

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

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

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

### 1. CALL TO ORDER

### 2. FLAG SALUTE

### 3. ROLL CALL:

Planning Commission Members: 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

None

### 6. CONSENT AGENDA

*All matters listed under the Consent Agenda are considered routine and may be approved by one action of the Planning Commission, unless any member of the Planning Commission wishes to remove an item for separate consideration.*

- A. Meeting Minutes of June 19, 2018 Planning Commission Meeting  
Recommendation: Approve and file.

### 7. PUBLIC HEARINGS

- A. Project: Conditional Use Permit, Architectural Review, Sign Design Review for The Construction of An Approximate 15,645 Square Foot Project for The Operations and Maintenance Facility for Monterey Salinas Transit (MST) On Approximately 4.8 Acres, Located At 179 E. San Antonio Drive, King City, Ca 93930

Case No.: Conditional Use Permit Case No. **CUP2018-001**  
Architectural Review Case No. **AR2018-002**  
Sign Design Review Case No. **SN2018-005**

Applicant: Monterey Salinas Transit (MST) Lisa Rheinheimer, Director of Planning and Marketing

Location: 179 E. San Antonio Drive, King City, CA 93930

Consideration: MST South County Operations and Maintenance Facility Project (CUP Case No. 2018-001, AR Case No. 2018-002, SN Case No. 2018-005)

Recommendation: Planning Commission adopt the attached Resolution approving Conditional Use Permit Case No. CUP2018-001, Architectural Review Case No. AR2018-002, and Sign Design Review Case No. SN2018-005 for Monterey Salinas Transit (MST).

Environmental Determination: MST is the Lead Agency on the project under the CEQA the City of King is a Responsible Agency. MST conducted several technical studies which determined there are no significant adverse environmental impacts from the project. The studies included traffic, noise, air quality and water quality. These studies can be reviewed at City Hall. MST consulted with the City of King, and the City provided comments on **September 28, 2017**. On **October 17, 2017**, in accordance with Article 19, Categorical Exemption of the CEQA Guidelines, MST filed a Class 32 ((Infill Development Project) Categorical Exemption. A Notice of Exemption ("**NOE**") was provided to the City of King on **February 12, 2018**. There has been no challenge to the NOE, and no changes to the Project since the NOE. The City of King agrees with the Categorical Exemption and NOE.

**B.** Project: Elite Molecular, LLC, Conditional Use Permit Amendment

Case No.: CUP 2017-009(c)18

Applicant: Elite Molecular: David Bonvillain

Location: 101 Airport Drive, King City, CA. 93930

Consideration: CUP Amendment 2017-009(C)18: Parking Lot Revisions; Change in Use (Remove Cultivation (Ca Type 3a) And Nursery (Ca Type 4). Eliminate Phase 1 Concept: Location 101 Airport Drive, City of King. APN 026-351- 023. (Elite Molecular)

Recommendation: Staff recommends that Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment; 3) adopt the attached Resolution approving Conditional Use Permit Case No .2017-009(c).

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

- C. Project:** MGP, LLC, Conditional Use Permit Addition
- Case No.:** CUP 2017 – 008(b) 18
- Applicant:** MGP, LLC Michael Pren
- Location:** 991 Industrial Way., King City, CA. 93930
- Consideration:** Amendment to Conditional Use Permit 2017-008 (CUP 2017-008(b)18) to amend a previous approval to add Medical Cannabis Distribution (CA TYPE 11) as allowed use: APN 026-351-024.
- Recommendation:** Staff recommends the Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit Case No .2017-008(b)18.
- Environmental Determination:** King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730, amended August 2017, Ordinances 2017-245 and 246) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. During the processing of CUP 2017-008 the City conducted an initial study. At that time, it was determined that the project as proposed was fully within the scope of the prior analysis by the MND. The Planning Commission adopted a Finding of Consistency per CEQA Guidelines Section 15162.
- The proposed amendment is within the scope of the previous Initial Study and it wholly contained within an existing structure. Therefore, it is Categorical Exempt (CEQA Class 1)

## **8. NON-PUBLIC HEARINGS**

- A. None**

## **9. PLANNING COMMISSIONER REPORTS**

## **10. DIRECTOR'S REPORT**

## **11. WRITTEN CORRESPONDENCE**

## **12. ADJOURNMENT**

## UPCOMING REGULAR MEETINGS

### JULY

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

### AUGUST

August 7 <sup>th</sup>	6:00 p.m.	Planning Commission
August 13 <sup>th</sup>	6:00 p.m.	Airport Advisory Committee
August 14 <sup>th</sup>	6:00 p.m.	City Council
August 20 <sup>th</sup>	6:00 p.m.	Recreation Commission
August 21 <sup>st</sup>	6:00 p.m.	Planning Commission
August 28 <sup>th</sup>	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

**ER:** 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**

**June 19, 2018**

**1. Call to Order**

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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**

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

**3. Roll Call**

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Chairperson David Nuck X Oscar Avalos X  
Ralph Lee X David Mendez X Domingo Uribe X

**Staff present:** Community Development, Director Doreen Liberto; Asst. Planner, Maricruz Aguilar; Admin. Asst./Deputy City Clerk, Erica Sonne; Asst. City Attorney Roy Santos.

**4. Public Comments**

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None

**5. Presentations**

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A. Oath of Office for new members Domingo Uribe and Oscar Avalos  
Deputy City Clerk Erica Sonne swore in Mr. Uribe and Mr. Avalos.

B. Selection of a Vice Chairperson by a vote of the committee for a period of one year.

Planning Commissioner Lee nominated Planning Commissioner Mendez Vice Chair, Planning Commissioner Mendez accepted Seconded by Planning Commissioner Uribe and he was approved unanimously.

**6. Consent Calendar**

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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:** May 15, 2018

**Action:** Motion made by Commissioner Mendez to approve minutes of May 15, 2018. Seconded by Commissioner Lee. Motion carried 5-0.

**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.

Community Development Director Liberto introduced this item.

Chair Nuck opened the public hearing,

Derek from Always Towing updated that commission on the trash that their service will start on Wednesday. Community Development Director ask that the applicant contact the City Engineer on the trash to update him. The applicant shook his head in agreement.

Chair Nuck closed the public hearing.

Commissioner Mendez made a motion to approve Resolution 2018-229 CUP 2018-003 for Always Towing seconded by Commissioner Lee. Approved 5-0.

- 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.

Community Development Director Liberto introduced this item. She stated that the applicant need a parking plan to show ADA parking and filling of potholes. Weed abatement and landscaping replaced. Ms. Liberto discussed this will Ms. Lopez earlier today.

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

Chair Nuck closed the public hearing.

Commissioner Uribe made a motion to approve Resolution 2018-230 CUP 2018-003 for Always Towing seconded by Commissioner Mendez. Approved 5-0.

- 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.

Assistant City Attorney Roy Santos introduced this item.

Chair Nuck opened the public hearing,

Joanne Banuelos ask if medical cannabis is different because people need it being delivered.  
City Attorney Santos stated that currently under our code deliveries are ban.

Ron Glantz applicant was available for questions. He explained that they need this to have the address here in King City to get their state license. He updated the planning commission on the cannabis projects.

Chair Nuck closed the public hearing.

Commissioner Lee made a motion to approve Resolution 2018-231 recommending to the City Council 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 related to CEQA determination, seconded by Commissioner Uribe. Approved 5-0.

**8. NON- PUBLIC HEARINGS --**

A . None

**9. Regular Business-** None

**10. Planning Commission Report --**

**11. Director Reports-** Welcomed the two new planning commissioners.

**12. Written Correspondence--** None

**13. Adjournment**

There being no further business, the Planning Commission meeting was adjourned at 6:37 p.m.

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David Nuck  
Planning Commission Chairperson  
City of King

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Erica Sonne  
Planning Commission Secretary  
City of King



7(A)

**REPORT TO THE PLANNING COMMISSION**

**DATE:** JULY 17, 2018

**TO:** MEMBERS OF THE PLANNING COMMISSION

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

**RE:** CONSIDERATION OF MST SOUTH COUNTY OPERATIONS AND MAINTENANCE FACILITY PROJECT (CUP Case No. 2018-001, AR Case No. 2018-002, SN Case No. 2018-005)

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**RECOMMENDATION:**

The Planning Commission adopt the attached Resolution approving CUP Case No. 2018-001, AR Case No. 2018-002 and SN Case No. 2018-005.

**BACKGROUND:**

Monterey-Salinas Transit ("**MST**") submitted conditional use permit, architectural review and sign permit applications to construct an ultimate building out of a 15,645 square foot South County Operations and Maintenance Facility project on a 4.8-acre vacant parcel located on the corner of Don Bates Way and San Antonio Drive in the East Ranch Business Park Specific Plan ("**ERBP-SP**"). The site is flat, surrounded by industrial uses and heavily disturbed due to mowing and maintenance activities.

MST serves the South Monterey County areas from both the future Monterey Bay Operations and Maintenance Facility in Monterey as well as the Clarence J. Wright facility in Salinas. Buses travel 50 to 60 miles before serving the first significant time point in Soledad, King City, Fort Hunter Liggett or Paso Robles. Constructing a new operations and maintenance facility will save fuel and maintenance costs by starting transit service closer to where buses are housed and maintained. MST would also be able to add more services to the growing South County.

MST is the designated lead agency for purposes under the California Environmental Quality Act ("**CEQA**") and the City of King a responsible agency. As lead agency, MST contracted with Denise Duffy and Associates for environmental and permitting related pre-construction services. The environmental studies prepared on the project included traffic, noise, air quality and water quality and no environmental impacts were identified. These studies can be reviewed at City Hall.

## DISCUSSION:

### Analysis

MST's proposed the ultimate build out of the South County Operations and Maintenance Facility project to be 15,645 square foot and include:

- Maintenance Shop.
- Office.
- Tire Storage and Canopy.
- Bus Wash.
- Fuel Station.

Depending on funding, the project will be built in Phases, with future office expansion and maintenance shop expansion. The attached Site Plan provides an overview of the project. (*Reference Exhibit 1.*) The project would accommodate future transit demand in South Monterey County. According to AMBAG, a significant amount of growth is anticipated to occur over the next twenty (20) years along the US 101 corridor. The new facility will save fuel and maintenance cost by starting transit service closer to where buses are housed and maintained. MST estimates that that the project will save an estimated 481,000 miles annually.

MST submitted a pre-application review request on **June 16, 2017** and met with the Project Review Committee ("*PRC*") on **June 27, 2017** to discuss preliminary comments on the project. A conditional use permit and architectural review application was submitted on **January 31, 2018**, it was deemed incomplete on **February 28, 2018**. On **April 10, 2018**, revisions were submitted and circulated to PRC. The application was then found complete on **May 29, 2018**. On **April 25, 2018**, the PRC met to discuss the formal submittal and provide comments and preliminary conditions of approval to the applicant. On **May 29, 2018**, PRC met with MST to discuss the conditions of approval. PRC mentioned that some modifications needed to be made to the site plan, fencing and building to be consistent with the ERBP-SP. MST requested that the City Attorney talk with their legal counsel regarding the Hold Harmless Clause ("*HHC*"). (*Reference condition of approval no. 3.*) The HHC has been amended to the satisfaction of the City Attorney and MST legal counsel.

### Uses and Site Design

The project is within the ERBP-SP, which allows the requested uses. The property is zoned Planned Development/Specific Plan ("*P-D/SP*") and has the General Land

Use Designation of Light Industrial ("*LI*"). The ERBP-SP requires additional landscaping in the parking lot, which is not shown on **Exhibit 1**. Therefore, condition of approval no. 8 and 18 have been added requiring a landscaping plan be submitted prior to issuance of building permit that is consistent with the ERBP-SP.

### Architecture

MST intends to use a design similar to the Monterey Bay Operations and Maintenance Facility. The building would be a pre-engineered (i.e., Butler) type of building, constructed on a concrete slab, with metal roof and siding. The ERBP-SP requires at least three (3) different building colors, screening of equipment and a mix of construction material. Since the submittal does not clearly show these items, staff included condition of approval no. 6, which requires final details prior to issuance of a building permit.

### Sign Design Review

The proposed project will have approximately twenty-seven (27) lineal feet of primary frontage and 230 lineal feet of secondary frontage. The project includes a proposal for a total of four (4) signs as described below:

**Sign A:** Sign A is a 6'x5' (Freestanding Sign) = 30 square feet freestanding double-sided sign perpendicular to the road and located 12' ft. away from the public right-of way. The sign placement will be on the corner of Don Bates Way and E. San Antonio Drive. The sign is six (6') feet high by five (5') feet wide mounted on two (2) 12" inch painted steel posts over a concrete base. The total area from ground base to the highest point of the sign is eight (8') feet high. The material is a high-density sign foam painted to match the MST logo using approximately 4" letterforms. The lettering is vinyl using white lettering with dark and light blue shades. The sign will have indirect ground lighting.

#### Analysis of Sign A:

**Freestanding Sign:** Municipal Code §17.55.090 allows for one (1) freestanding sign per use. The revised submittal dated July 2, 2018 includes only one (1) freestanding sign. The proposed complies with this sign standard.

