the ~~Chief of Police~~City Manager. No person shall be issued a permit to operate a commercial cannabis business unless they have first cleared the background check, as determined by the ~~Chief of Police~~City Manager, as required by this Section. A fee for the cost of the background investigation, which shall be the actual cost to the City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis permit is submitted. The applicant(s) shall provide an initial deposit in an amount the ~~Chief of Police~~City Manager estimates will cover the cost of the background investigation, which shall be used and drawn upon as a retainer to cover the actual costs of such investigation. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts

necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or in the event the applicant withdraws their application, any unused amount will be refunded to the applicant within thirty (30) days.

Section 17.03.270 Cannabis Manufacturing and Testing.

- (d) No more than ~~six (6)~~ fifteen (15) commercial cannabis manufacturing businesses may operate within the City at any one time and no more than ~~six (6)~~ fifteen (15) commercial cannabis manufacturing permits shall be issued by the City for commercial cannabis manufacturing businesses to operate within the City.

SECTION 4: Chapter 17.30, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.30

M-1 Industrial District

Section 17.30.020 Uses Permitted Subject to Obtaining a Use Permit.

- (14) Commercial cannabis cultivation and nurseries consistent with those activities authorized under the State of California cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code section 19332(g)(5) Type 2A “small indoor,” 19332(g)(6) Type 2B “small mixed-light,” 19332(g)(8) Type 3A “indoor,” 19332(g)(9) Type 3B “mixed-light” and 19332(g)(10) Type 4 “nursery.” Commercial cannabis manufacturing and testing consistent with those activities authorized under the State of California Type 6 and Type 7 Manufacturing, (m) and Type 8 Testing (subject to the limitation established by the State of California). Cultivation for purposes of this provision shall be limited to those activities defined within California Business and Professions Code section 19300.5(l) and the delivery or transport of the harvested cannabis or cannabis product outside of the City. ~~No retail~~ Non-storefront retail sales including deliveries outside of the City limits or dispensing of any cannabis and/or cannabis product shall be allowed within the jurisdictional boundaries of the City, as authorized by Code of Regulations section 5414 Type 9 = Non-Storefront Retailer (i.e. non-storefront sales by delivery outside of the City limits only, as may be amended) and Business and Professions Code section 26050(a)(18) Type 10 = Retailer (i.e. non-storefront dispensaries and deliveries outside of the City limits only). Commercial cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code Section

19341, may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis manufacturing facilities requiring a Type-7 state license (volatile manufacturing), as defined in Business and Professions Code Section 19341, may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis testing facilities requiring a Type-8 state license may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code

- (16) Commercial cannabis distribution and transportation consistent with those activities authorized under State of California distribution and transportation license types issued by the Department of Food and Agriculture under Business and Professions Code 19334 (2) "Distributor" Type 11 and (4) "Microbusiness" Type 12 (excluding the establishment of any storefront dispensaries, deliveries within the City limits, cooperatives or, collectives and/or for the retail sale, gift, trade, barter or making available of cannabis and/or cannabis products directly to qualified patients, primary caregivers, and recreational adult-use consumers)

SECTION 5: Chapter 17.31, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.31

M-2 Industrial District

Section 17.31.020 Uses Permitted Subject to Obtaining a Use Permit.

- (18) Commercial cannabis cultivation and nurseries consistent with those activities authorized under the State of California cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code §Section 19332(g)(5) Type 2A "small indoor," 19332(g)(6) Type 2B "small mixed-light," 19332(g)(8) Type 3A "indoor," 19332(g)(9) Type 3B "mixed light" and 19332(g)(10) Type 4 "nursery." Commercial cannabis manufacturing and testing consistent with those activities authorized under the State of California Type 6 and Type 7 Manufacturing, (m) and Type 8 Testing (subject to the limitation established by the State of California). Commercial cannabis distribution and transportation consistent with those activities authorized under State of California distribution and transportation license types issued by the Department of Food and Agriculture under Business and Professions Code 19334 (2) "Distributor" Type 11 and (4) "Microbusiness" Type 12 (excluding the establishment of any storefront dispensaries, deliveries within the City limits, cooperatives or, collectives and/or for the retail sale, gift, trade, barter or making available of cannabis and/or cannabis products directly to qualified patients, primary caregivers, and recreational adult-use

consumers). Cultivation for purposes of this provision shall be limited to those activities defined within ~~California~~ Business and Professions Code section 19300.5(1) and the delivery or transport of the harvested cannabis or cannabis product outside of the City. Non-storefront retail deliveries or dispensing outside of the City limits of cannabis and/or cannabis product shall be allowed within the jurisdictional boundaries of the City, as authorized by Code of Regulations section 5414 Type 9 = Non-Storefront Retailer (i.e. non-storefront delivery outside of the City limits only and as may be amended) and Business and Professions Code section 26050(a)(18) Type 10 = Retailer (i.e. non-storefront dispensaries and deliveries outside of the City limits only). ~~No retail deliveries or dispensing of any cannabis or cannabis product shall be allowed within the jurisdictional boundaries of the City. All cultivation shall be conducted indoors.~~ Commercial cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code ~~s~~Section 19341, may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis manufacturing facilities requiring a Type-7 state license (volatile manufacturing), as defined in Business and Professions Code ~~s~~Section 19341, may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis testing facilities requiring a Type-8 state license may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar 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.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the ____ day of _____ 2018, and adopted the Ordinance after the second reading at a regular meeting held on the ____ 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