**Colors:** The address number and lettering has been bolded to add more contrast.

**Height:** The height and sign area of the freestanding sign complies with the sign standards.

**Placement:** The sign placement needs to have a 10' ft. setback. The proposed will allow a twelve (12') ft. setback. The proposed complies with the sign standard.

**Sign B:** Sign B is a 2'-2" x 1'-4" (Exit Pole Sign) directional sign = 3 square feet is a "Do Not Enter" sign on the outside of the gated exit of the bus parking lot. This driveway is exit only. The proposed sign is a single-sided 0.080-gauge aluminum and using adhesive vinyl for the lettering. The height of the pole sign is five (5') ft. high. The sign is non-illuminated. The colors are red background with white letters.

#### Analysis of Sign B:

**Exempt Signs:** Municipal Code §17.55.060 (c): exempts directional signs solely for the purpose of guiding traffic, parking, loading on private property with no advertisement. Signs shall not exceed eight (8') square feet and no height than six (6') feet. The total sign area and number of directional signs do not count towards the total allowed sign area. The proposed pole sign qualifies to be exempt from the sign area.

**Sign C:** Sign B is a 2'-2" x 1'-4" (Entrance Pole Sign) directional sign = 3 square feet is a "Buses Only" sign located outside of the gated driveway entrance for the bus parking lot. This is an entrance only and restricted to buses only. The proposed sign is a single-sided 0.080-gauge aluminum and using adhesive vinyl for the lettering. The height of the pole sign is five (5') ft. high. The sign is non-illuminated. The colors are blue background with white lettering.

#### Analysis of Sign C

**Exempt Signs:** Municipal Code §17.55.060 (c): exempts directional signs solely for the purpose of guiding traffic, parking, loading on private property with no advertisement. Signs shall not exceed eight (8') square feet and no height than six (6') feet. The total sign area and number of directional signs do not count towards the total allowed sign area. The proposed pole sign qualifies to be exempt from the sign area.

**Sign D:** Sign D is an 80" inch x 48" inch (Wall Sign) = approximately 26'.6 square feet wall sign on the primary building frontage. Only one (1) wall sign is proposed. The proposed sign is of high density sign foam, 5" thick in dimension using vinyl

material. The sign has a blue background and white lettering. There is only one (1) wall sign proposed. The sign is non-illuminated.

#### Analysis of Sign D

**Wall Sign:** Municipal Code §17.55.090 allows for 1 sq. ft. of signage per each lineal foot of primary frontage, plus 0.5 sq. ft. of signage per each lineal foot of secondary frontage. The proposed is within the allowable sign area and complies with Table 1 of Municipal Code §17.55.090.

**Colors:** The colors comply with sign standards for commercial/industrial uses.

**Placement:** The sign placement of the wall sign is in compliance with Table 1 of Municipal Code §17.55.090.

Total Proposed Sign Area: approximately 56.6 square feet. The proposed signs comply with sign standards of Title 17.55 as revised and submitted on July 2, 2018. **(Reference Exhibit 2.)** A sign permit with the Building & Safety Department will be required for the installation of the signs.

#### **ENVIRONMENTAL DETERMINATION:**

MST is the Lead Agency on the project under the CEQA the City of King is a Responsible Agency. MST conducted several technical studies which determined there are no significant adverse environmental impacts from the project. The studies included traffic, noise, air quality and water quality. These studies can be reviewed at City Hall. MST consulted with the City of King, and the City provided comments on **September 28, 2017**. On **October 17, 2017**, in accordance with Article 19, Categorical Exemption of the CEQA Guidelines, MST filed a Class 32 ((Infill Development Project) Categorical Exemption. A Notice of Exemption ("**NOE**") was provided to the City of King on **February 12, 2018**. There has been no challenge to the NOE, and no changes to the Project since the NOE. The City of King agrees with the Categorical Exemption and NOE.

#### **PROJECT REVIEW COMMITTEE COMMENTS/REVIEW AND REVIEW BY OTHER AGENCIES:**

The Project Review Committee ("**PRC**") provided comments and conditions of approval as discussed throughout the staff report.

**PUBLIC NOTICE AND INPUT:**

A public hearing notice was published in the King City Rustler newspaper on **July 3, 2018** and all property owners of record within three-hundred (300') feet of the subject parcel were notified of the Planning Commission hearing and invited to voice any concerns on the project.

**COST ANALYSIS:**

According to MST, the project is estimated to cost \$10,366,505. A number of funding mechanisms will be used to construct the project, including State Proposition 1B Funds, FTA grant (Bus and Bus Facilities Program), Short-term construction loan, USDA Rural Development Program loan, Measure X funds.

**ALTERNATIVES:**

1. Adopt Resolution No. 2018-232, approving the project.
2. Request additional changes be made to the project.
3. Do not adopt Resolution No. 2018-232. If the Planning Commission wishes to deny the project, identify the reasons for denial, direct staff to prepare a Resolution for Denial and continue the item to a future meeting.
4. Provide other direction to staff.

**Exhibits:**

- Exhibit 1: Site Plan
- Exhibit 2: Sign Plan
- Exhibit 3: Findings of Fact
- Exhibit 4: Conditions of Approval
- Exhibit 5: Resolution No. 2018-232

Submitted by: \_\_\_\_\_

  
Doreen Liberto-Blanck, AICP, Community Development Director

**Planning Commission  
MST July 17, 2018  
CUP Case No. 2018-001  
AR Case No. 2018-002  
SN Case No. 2018-005  
Page 7 of 22**

**EXHIBIT 1  
SITE PLAN**







CWP2018-001

AR2018-002

WHITSON ENGINEERS  
 8 Ham's Court • Monterey, CA 93940  
 831 948-8226 • Fax 831 373-8066  
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

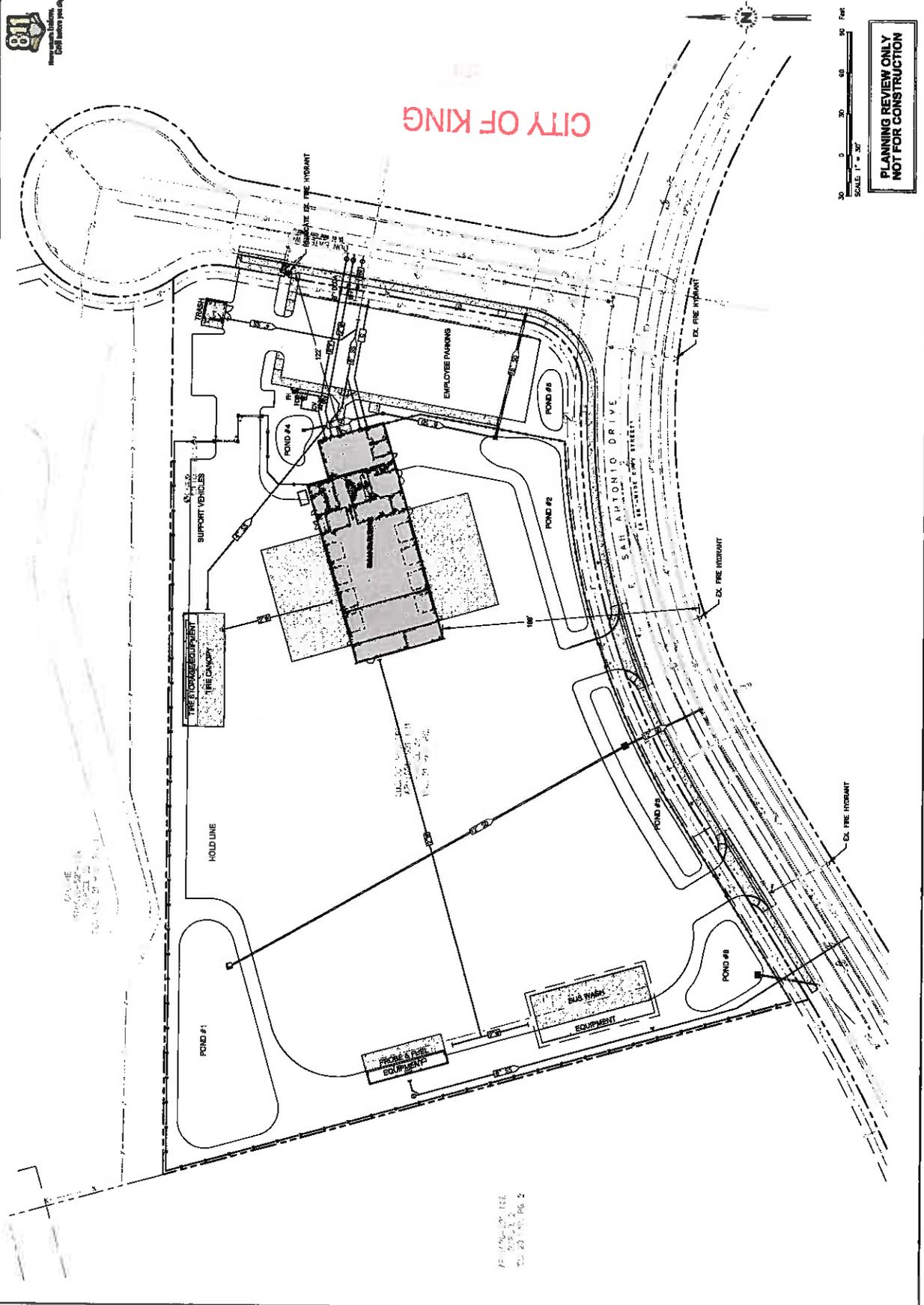
SEAL: CIVIL ENGINEER  
 STATE OF CALIFORNIA  
 No. 10000

DATE	NO.	BY	DESCRIPTION

MONTEREY SALINAS TRANSIT  
 SOUTH COUNTY OPERATIONS & MAINTENANCE FACILITY  
 CIVIL SITE UTILITY PLAN

SCALE: 1" = 30'

FIG. 2



PLANNING REVIEW ONLY  
 NOT FOR CONSTRUCTION

PROJECT NO. 136  
 DATE: 12/1/18  
 FIG. 2





AR 2018-002

CUP 2018-001

**SOUTH COUNTY OPERATIONS & MAINTENANCE FACILITY**  
MONTEREY SALINAS TRANSIT FACILITY

**THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS**  
1000 Elgin Street  
San Jose, CA 95128  
408.252.2791 FAX 408.252.2799  
E-MAIL paul.davis@pauldavispartnership.com



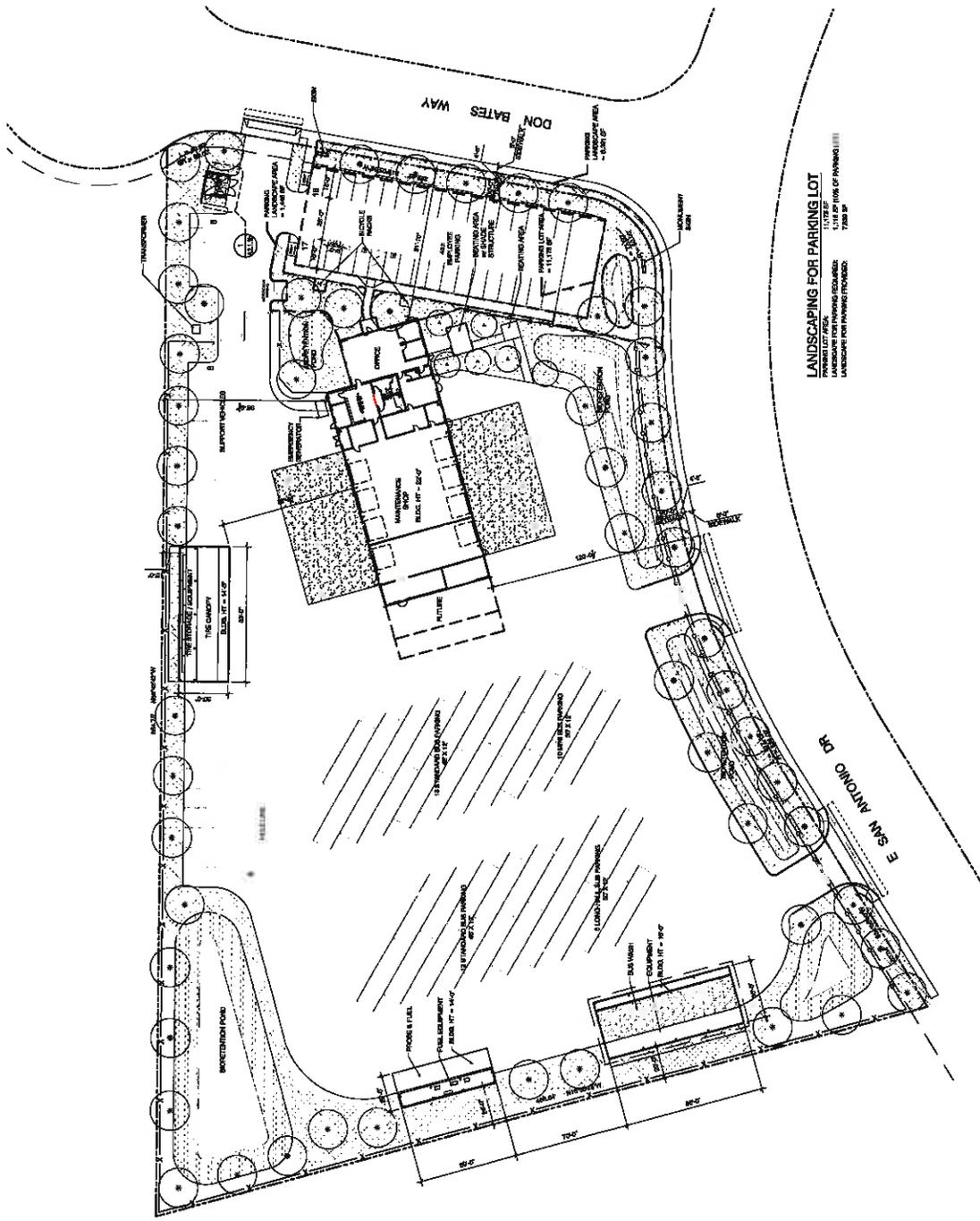
**CITY OF KING**

Drawn By: N.J.A.C.  
Drawing Date: 4/20/18  
Project Number: 1737

1. This drawing is the property of the City of King and is not to be used for any other project without the written consent of the City of King.  
2. This drawing is not to be used for any other project without the written consent of the City of King.  
3. This drawing is not to be used for any other project without the written consent of the City of King.

**PROPOSED SITE PLAN**

A1.1



**PROPOSED SITE PLAN**  
SCALE: 1" = 30'







AR2018-002

CUP 2018-001

Project / Owner  
**SOUTH COUNTY  
OPERATIONS &  
MAINTENANCE  
FACILITY**  
MONTEREY SALINAS TRANSIT  
SOUTH COUNTY TRANSIT  
10000 MONTEREY AVENUE  
MONTEREY, CA 93940  
P: (831) 435-0100

**THE  
PAUL DAVIS  
PARTNERSHIP  
ARCHITECTS & PLANNERS**

The Paul Davis Partnership, LLP  
10000 Monterey Avenue  
Monterey, CA 93940  
TEL: 831.435.0100 FAX: 831.435.0500  
WWW.PDPARTNERSHIP.COM



**CITY OF KING**

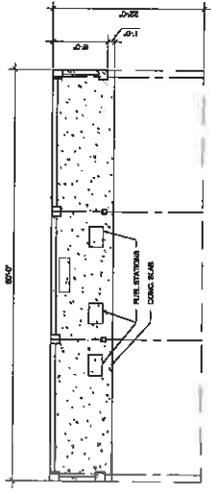
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Drawing Date: 08/2018  
Project Number: 137

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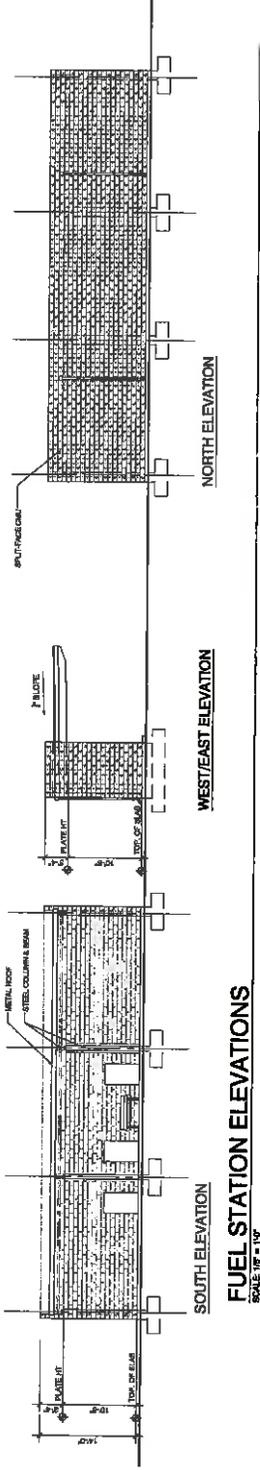
**PROPOSED  
FLOOR PLAN &  
ELEVATIONS -  
FUEL STATION**

Sheet Number:

**A2.1.1c**



**FUEL STATION FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**FUEL STATION ELEVATIONS**  
SCALE: 1/8" = 1'-0"





AR 2018-002

COP 2018-001

CITY OF KING

Project / Owner  
**SOUTH COUNTY  
OPERATIONS &  
MAINTENANCE  
FACILITY**  
MONTEREY SALINAS TRANSIT  
1000 S. MONTEREY AVENUE  
MONTEREY, CA 93940  
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Arcadia, CA 91709  
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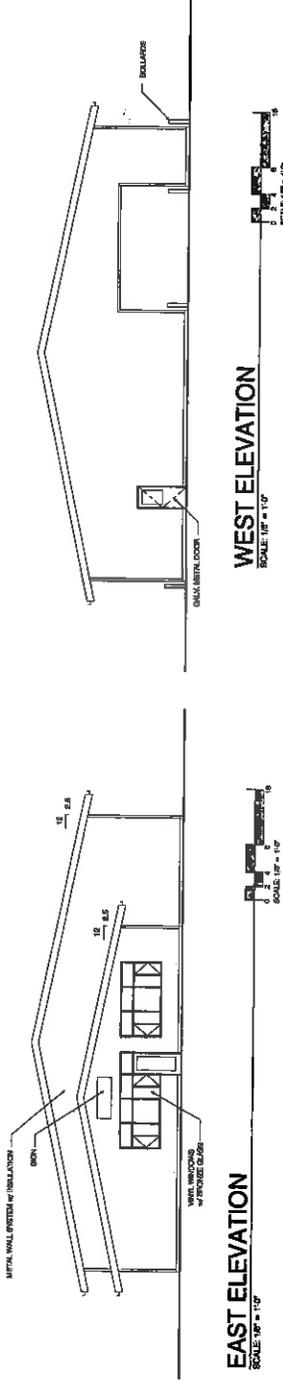
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Drawing Date: 4/26/2018  
Project Number: 1737

Revisions:

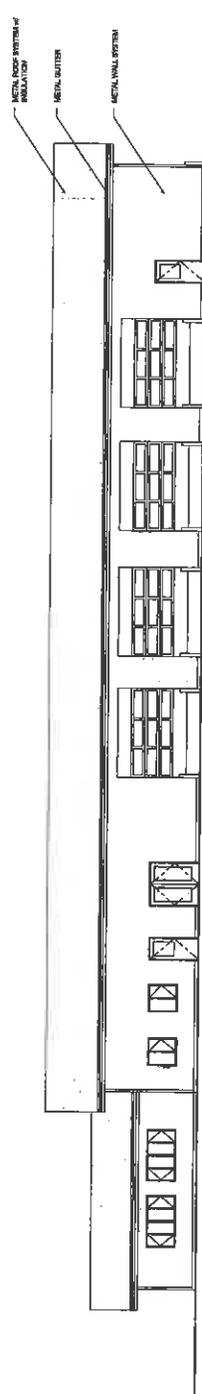
City of King  
**PROPOSED  
ELEVATIONS-OFFICE  
& REPAIR SHOP**

Sheet Number:

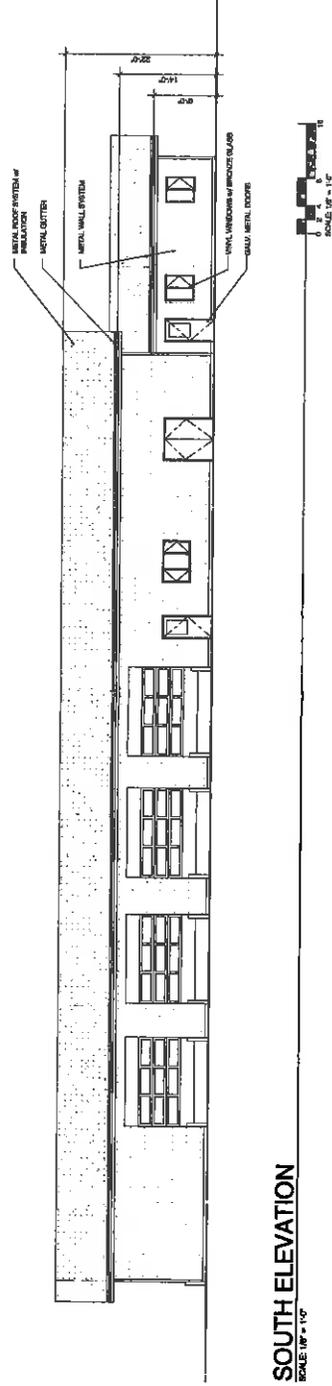
A3.1



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

Project / Owner: SOUTH COUNTY OPERATIONS & MAINTENANCE FACILITY MONTEREY SALINAS TRANSIT

THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS

The Paul Davis Partnership, LLP 1001 Broadway, Suite 2000 San Francisco, CA 94108



Drawn by: CADS, Checked by: ZB/BB/S, Project Number: 1107

Table with columns for SYMBOLS & ABBREVIATIONS, ELECTRICAL SYMBOLS & ABBREVIATIONS, and FIRE ALARM. Includes various electrical symbols and their corresponding abbreviations.

Table with columns for SYMBOLS, ABBREVIATIONS, LIGHT FIXTURE SCHEDULE, CODES, STANDARDS & SHEET INDEX. Includes symbols for light fixtures and their corresponding codes and standards.

Table with columns for APPLICABLE CODES & STANDARDS. Lists various codes and standards such as California Administrative Code, California Building Code, and National Electrical Code.

Table with columns for LIGHT FIXTURE SCHEDULE. Lists fixture types (XA, XA1, XA2, XB, XC, XCE, XD, XF) and their descriptions, including lamp types and wattage.

Professional Engineer Seal for Paul Davis and a logo for the City of King.

Professional Engineer Seal for Paul Davis and a logo for the City of King.

Professional Engineer Seal for Paul Davis and a logo for the City of King.

Project / Owner: SOUTH COUNTY OPERATIONS & MAINTENANCE FACILITY MONTEREY SALINAS TRANSIT

THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS

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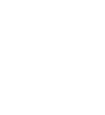


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Project / Owner: SOUTH COUNTY OPERATIONS & MAINTENANCE FACILITY MONTEREY SALINAS TRANSIT

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Drawn by: CADS, Checked by: ZB/BB/S, Project Number: 1107



AR 2018-002

CP 2018-001

Project / Owner  
**SOUTH COUNTY  
 OPERATIONS &  
 MAINTENANCE  
 FACILITY**  
 MONTEREY SALINAS TRANSIT  
 10000 MONTEREY BLVD.  
 MONTEREY, CA 93940

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**CITY OF KING**

Drawn By: GARD  
 Drawing Title: 2/01/2018  
 Project Number: 1737

PHOTOMETRIC

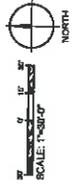
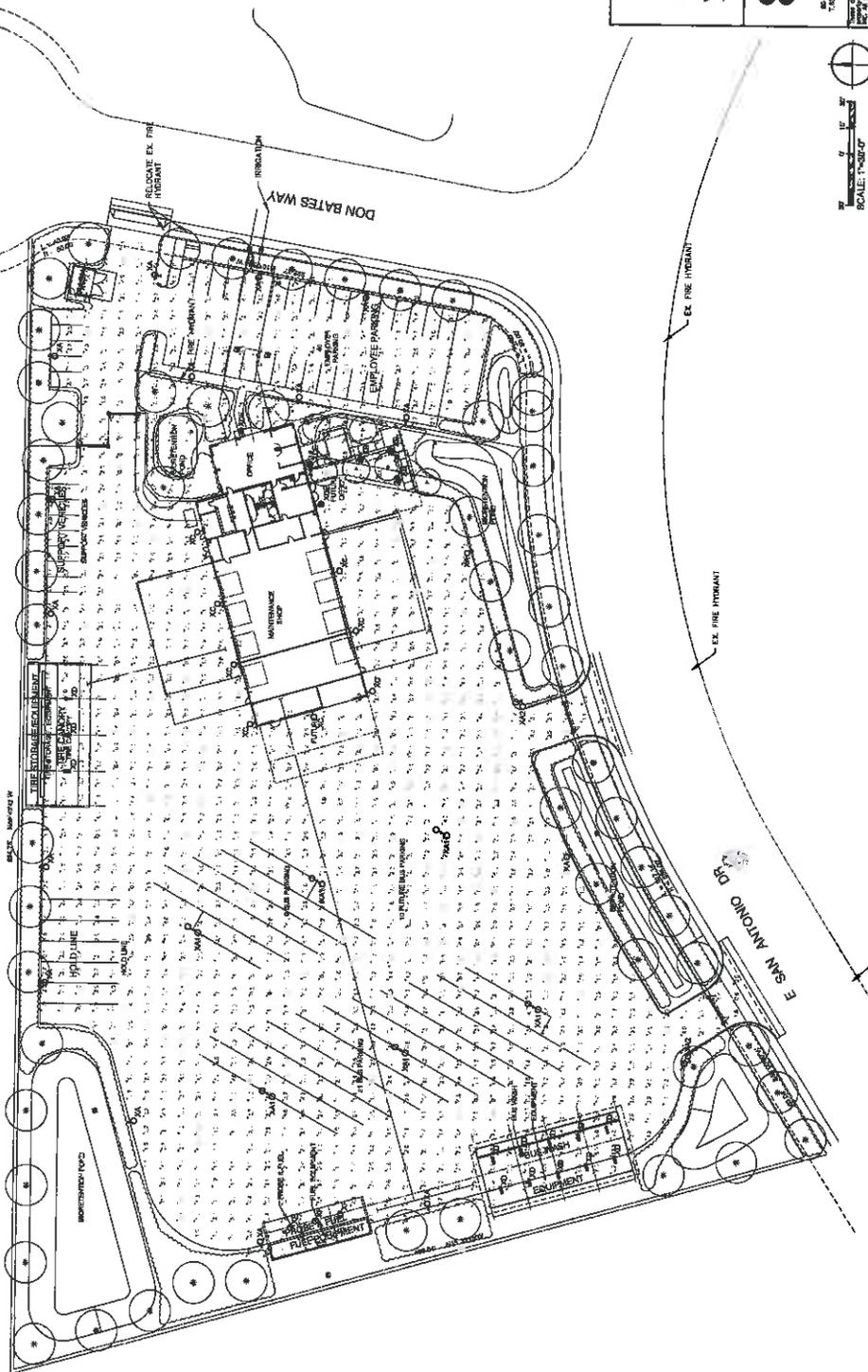