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.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING SECTION D.3(G) OF CHAPTER 4 (DEVELOPMENT STANDARDS) OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN FOR THE PURPOSE OF ADDING ADDITIONAL COMMERCIAL CANNABIS USES

WHEREAS, the City of King (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical cannabis use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act (“Act”), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial cannabis operations; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis”, and making other technical changes to the Act. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in 2016, the City adopted Title 17, Chapter 17.03 et seq., of the King Municipal Code pertaining to Medical Cannabis Activity. The Medical Cannabis Ordinance places complete bans and regulations on medical cannabis activity in the City based upon various health, safety and welfare and land use findings relating to cannabis cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

WHEREAS, in September of 2016, the City amended Section D.3(g) of Chapter 4 (Development Standards) of the East Ranch Business Park Specific Plan for the purpose of including additional commercial cannabis uses, nurseries, manufacturing and testing within the City; and

WHEREAS, in November of 2016 the Adult Use of Marijuana Act (“AUMA”) was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing,

and sale of nonmedical cannabis, including cannabis products. Adults, age 21 and older, will be allowed to possess cannabis and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of cannabis became effective the day after the November 8, 2016; and

WHEREAS, the AUMA's proposed Health & Safety Code section 11362.2(b) explicitly allows a city to "enact and enforce reasonable regulations to reasonably regulate" possession and cultivation of cannabis; and

WHEREAS, several California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, cannabis plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of cannabis plants and their strong smell (which alerts others to their locations), cannabis cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated cannabis cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance, in that cannabis cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, the indoor cultivation of cannabis has potential adverse effects to the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of cannabis can be harmful to the public health, safety and welfare, given electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, MMRSA and AUMA mandated comprehensive state licensing and regulatory framework for cultivation, manufacturing, distribution, transporting, testing and dispensing cannabis and cannabis products; however, implementing regulations have yet to be written and state licenses may not be available until 2018; and

WHEREAS, there are numerous well publicized studies and reports, as well as numerous documented incident in Monterey County and throughout the State, which show that unregulated cannabis activities have a significant adverse effect on the community; and

WHEREAS, the City finds that the absence of a formal regulatory framework the adverse impacts frequently associated with commercial cannabis activities will occur, resulting in an unregulated and potentially significant negative impact upon the environment and upon public health, safety, and welfare of the community; and

WHEREAS, outdoor cannabis cultivation and unregulated indoor cannabis cultivation are likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the express statutory authority and its police power, the City desires to enact reasonable regulations for the indoor cultivation, manufacturing, testing, distribution, or consumption of commercial recreational and medical cannabis; and

WHEREAS, absent clear regulation, cannabis cultivation in the City poses a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating the commercial cultivation of recreational and medical cannabis; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, manufacturing, testing, distribution, or consumption of cannabis which is illegal under state or federal law; and

WHEREAS, it is the intent of the City to regulation commercial cannabis activities, both recreational and medical, within the boundaries of the City.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§15307, 15308.)

SECTION 3. Section D.3(g) of Chapter 4 (Development Standards) of the East Ranch Business Park Specific Plan is amended to read as follows:

~~Section D.3.(g). — Commercial Cannabis Activity consistent with those activities authorized under Business and Professions Code section 19300.7, (e) Type 2A Cultivation; Indoor; Small, (f) Type 2B Cultivation; Mixed light; Small, (h) Type 3A Cultivation; Indoor; Medium, (i) Type 3B Cultivation; Mixed light; Medium, (j) Type 4 Cultivation; Nursery, (k) Type 6 and Type 7 Manufacturing, (m) Type 8 Testing (subject to the limitation established by the State of California), (p) Type 11 Distribution, and (q) Type 12 Microbusiness (excluding the establishment of dispensaries, cooperatives, collectives and/or the retail sale of cannabis and/or cannabis products directly to qualified patients, primary caregivers, and recreational adult use consumers). Commercial Cannabis Activity shall be subject to and comply with all provisions of the King City Municipal Code. Authorized Commercial Cannabis Activities: Commercial cannabis operations within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, nursery cultivation, retailer (non-storefront delivery outside of the City limits only), manufacturer, testing laboratory, distributor, and microbusiness (excluding all storefront sales and deliveries within the City limits) are allowed within the East Ranch Business Park Specific Plan subject to issuance and maintenance of the permits and entitlements set forth in this Chapter, the King City Municipal Code and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current State license of a classification listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:~~