**ALUMINUM CHANGELING**  
 ENGINEERING  
 MONTEREY, CA, INC.

Project No. 1737-001  
 10000 MONTEREY BLVD., SUITE 200  
 MONTEREY, CA 93940  
 TEL: 831.335.3300 FAX: 831.335.3301  
 WWW.ALCENGINEERING.COM

**E2.1P1**

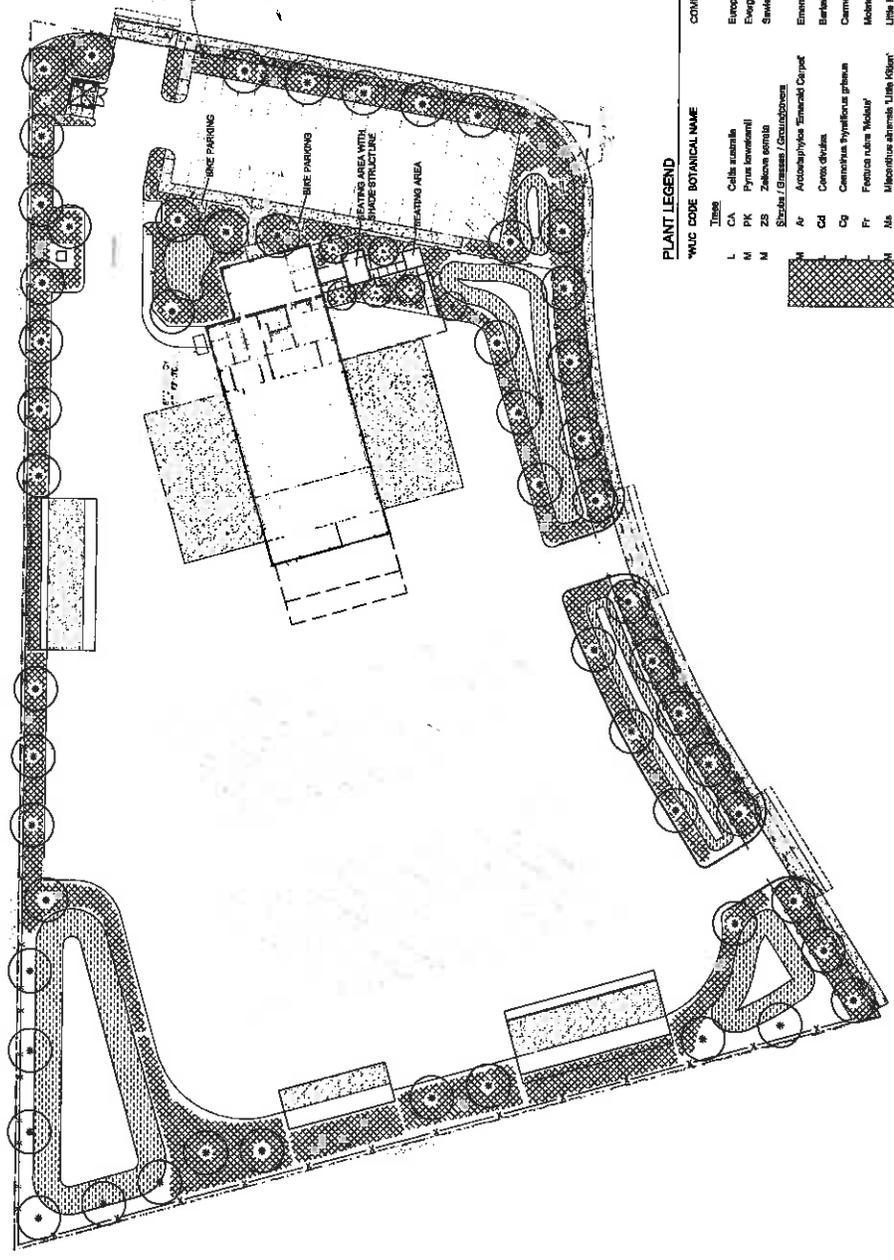
Symbol	Level	QTY	Circle Number	Description	Material / Lumens	Lumens per Lamp	LLF	Message
⊙	XA	18	014-100-100-100	18x18x18mm LED T5, 14 LUMEN, APPROX. CCT: 4000K, APPROX. CCT: 4000K, APPROX. CCT: 4000K	1	1000	0.82	E1
⊙	XA1	8	014-100-100-100	18x18x18mm LED T5, 14 LUMEN, APPROX. CCT: 4000K, APPROX. CCT: 4000K, APPROX. CCT: 4000K	1	1000	0.82	E2
⊙	XA2	2	014-100-100-100	18x18x18mm LED T5, 14 LUMEN, APPROX. CCT: 4000K, APPROX. CCT: 4000K, APPROX. CCT: 4000K	1	1000	0.82	E3
⊙	XB	3	014-100-100-100	18x18x18mm LED T5, 14 LUMEN, APPROX. CCT: 4000K, APPROX. CCT: 4000K, APPROX. CCT: 4000K	1	1000	0.82	E4
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⊙	XCE	3	014-100-100-100	18x18x18mm LED T5, 14 LUMEN, APPROX. CCT: 4000K, APPROX. CCT: 4000K, APPROX. CCT: 4000K	1	1000	0.82	E6
⊙	XD	10	014-100-100-100	18x18x18mm LED T5, 14 LUMEN, APPROX. CCT: 4000K, APPROX. CCT: 4000K, APPROX. CCT: 4000K	1	1000	0.82	E7
⊙	XF	3	014-100-100-100	18x18x18mm LED T5, 14 LUMEN, APPROX. CCT: 4000K, APPROX. CCT: 4000K, APPROX. CCT: 4000K	1	1000	0.82	E8







Scale: 1" = 10'-0"



**PLANT LEGEND**

SYMBOL	GENUS SPECIES	COMMON NAME	SIZE	CHARACTER
L	Callia australis	European Hackberry	15 Gal.	
M	Pyrus iovianellii	Evergreen Pear	15 Gal.	
M	Zakona ornata	Saviled Zalzova	18 Gal.	
Ar	Arctostaphylos Emerald Carpet	Emerald Carpet	5 Gal.	5' OC
Cd	Cercis divaricata	Bareilly Sedge	1 Gal.	18" OC
Cg	Ceanothus tymaniflorus griseus	Carroll Creeper	8 Gal.	8' OC
Fr	Fragaria rubra 'Molloy'	Molloy Red Fragosa	1 Gal.	18" OC
Ms	Miscanthus sinensis 'Little Ribbon'	Little Ribbon Miscanthus	6 Gal.	
Mt	Muhlenbergia rigida	Deer Grass	5 Gal.	38" OC
Ph	Phormium 'Yellow Waver'	How Zealand Flax	5 Gal.	
Sm	Sarcocolla manzanillo	Rib/ho	1 Gal.	38" OC
Sc	Scirpus setaceus	Plain Cyclic Grass	1 Gal.	38" OC
Fr	Fragaria rubra 'Molloy'	Molloy Red Fragosa	1 Gal.	18" OC
Jp	Juncus patens	California Gray Rush	1 Gal.	38" OC



**Planning Commission  
MST July 17, 2018  
CUP Case No. 2018-001  
AR Case No. 2018-002  
SN Case No. 2018-005  
Page 8 of 22**

**EXHIBIT 2  
SIGN PLAN**

# MST Signage

## South County Operations & Maintenance Facility

179 East San Antonio Drive, King City

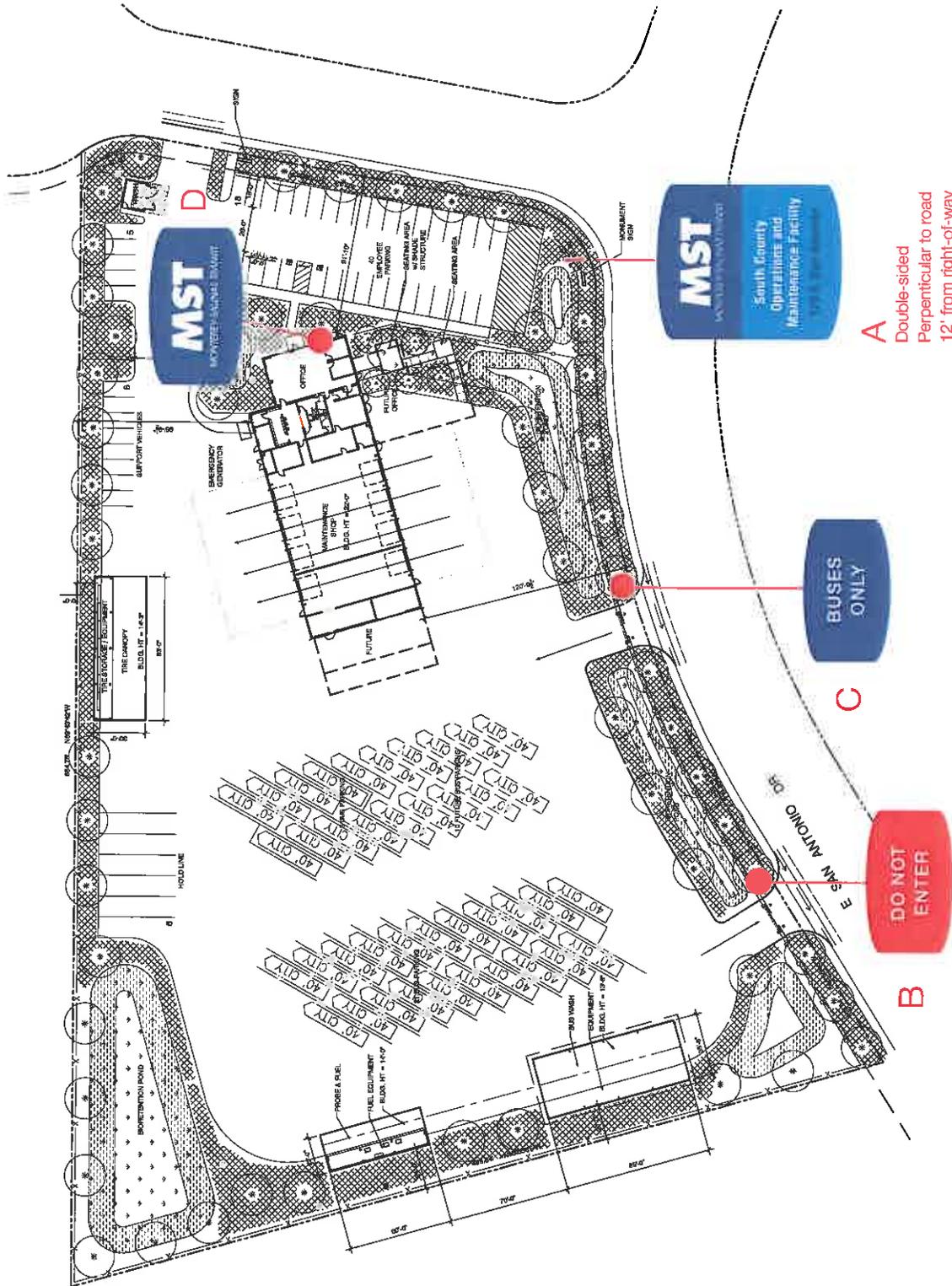
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CITY OF KING



SN2018-005

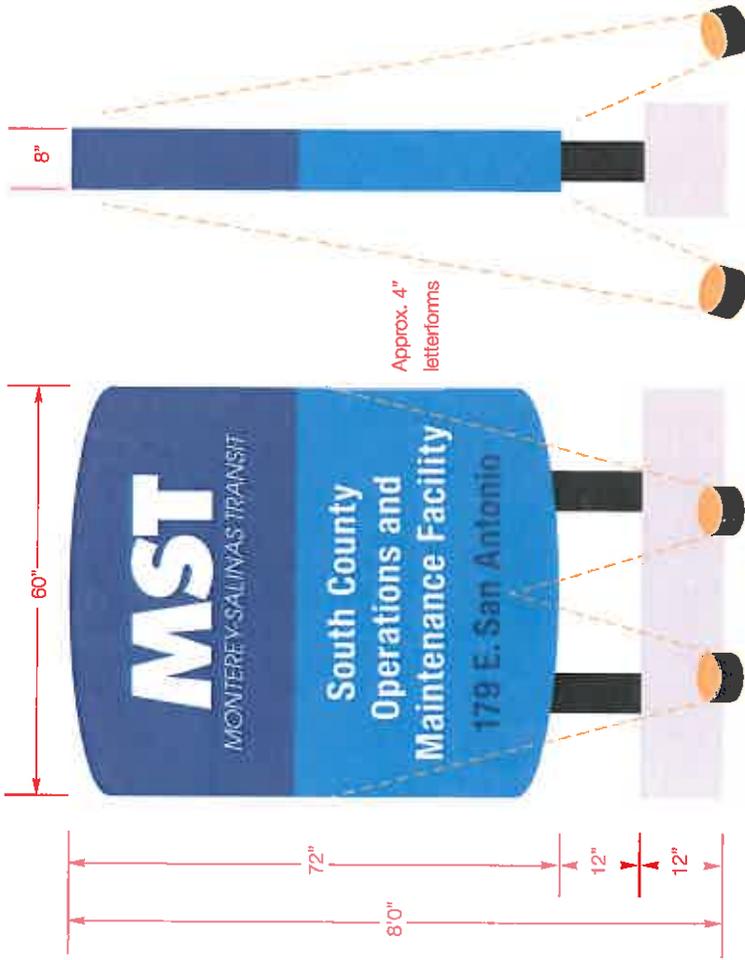


**A** Double-sided  
 Perpendicular to road  
 12' from right-of-way

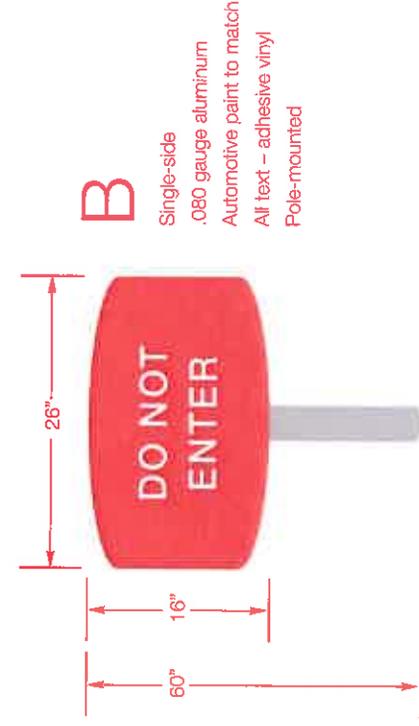
**B** DO NOT ENTER

**C** BUSES ONLY

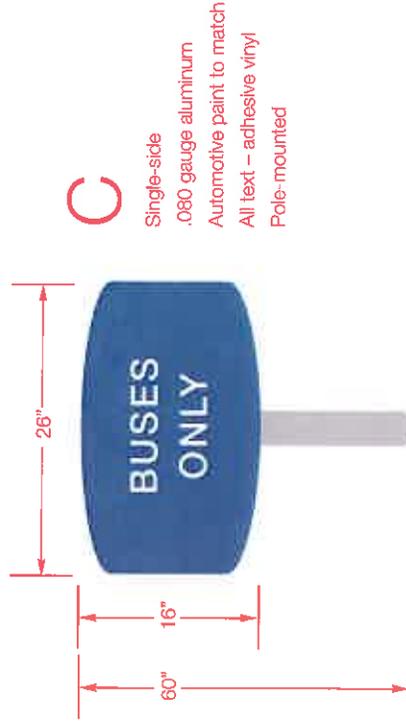
**D** MST  
 South County  
 Operations and  
 Maintenance Facility



**A** Double-sided  
 High-density sign foam  
 Automotive paint to match  
 "MST" – routed + white plex inlay / All other text – vinyl  
 Mounted on (2) painted, square steel posts  
 Concrete base



**B** Single-side  
 .080 gauge aluminum  
 Automotive paint to match  
 All text – adhesive vinyl  
 Pole-mounted

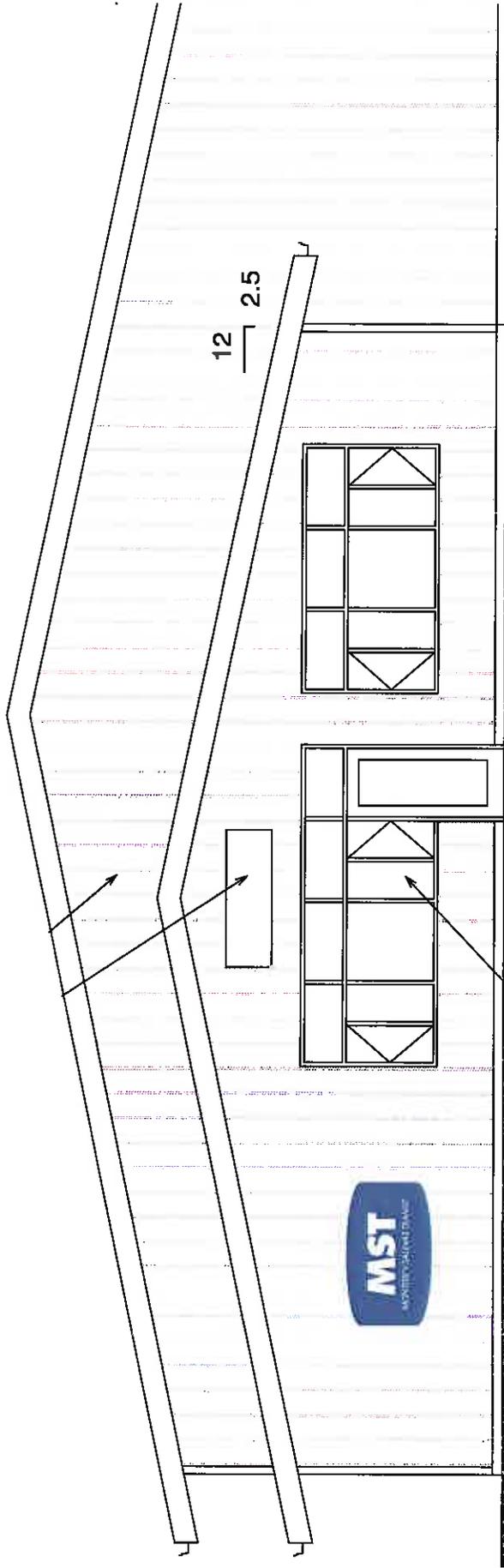


**C** Single-side  
 .080 gauge aluminum  
 Automotive paint to match  
 All text – adhesive vinyl  
 Pole-mounted



**D**

- High-density sign foam, 5" thick dimension
- Automotive paint to match "MST" – routed + white plex inlay
- All other text – white vinyl
- Wall-mounted



### EXHIBIT 3 FINDINGS OF FACT

The purpose for making findings of fact is to: *“bridge the analytical gap between the raw evidence and ultimate decision”*. The Municipal Code gives the Planning Commission the authority to approve a project provided certain findings are made in the affirmative.

#### **Environmental Determination (“CEQA”)**

MST is the Lead Agency on the project under the CEQA the City of King is a Responsible Agency. MST conducted several technical studies which determined there are no significant adverse environmental impacts from the project. The studies included traffic, noise, air quality and water quality. On **October 17, 2017**, in accordance with Article 19, Categorical Exemption of the CEQA Guidelines (Section 15332), MST filed a Class 32 ((Infill Development Project) Categorical Exemption. The site is within the city limits on a project site of no more than five (5) acres and substantially surrounded by urban uses and adequately serviced by all required utilities and public services. A Notice of Exemption (“**NOE**”) was provided to the City of King on **February 12, 2018**. There has been no challenge to the NOE, and no changes to the Project since the NOE. The City of King agrees with the Categorical Exemption and NOE.

#### **Conditional Use Permit**

1. The proposed use is allowed with a conditional use permit within the East Ranch Business Park Specific Plan (“**ERBP-SP**”). With implementation of the conditions of approval (“**COA**”), the project complies with all applicable provisions of the ERBP-SP and Municipal Code. The proposed project is compatible with other uses in the ERBP-SP area.
2. The location of the proposed uses complies with the ERBP-SP, with the implementation of the COA. The property is zoned Planned Development/Specific Plan (“**P-D/SP**”) and has the General Land Use Designation of Light Industrial (“**LI**”). The proposed South County Operations and Maintenance Facility project will be located in an industrial park area and allow MST to serve the South Monterey County area. It is estimated that 481,000 miles annually will be saved by locating the project in King City. This will help to reduce greenhouse gases, reduce costs and better serve MST’s riders.
3. The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan. The proposed project is consistent with the General Plan because the South County Operations and Maintenance Facility project will be compatible with surrounding land uses and not adversely affect existing and future surrounding land uses.

4. The establishment, maintenance, or operation of the project would not be detrimental to the health, safety, or general welfare of persons in the area. The proposed improvements will increase and improve services to the South County. The project will adhere to all building code requirements, including the requirements for accessibility. In addition, the proposal will also be required to meet the standards of all respective City departments prior to the issuance of any building permits. Furthermore, conditions of approval have been imposed to reduce any potential impacts resulting from the project.
5. The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection. The proposed onsite structures are compatible in size, style and scale with the adjacent uses.

### **Architectural Review**

1. The design is consistent with applicable provisions of the ERBP-SP, subject to implementation of the conditions of approval.
2. The project has a unified and coherent design that creates an internal sense of order and desirable environment for occupants, visitors, and the general community, is consistent with the ERBP-SP design criteria, and is consistent with adjacent architecture, subject to implementation of the conditions of approval.
3. The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area, subject to implementing the conditions of approval.
4. The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g., convenient vehicle access to property and utilities, appropriate site arrangement and integrated signage).
5. The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes regional indigenous drought-resistant plant material capable of providing desirable habitat, and that can be appropriately maintained, and is consistent with Municipal Code Chapter 15.50, subject to implementation of the conditions of approval.
6. The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation such as purple pipes, building materials, drought tolerate landscaping, and site planning, subject to implementation of the conditions of approval.

**Sign Design Review**

1. The proposed signs comply with the city sign regulations and do not exceed the standards set forth within Sections 17.55.090 (Table 1) and 17.55.100 (Standards for specific sign types); and are of the minimum size and height necessary to enable pedestrians and motorist to readily identify the facility from a sufficient distance to safely and conveniently access the facility. MST will be providing a freestanding sign on the corner of the property for visibility from both Don Bates Way and E. San Antonio Drive. MST will also be installing exit and entrance signage to guide bus traffic into the property.
2. The proposed colors, design and placement of the signs on the site plan as referenced in Exhibit 2 are appropriate for the location and architectural style of the building. The building is for an operations and maintenance facility for MST buses and will be using grays and blue tone paint scheme on the building which will coordinate with MST logo of blue background and white lettering for their signage.
3. The signs do not unreasonably impair the visibility of existing signs on adjacent properties. The property is within the East Ranch Business Park. Currently there are vacant lots adjacent to the proposed MST facility. Once those properties get developed they will also be required to comply with the East Ranch Business Park sign standards.
4. The placement and size of the signs will not impair pedestrian, bicyclist or vehicular safety. The proposed signs include directional signs for traffic guidance and the freestanding sign will be placed twelve (12') feet behind the public right-of-way.
5. The signs are proposed with durable material and are required to be maintained in good condition per Title 17.55 of the Municipal Code.

## EXHIBIT 4

### PLANNING COMMISSION CONDITIONS OF APPROVAL

#### MONTEREY-SALINAS TRANSIT SOUTH COUNTY OPERATIONS AND MAINTENANCE FACILITY

CONDITIONAL USE PERMIT CASE NO. 2018-001, ARCHITECTURAL REVIEW  
CASE NO. AR 2018-002 AND SIGN DESIGN REVIEW CASE NO. SN 2018-005

#### CONDITIONS OF APPROVAL

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

1. **Project Description:** Conditional Use Permit Case No. CUP2018-001 and Architectural Review Case No. AR2018-002 ("**Project**") allow use and construct of an operations and maintenance facility for MST on approximately 4.8-acres. The 15,645 square foot Project includes the following uses:
  - Maintenance Shop.
  - Office.
  - Tire Storage and Canopy.
  - Bus Wash.
  - Fuel Station.