1. Type 1A = Cultivation; Specialty Indoor; Small.
2. Type 1B = Cultivation; Specialty Mixed-Light; Small.
3. Type 2A = Cultivation; Indoor; Small.
4. Type 2B = Cultivation; Mixed-Light; Small.
5. Type 3A = Cultivation; Indoor; Medium.
6. Type 3B = Cultivation; Mixed-Light; Medium.
7. Type 4 = Cultivation; Nursery.
8. Upon authorization by the State of California, Type 5A = Cultivation; Indoor; Large.
9. Upon authorization by the State of California, Type 5B = Cultivation; Mixed-Light; Large.
10. Type 6 = Manufacturer 1.
11. Type 7 = Manufacturer 2.
12. Type N = Manufacturer (i.e. no extractions, pursuant to 17 CCR § 40118, as may be amended).

13. Type P = Manufacturer (i.e. packaging and labeling only, pursuant to 17 CCR § 40118, as may be amended).
14. Type 8 = Testing Laboratory (subject to the limitation established by the City and/or the State of California).
15. As authorized by Code of Regulations, Type 9 = Non-Storefront Retailer (i.e. non-storefront delivery outside of the City limits only, pursuant to 16 CCR § 5414, as may be amended).
16. Type 10 = Non-Storefront Retailer (i.e. non-storefront delivery outside of the City limits only).
17. Type 11 = Distributor.
18. Type 12 = Microbusiness (excluding all storefront dispensary and deliveries within the City limits).
19. Type 13 = Distributor (i.e. transport only, pursuant to 16 CCR § 5315, as may be amended).

Nothing in this subsection shall be interpreted to authorize the establishment, development, construction, maintenance, or operation of a non-storefront dispensary in violation of the requirements of Health and Safety Code section 11362.768, Code of Regulations section 5026 and any other similar statute, law and/or regulation enacted by the City or State of California or one of its departments charged with regulating cannabis activities. Commercial Cannabis Activity shall be subject to and comply with all provisions of the King City Municipal Code.

Prohibited Types of Commercial Cannabis Activities: Commercial cannabis businesses within the East Ranch Business Park Specific Plan which involve the activities of outdoor cultivation, deliveries within the City limits and storefront sales are prohibited. This prohibition includes, but is not limited to, commercial cannabis activities licensed by the State license classifications listed below, as provided for in Business & Professions section 26050 and applicable State regulations:

1. Type 1 = Cultivation; Specialty Outdoor; Small.
2. Type 1C = Cultivation; Specialty Cottage; Small.
3. Type 2 = Cultivation; Outdoor; Small.
4. Type 3 = Cultivation; Outdoor; Medium.
5. Type 5 = Cultivation; Outdoor; Large.

6. Types 10 and 12 (storefront sales and deliveries within the City limits are prohibited).

Except as otherwise expressly provided in this Chapter and the King City Municipal Code, the prohibitions of this subsection includes any similar commercial cannabis activities authorized under new or revised State licenses, or any other State authorization, for any type, category, or classification of commercial cannabis activities which involve the above-referenced or similar activities or operations.

Notwithstanding any provision of this Chapter or the King City Municipal Code, storefront sales are prohibited in the East Ranch Business Park Specific Plan. No commercial cannabis permit issued to any person, including but not limited to a person holding a Type 10 “Retailer” or Type 12 “Microbusiness” State license, shall include any authorization to engage in storefront sales and/or deliveries within the City limits. This prohibition applies to both adult-use and medicinal cannabis and cannabis products. As such, no medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider, within the meaning of Health and Safety Code section 11362.768, shall be permitted to engage in storefront sales and/or deliveries within the City limits. The term “storefront sales” shall include making available, tendering, offering, bartering, gifting, releasing, delivering, providing or exchanging any cannabis or cannabis products. However, this subsection does not prohibit the issuance of commercial cannabis permits authorizing non-storefront sales, by delivery outside of the City limits only, of cannabis or cannabis products in the East Ranch Business Park Specific Plan.

The establishment, development, construction, maintenance, or operation of a storefront cannabis dispensary, deliveries within the City limits, cooperative and/or collective is hereby prohibited, and is not an authorized or conditionally permitted use in the East Ranch Business Park Specific Plan, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a storefront cannabis dispensary, cooperative and/or collective, or deliver cannabis or cannabis products within the City limits, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any storefront cannabis dispensary, cooperative and/or collective or delivery of cannabis or cannabis products within the City limits shall be approved by any officer or employee of the City.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar 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.

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