The Project will be built in phases, with future office expansion and maintenance shop expansion. The building is a Butler type structure, constructed on a concrete slab with a metal roof. The Project shall be constructed in accordance with the approved Site Plan, attached as **Exhibit 1** and the approved Sign Plan, attached as **Exhibit 2**, and as conditioned and approved by the Planning Commission on **July 17, 2018**.

2. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. Municipal Code Section 17.64.030 prohibits any time extensions of the CUP beyond one (1) year from the date of approval. No extension shall be permitted for the CUP as required by Municipal Code Section 17.64.030.
3. **Hold Harmless Clause:** To the furthest extent allowed by law, the 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 "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 2018-001 and AR 2018-002) (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. The 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 the applicant's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in the preceding paragraph shall be governed by this paragraph. To the furthest extent allowed by law, the 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, the 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 the 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). The 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 the applicant should subcontract all or any portion of the services to be performed pursuant to the approvals, the 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 shall survive any termination, revocation, overturn, or expiration of an approval.

4. **Other County, State and Federal Permits:** Prior to initiation of the **proposed use**, the applicant shall provide copies of any required County, State, Federal and other required permits or written verification of a waiver of permit requirement.
5. **Structural Changes:** Installation shall be in substantial conformance with the plans, conditions of approval presented to and approved by the Planning Commission in connection with the project. No conditions, colors, materials or architectural features shall be eliminated, added or modified without Planning Commission review and action, amended CUP, as applicable. The Community Development Director, or her/his representative shall review plans for substantial conformance with the plans approved by the Planning Commission. Any major modifications shall require approval of the Planning Commission.
6. **Architectural Features:** Prior to issuance of a building permit, final color and materials samples for the buildings and walls/fences shall be submitted for Community Development Director's approval. Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. *(Also reference COA No. 10.)* Well maintained antenna towers and satellite dishes may be left unpainted. These details must appear on elevations submitted for architectural review. Windows and main entrance doors will be bronze glass for appearance and energy conservation. Wind barriers consistent with the architecture and colors of the building may be built to a maximum height of thirty feet (30') and not to exceed the height of the building. Electrical and mechanical apparatus and fixtures located on exterior walls shall be concealed from street visibility in a manner consistent with the architectural design of the building. Dumpsters and trash collection areas must be enclosed or suitably screened from street visibility. The project shall be consistent with the East Ranch Business Park Specific Plan, and specifically with Chapter 5 (Design Standards).
7. **Sign Permit:** Prior to installing any signs on the property, the applicant shall submit a separate building permit application for the installation of the signs and any electrical work needed. All signs are required to be kept in good condition by the sign applicant or landowner. Any signs erected or maintained in violation of Chapter 17.55 are subject to abatement procedures as described on Municipal Code §17.55.120.
8. **Landscape and Irrigation/Fencing/Gate Plans:** Prior to issuance of a building permit, the applicant shall submit a Landscaping Document Package to the Community Development Department and City Engineer for review and approval a Landscape Document Package consistent with the State of California

Water Efficiency Landscape Ordinance Model and Municipal Code Chapter 15.50.

The landscaping shall be consistent with the ERBP-SP and **include landscaping within the parking lot**. Landscaping will utilize water-conserving drought resistant plants that will function as screening and enhance the building appearance and include a water conserving automatic irrigation system to be approved by the Community Development Director.

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

**Prior to issuance of building permit**, a fence and gate detail plan shall be submitted for review and approval by the Community Development Director, Fire Department and Police Department. All fence, walls and gates shall be consistent with the East Ranch Business Park Specific Plan, and in particular with Chapter 5 (e.g., height).

9. **Trash Enclosure and Electrical Boxes and Transformers:** At the time of building permit submittal, an amended site plan shall be submitted to the Community Development Department showing the relocation of the proposed decorative block wall trash enclosure behind the required twenty-foot (20') front setback. All electric boxes shall be screened in a manner to be approved by the Community Development Director. The project must be consistent with the East Ranch Business Park Specific Plan (e.g., Chapter 5).
10. **Screening of Roof and Ground Equipment:** At the time of building permit submittal, an amended site plan shall be submitted to the Community Development Department showing the methods of screening of roof-mounted and ground mounted equipment such as, but not limited to air conditioning and other equipment. Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. Ground mounted equipment should be screened by walls or landscaping. The screening shall be consistent with the East Ranch Business Park Specific Plan.
11. **Grant of Avigation Easement and Release:** Prior to issuance of a building permit, a Grant of Avigation Easement and Release shall be recorded by the applicant against the property within the boundary of the project, substantially in the form provided by the Deputy City Clerk, if found needed by City Attorney.

Revisions to the Grant of Avigation Easement and Release must be approved by the City Attorney. A reference to the Grant of Avigation Easement and Release shall be placed in on the final construction plans.

12. **Filing FAA Form 7460-1: Prior to issuance of a grading permit, or issuance of any construction project permit, whichever comes first**, the applicant shall file FAA Form 7460-1 (Notice of Proposed Construction or Alteration) with the Federal Aviation Administration and provide a copy of the filed form with the City Engineer, if applicable.
13. **Cultural Resources:** Any human remains encountered during ground-disturbing activities are required to be treated in accordance with California Code of Regulations Section 15064.5(e) ("**CEQA**"), Public Resources Code Section 5097.98, California Health and Safety Code Section 7050.5. California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Specifically, Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority.

If the human remains are determined to be of Native American origin, the county coroner must contact the California Native American Heritage Commission ("**NAHC**") within twenty-four hours (24) of this identification. An NAHC representative will then identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In addition, CEQA Guidelines Section 15064.5 specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

**City of King Building and Safety Department** (The applicant should discuss the building permit submittal process with Joe Strasser, Contract City Building Official, Building and Safety Department at (831) 386-5915.)

14. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. Building plans shall comply with the current Title 24 California Building Standards Codes.
15. **Soils Report:** As part of the building permit submittal, the applicant shall submit a Soils Report prepared by a State of California-Registered Engineer or State of California-Registered Geotechnical Engineer. The Soils Report shall be reviewed and approved by the Chief Building Official. A soils report and/or

percolation tests may also be required by the City Engineer and/or Regional Water Quality Control Board ("**RWQCB**") to determine measures to meet erosion and sediment control requirements for the project and final improvements.

16. **Pad Elevation Certification:** The pad elevation certification may be submitted upon foundation inspection.
17. **Lighting:** Adequate security lighting shall be provided. The lighting shall meet all standards contained in the ERBP-SP. **As part of the building permit submittal**, a lighting plan shall be submitted for review and approval by the Building and Safety Department, Community Development Department and Police. All outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties. Where appropriate, light-emitting diode ("**LED**") lighting should be used for external lighting to reduce the site's electricity consumption. Pole light fixtures in parking areas shall not exceed thirty-feet (30') in height.
18. **Parking Lot:** Additional landscaping per the ERBP-SP shall be provided in the parking lot. The Community Development Director and City Engineer to review and approve plans and improvements for the parking lot. Parking spaces and driveways shall be either two inches (2") of asphalt over four inches (4") of base or suitable pavers over base with adjacent landscaping areas as described on the project submittals, or per the recommendation of a Soils Engineer. Driveway entrances shall require encroachment permits to be reviewed and approved by the City.
19. **Bicycle Parking:** **Prior final occupancy**, the applicant shall provide bicycle racks or other secure bicycle parking to accommodate four (4) bicycles. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location of the racks, shall be to the satisfaction of the City Engineer and Community Development Department. The rack should be coated with or constructed of a durable material that prevents rust and corrosion.
20. **Business License:** **Prior to issuance of a building permit**, a business license shall be obtained for every person conducting or carrying on the business of:
  - general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.
  - electrical, plumbing or painting subcontractor.

- masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.
- house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.

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

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

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

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

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

23. **Encroachment Permit and Public Improvements:** Prior to starting street frontage improvements, the applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter,

driveway, roadway, alley). The applicant is required to provide plans and improvements for all required improvements within the right-of-way, including sidewalks, curbs, gutters and landscaping within the right-of-way consistent with the improvements required for San Antonio Drive and Don Bates Way.

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

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

- 25. City and Regional Traffic Impact Fee: Prior to issuance of any building permit,** the applicant shall participate in the City's development impact fee program as a condition of approval of the building permit. The applicant shall consult with the Transportation Agency for Monterey County ("**TAMC**") to determine the project should pay the regional traffic mitigation fee pursuant to the TAMC Nexus Study to the City of King Building and Safety Department. Participation in the City's development impact fee program shall be as a COA of the building permit. Development impact fees offset the costs of increased demand resulting from new development to public facilities and to streets, traffic signals and bridges. The proposed project would be subject to compliance with this provision of the municipal code as a standard COA.

- 26. Submittal of Erosion and Sediment Control Measures and SWPPP: Prior to any construction,** erosion and sediment control measures for grading and construction as well as for the permanent project shall be prepared and approved by the City Engineer. In addition, if required by State and Federal Law, a Stormwater Pollution Prevention Plan ("**SWPPP**") may be required to be submitted to the City Engineer for review and approval, depending on size of project. To prevent silt and debris from entering the existing storm drain system during construction, the developer shall utilize storm drain inlet interceptors or filters to protect the existing storm drain. Soils and/or percolation test(s) may be required by the City Engineer and/or RWQCB to identify measures necessary to maintain and reduce stormwater on-site and other measures to provide erosion, sediment and pollution control at the site.

- 27. Purple Pipe: Prior to site improvements for buildout,** a connection shall be available at the sidewalk, sufficient to access and utilize the City's recycle "Purple Pipe" system at such time as it is available. The "Purple Pipe" will be located at the Airport Drive right-of-way. Building(s) shall connect to and utilize recycled water for all landscaping at such time the City or local water purveyor

makes recycled water available through a dedicated main distribution line adjacent to the property.

**Fire Department** (The applicant should contact the Fire Chief for any Fire Life Safety questions at (831) 386-5915.)

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

**29. Knox Box:** The driveway gates off of San Antonio Drive and Don Bates Way shall have Knox Boxes installed for the Fire Department and Police Department.

**Fire Department** (The applicant should contact the Police Chief for any law enforcement questions at (831) 386-5915.)

**30. Police Department: Prior to occupancy**, the applicant shall submit a security plan for the Police Chief's consideration. The security plan may include security cameras.

**Conditional Use Permit Agreement:**

The conditional use permit and architectural review applications are not valid until all conditions of approval ("**COA**") and mitigation measures imposed by the Planning Commission are signed for and agreed to by the applicant.

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

Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

**EXHIBIT 5  
RESOLUTION NO. 2018-232**

**RESOLUTION OF THE CITY OF KING PLANNING COMMISSION APPROVING  
CONDITIONAL USE PERMIT CASE NO. CUP2018-001, ARCHITECTURAL  
REVIEW CASE NO. AR2018-002 AND SIGN PERMIT CASE NO SN2018-005  
FOR THE MONTEREY-SALINAS TRANSIT SOUTH COUNTY OPERATIONS  
AND MAINTENANCE FACILITY**

**WHEREAS**, on **June 16, 2017**, Monterey-Salinas Transit's ("**MST**"), the applicant, submitted a pre-application review application and on **June 27, 2017** the City Project Review Committee ("**PRC**") met with MST staff and provided preliminary comments regarding a proposed concept plan for a South County Operations and Maintenance Facility in the East Ranch Business Park Specific Plan ("**ERBP-SP**");

**WHEREAS**, on **May 29, 2018**, Conditional Use Permit Case No. CUP2018-001, Architectural Review Case No. 2018-002 and Sign Permit Case No. SN2018-005 applications for a 15,645 square foot South County Operations and Maintenance Facility on 4.88-acres located at 179 San Antonio Drive ("**Project**") were found complete by City Staff;

**WHEREAS**, on **April 25, 2018** and **May 29, 2018**, the PRC provided comments and preliminary conditions of approval to the applicant;

**WHEREAS**, MST is the lead agency and the City of King is a responsible agency on the Project, under the California Environmental Quality Act ("**CEQA**");

**WHEREAS**, MST contracted with Denise Duffy and Associates to prepare environmental studies, including traffic, noise, air quality and water quality, which all determined there were no significant adverse impacts from the Project;

**WHEREAS**, on **October 16, 2017**, the MST Board of Directors adopted Resolution No. 2017-08 which approved the proposed Project, subject to the City of King's approval process and is Categorically Exempt from CEQA, pursuant to CEQA Guidelines Section 15061 (b) (3) and Section 15332 and considered an Infill Development Project;

**WHEREAS**, on **October 17, 2017**, MST filed a Notice of Exemption ("**NOE**") on the CEQA determination and there has been no challenge to the NOE, and no changes to the Project since the NOE; and

**WHEREAS**, on **July 17, 2018**, the Planning Commission reviewed the Project, as shown on **Exhibit 1** and **Exhibit 2**, and after reviewing the staff report and other relevant information, and accepting testimony, agreed with MST's NOE and approved the Project, based on the Findings of Fact found in the staff report and attached as **Exhibit 3** and Conditions of Approval found in the staff report and attached as **Exhibit 4**.

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED** by the Planning Commission of the City of King that . Conditional Use Permit Case No. CUP2018-001, Architectural Review Case No. AR2018-002 and Sign Permit Case No. SN2018-005 are approved subject to the approved Site Plan and Sign Plan, attached as **Exhibit 1** and **Exhibit 2**, the Findings of Fact, attached as **Exhibit 3**, and Conditions of Approval, attached as **Exhibit 4**.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Planning Commission of the City of King, State of California, at a regular meeting of the Planning Commission held on this 17th day of July 2018 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
DAVID NUCK, CHAIRPERSON

ATTEST: \_\_\_\_\_  
ERICA SONNE DEPUTY CITY CLERK



Item No. 7(B)

**REPORT TO THE PLANNING COMMISSION**

**DATE: JULY 17, 2018**

**TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

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

**BY: SCOTT BRUCE, PRINCIPAL PLANNER**

**RE: CUP AMENDMENT 2017-009(c)18: PARKING LOT REVISIONS; CHANGE IN USE (REMOVE CULTIVATION (CA TYPE 3A) AND NURSERY (CA TYPE 4). ELIMINATE PHASE 1 CONCEPT: LOCATION 101 AIRPORT DRIVE, CITY OF KING. APN 026-351- 023. (ELITE MOLECULAR)**

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**RECOMMENDATION:**

Staff recommends that Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment; 3) adopt the attached Resolution approving Conditional Use Permit Case No .2017-009(c).

**BACKGROUND:**

In September 2016 the City Council approved amendment to the City's Zoning Code and to the East Ranch Business Park Specific Plan (ERBP-SP), authorizing expansion of land uses related to Medical Cannabis. As a result of that action Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing are allowed in the M-1, M-2 and M-3 Zoning Districts and in the ERBP-SP. Since that time, the Code has been amended twice (June and August 2017) and 41 Permits have been approved through the CUP and Operations Permits processes. Staff has been in regular discussion with potential Medical Cannabis applicants. This current application is to renovate an existing 10,500 sf structure at 101 Airport Drive (Corner of Airport Drive and Bitterwater Road)

On October 17, 2017 the Planning Commission (Commission) approved CUP 2017-009 which allowed Cannabis Cultivation (CA Type 3A), Nursery (CA Type 4), Level Two Manufacturing (CA Type 7) and Distribution (CA Type 11) on this site.

On December 04, 2017 the City issued Operations Permits for the above noted uses.

Exhibit 1  
 Vicinity Map



On February 2, 2018 the Commission approved CUP Case No .2017-009(a)18 and CUP 2017-009(b) to permit Phase 1 development and a change to the parking lot configuration / paving material in a specified area. A general demarcation line to be finalized by the City Engineer was approved by the Commission.

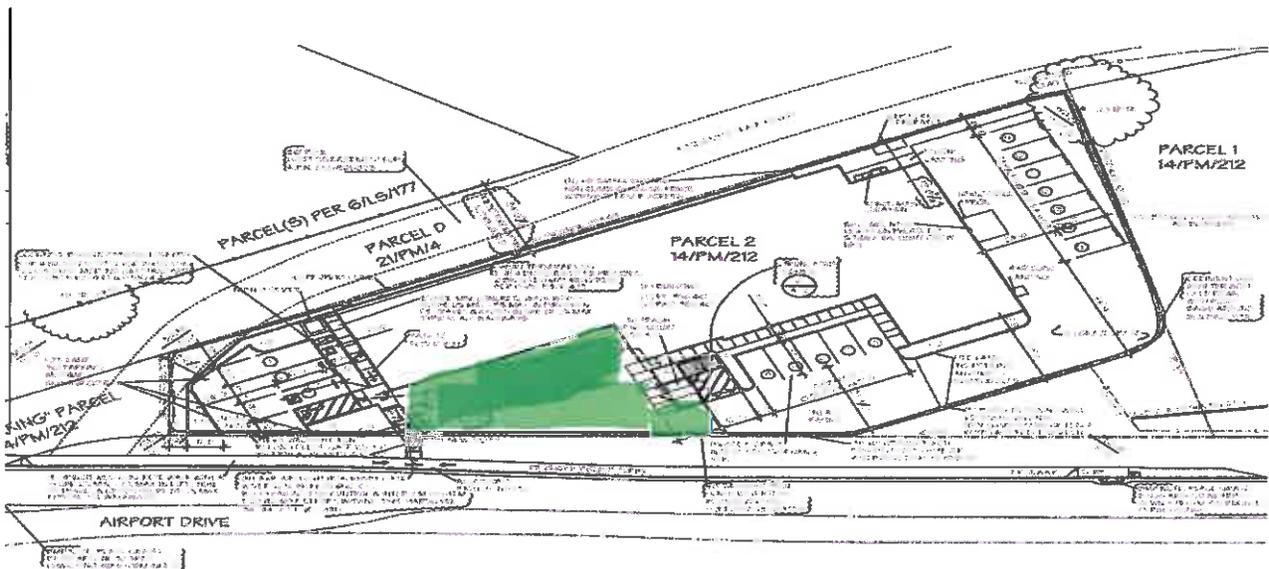
**DISCUSSION:**

**Overview:**

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

occupied by Boutique Unlimited (Cultivation and Manufacturing Uses)

- Airport Road bounds the subject parcel on the east
- A utility / access easement bounds the property to the west with Industrial Uses and the East Ranch Business Park beyond.
- A vacant City owned parcel and Bitterwater Road lie to the south.



As noted above, the previously approved were Cannabis Cultivation (CA Type 3A), Nursery (CA Type 4) Manufacturing Level 2 ( CA Type 7), Distribution (Type 11).

***This Amendment would remove Cultivation (Type 3A) Nursery (Type 4), revise the parking and landscaped area and eliminate the previously proposed Phase 1 concept.***

**CUP Information: *This Amendment does not impact the size of the structure or its exterior. It is limited to reconfiguring the parking area and eliminating certain interior uses. The interior of the building will now be limited to Manufacturing and Distribution uses.***

**Architecture:**

The proposed Amendment does not impact the approved architecture, colors or materials.

**Floor Plan and Interior Uses:**

The proposed Amendment impacts the approved uses of the site and the Floor Plan / Internal Arrangement. A new floorplan has not yet been submitted, however, it is Staff's understanding that the southern portion of the building will remain office / administrative use and the northern portion of the structure will be used for Manufacturing and Distribution purposes.

It should be noted that Building Plans have been submitted and reviewed for the floor plan as previously presented. Building Plans will need to be revised. **See Exhibit 4.**

Staff requests authorization to approve floor plans for the building that facilitate Manufacturing, Distribution and related Administrative use as described above.

**Parking, Paving:**

As noted above, this Amendment proposes a new configuration for the parking lot. Landscaping replaces parking in the central portion of the site; the central access drive has been eliminated along with the sidewalk up against the building in that area. All areas adjacent to parking spaces will be paved; areas to the northern portion of the site will be decomposed granite.

This proposed Amendment is in large part based on the Regional Water Quality Control Board's requirements for water cleaning and release, using a sliding scale for various sizes of new impervious area. The new configuration allows larger area for on-site drainage with less added impervious area. Staff (Planning / Engineering) has reviewed the concept. Both can support the reconfiguration.

The previous Amendment proposed that the front (southern) portion of the site be paved with the area to the rear of the site being "paved" with 6" of Decomposed Granite. 12 employees per shift are anticipated requiring a minimum of 8 spaces, all of which are

accommodated in the area to be paved. Municipal Code Section 17.52.050 allows the limited use of decomposed granite. The City Engineer supports the concept as presented. **See Exhibit 1.**

**Landscape:**

The proposed Amendment adds significant landscape area – the former configuration included XX sf of landscaped area, now increased to XX sf. The location of the area (central portion of the site) appears to be visually and operationally superior to the previous concept.

The Applicant has previously submitted a landscape concept which conceptually identified the types and amount of plant material to be used. A revised concept must be submitted. Prior to Building Permit approval plans must be prepared and presented in conformance with Chapter 15.50 of the Municipal Code. (The City Council amended Chapter 15.50 to meet State mandated requirements and City Permit requirements of the Central Coast Regional Water Quality Control Board.)

Staff requests authorization to approve landscape plans that are in substantial conformance with the type and amount of material shown in the previous concept.

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

**Grading and Drainage:** Grading for this previously developed site will be minimal. The Applicant is preparing drainage plans and has been in discussion with the City Engineer. All RWQCB requirements must be met. The Applicant has not yet provided construction level documents including final drainage calculations and concept.

**Signage:**

This Amendment does not impact previously approved signage.

**Security:**

Given the change in Uses and reconfiguration of the Floor Plan the security program must be amended and will be subject to additional HdL review / approval.

**Fertilizer and Storage:**

Given the elimination of the Cultivation / Nursery Use. No fertilizer will be present on site.

**Solid Waste:**

Given the change in Uses, solid waste information (production in quantity, makeup or disposal location / size) must be amended. The Applicant is required to obtain clearance from Monterey County Health Department prior to Operations.

**Water:**

Water use is anticipated to decrease based on the shift in use types / elimination of cultivation. New information must be provided.

**Power:**

Power use is anticipated to decrease based on the shift in use types / elimination of cultivation. New information must be provided.

**Regulatory Permit Related Information:**

Elite Molecular proposes amendment to:

1. The parking lot configuration and type / quantity of parking / paving material.
2. The uses approved by CUP 2017-009.
3. Phasing of the project

Item 2 impacts the Regulatory (Operations) Permit.

**Shipping and Transport:**

This amendment will impact quantity of and type product in / product out given the increased focus on Manufacturing and elimination of Cultivation. Additional information must be provided and approved by HdL prior to Operations approval.

**Odor Control:**

This Amendment will require review of the approved Odor Control Program.

**Inventory Control:**

This Amendment will require review of the approved Inventory Control Program.

**Security:**

This Amendment will impact interior configuration and therefore will require review / revision of interior or site protocols, programs and / or personnel.

**Employee Vetting:**

The Amendment does not impact Employee Vetting. No person under 21 years of age will be employed on this site. The employee vetting process is being finalized at this time.

**Employee Training:**

This Amendment eliminates the need for some Employee Training procedures related to Cultivation.

**Quality Control:**

This Amendment eliminates the need for some Quality Control standards or procedures related to Cultivation.

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

**ENVIRONMENTAL COMPLIANCE:**

On September 27, 2016 the City Council approved Ordinances 2016- 728, 729 and 730, amending Municipal Chapter 17.03 of the Zoning Code to allow Medical Cannabis cultivation, nursery, manufacturing and testing uses (Types 2A,2B, 3A,3B, 4, 6 and 8.) The M-1, M-2 and M-3 Districts and (ERBP-SP) were amended at that time to allow the uses in those specific zoning districts. Ordinances 2017-743, 744, 7455 and 746 further amended the Municipal Code. Manufacturing Level Two and Distribution uses are uses allowed per those revisions.

During that process an Initial Study and Mitigated Negative Declaration (IS /MND) were prepared to evaluate potential and cumulative impacts of all the proposed use types. The MND was approved on September 27, 2016 at the time that the change to the Zoning Code was approved.

Staff review during the original CUP (Case No .2017-009) indicted that the proposed use and its impacts were consistent with the evaluation and findings of the previously approved MND, with no potentially significant impacts. This Amendment which redesigns parking and eliminates some of the previously approved uses is therefore exempt from additional CEQA review per CEQA Guidelines §15332 (infill development projects).

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Location
2. Site Photo
3. Site Plan
4. Original Site Plan
5. Floor Plan
6. Landscape Concept – Original Submittal
7. Conditions of Approval
8. Resolution 2018-233

Submitted by: Scott Bruce for  
SCOTT BRUCE, PRINCIPAL PLANNER

Approved by: DLB For Doreen Liberto-Blanc  
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT  
DIRECTOR

CUP 2017- 009(c)18

EXHIBIT 1

DATE: 11/16/17

Exhibit 1  
Vicinity Map



CUP 2017- 009(c)18

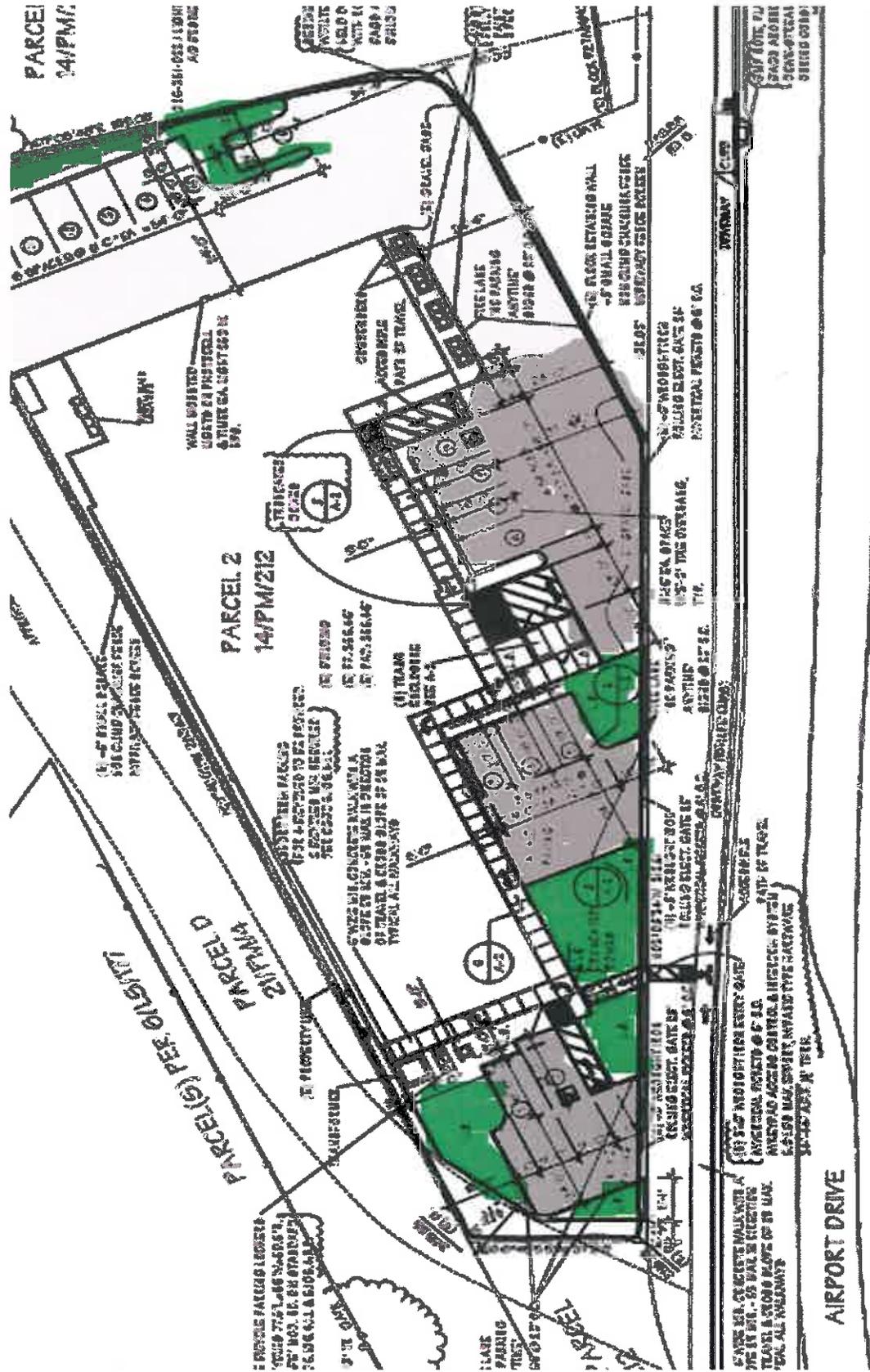
EXHIBIT 2: SITE PHOTO





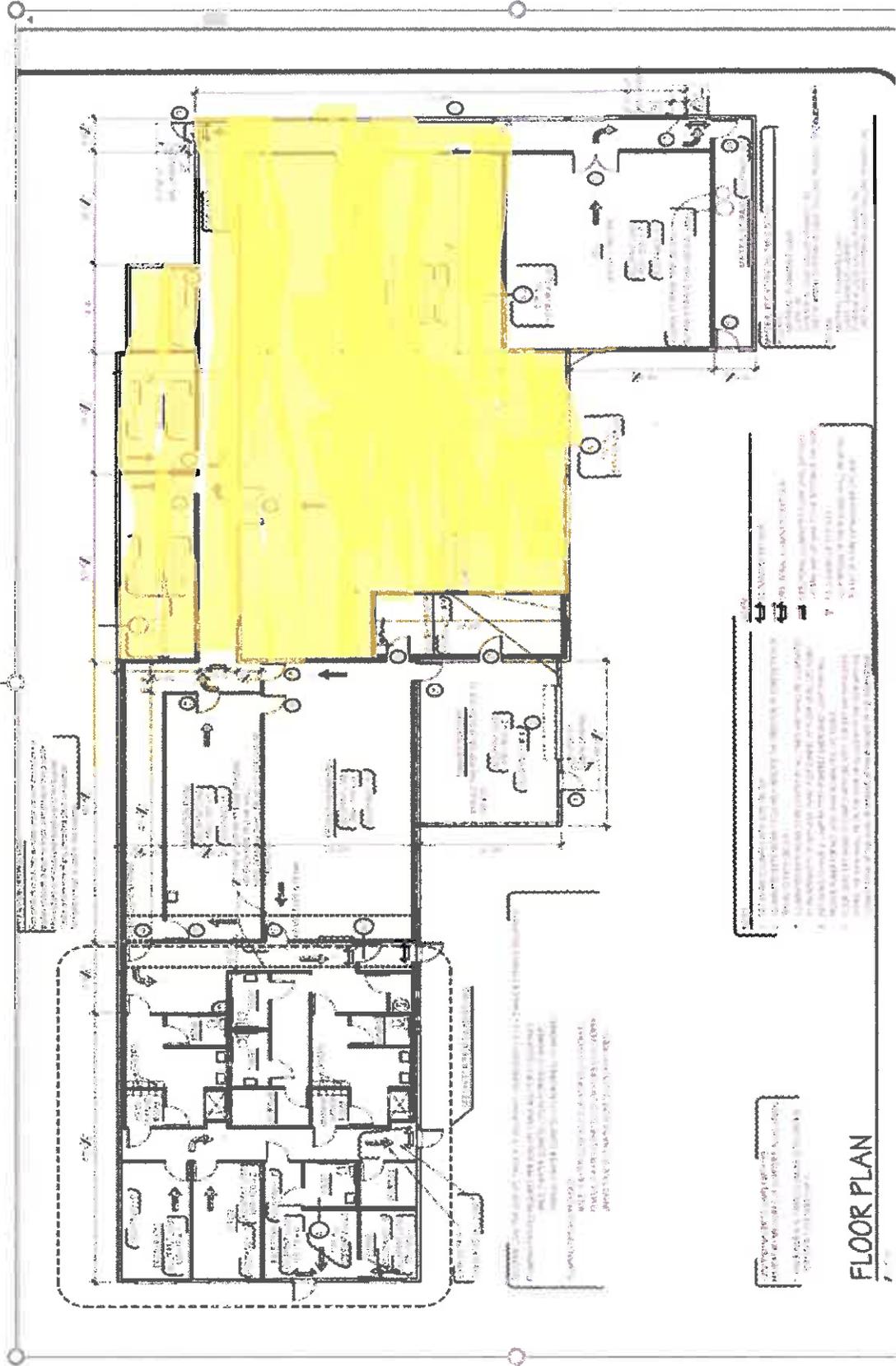
CUP 2017-009(c)18

EXHIBIT 4: ORIGINAL SITE PLAN



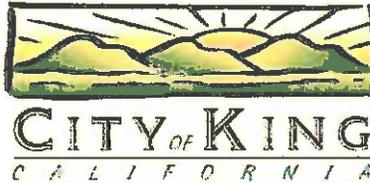
CUP 2017- 009(c)18

EXHIBIT 5



FLOOR PLAN

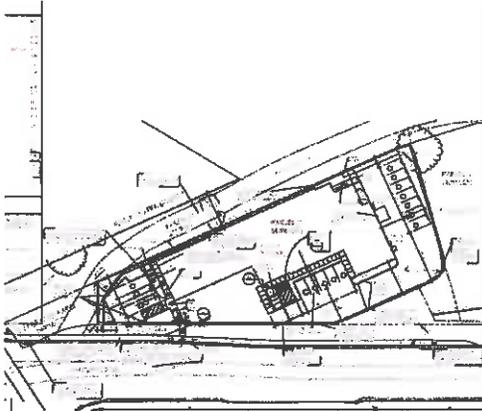




**EXHIBIT No. 7**

**Case Number: COA 2017 – 009(c)18  
CONDITIONS OF APPROVAL**

**NOTICE TO PROJECT APPLICANT**



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

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

**PART A - PROJECT INFORMATION: ELITE MOLECULAR LLC.**

1. Assessor's Parcel No(s): 026-351-023
2. Job Address: 101 Airport Drive
3. Street Location: 101 Airport Drive
4. Existing Zoning: M-1 Light Industrial
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: Adjacent to ERBP SP
7. Project Description: Parking Lot Revisions, elimination of Phase 1, Cultivation and Nursery

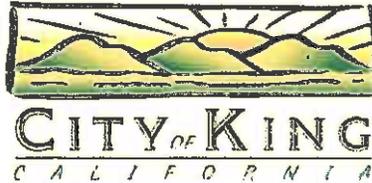
**PART B – GENERAL CONDITIONS AND REQUIREMENTS**

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

A Mitigated Negative declaration (MND) was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on September 27, 2016 at the time that the change to the Zoning Code was approved. The Municipal Code was amended in August 2017 to include Manufacturing Type 7 and Distribution Type 11 (Ordinances 2017-745 and 2017-746)

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

**IMPORTANT: PLEASE READ CAREFULLY**



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

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Clerk. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed within 15 days of the Planning Commission's decision [SLC1] Please refer to City of King Municipal Code Chapter 2.12.050

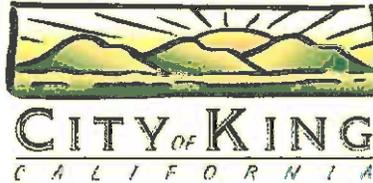
Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but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

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

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

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

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



**GENERAL CONDITIONS:**

1. All Conditions of Approval associated with CUP 2017-009, CUP 2017-009(a) and CUP 2017-009(b) remain in force unless specifically amended herein.
2. Parking and Landscape Construction / Development shall conform to Application as presented, to the satisfaction of the City Engineer and Community Development Director / designee.
3. Revised Building Plans are is required to reflect the change in use(s). Cultivation and Nursery have been eliminated.

**CONDITIONS SPECIFIC TO THIS REQUEST:**

**COMMUNITY DEVELOPMENT DEPARTMENT :**

1. **Parking:** Parking will conform to the Concept Plan and Staff Report Description, to satisfaction of City Engineer (See below)
2. **Landscaping:** Complete landscaping plans will be submitted, reflecting the original concept. Plans shall be in conformance with Municipal Code Chapter 15.50. Irrigation Plans shall be presented to and approved by City Engineer / Community Development prior to Building Permit Approval and Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.
3. **Lighting:** Any Security Lighting proposed for parking area will be installed with parking area. Two poles in the parking area not to exceed 30 feet in height.. All lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky.
4. **Fencing:** New fencing at property boundary along Airport Road and facing Bitterwater Road shall be wrought iron and eight (8) feet in height. All other perimeter fences shall be "no climb" chain link, six (6') foot in height with barbed wire, to a maximum of eight (8) feet with vertical slats woven into the chain link. Screening material will be reviewed by Staff with a determination of condition / requirement for replacement of damaged areas to be presented to Planning Commission every three (3) years.

**BUILDING AND SAFETY DEPARTMENT:**

**Building Plans:** A Plan Check has been completed. However, the Building Plans as submitted do not reflect this Amendment (removal of Cultivation and Nursery). Building Plans shall be revised to reflect this Amendment.

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP Application Package and Staff Report (CUP 2017-009(c)18).
- 2 **Parking and Paving:** New parking and paving area will be installed per construction documents to be submitted to City Engineer and to City Engineer's satisfaction. Parking shall drain to landscaped areas – post development runoff shall not exceed the existing condition. Final limits of Asphalt / DG, base material beneath DG and pervious pavers shall be to satisfaction of City Engineer.



- 3 **Airport Drive ROW Improvements:** Improvements and timing shall be to satisfaction of City Engineer. Parking / ROW match shall be to satisfaction of City Engineer. Paving Sidewalk (to match existing) will be extended along the entire Airport Road frontage
- 4 **Driveway Approach Revisions:** Sidewalk to be at 2% maximum cross fall per ADA requirements.
- 5 **Grading and Drainage / Impervious Surface:** Grading and Drainage / Water Quality shall be to satisfaction of Regional Water Quality Control Board and City Engineer.
- 6 **Fencing:** The CUP 2017-009 Application Package indicated that the fencing at the southwest corner of the site would accommodate the current geometrics of the travel way used by lot owners to the north as the access the access easement which lies to the west of this site.

This reconfiguration does not amend the previous approval. A Condition of CUP 2017-009 was as follows: Prior to Building Permit approval the Applicant shall show to the satisfaction of City Engineer and City Attorney that an agreement has been executed which defines the conditions of travel way use among all lot owners / lessees using the easement as primary access to their site(s). This Condition remains in effect.

- 7 **Security Cameras:** One camera that is part of the City's City wide system shall be installed at the driveway access to the street.

**REGULATORY PERMIT:** CUP 2017-009(c)18 does not affect the Operations Permit(s).



### **HOLD HARMLESS AND INDEMNIFICATION CLAUSE:**

The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**") and its elected officials, officers, contractors, consultants (including Earth Design International., Aleshire & Wynder, LLP attorneys; Hanna & Brunetti, Aleshire & Wynder, LLP attorneys), employees and agents (including Earth Design, Inc., and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "*proceeding*") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc, Aleshire & Wynder, LLP, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

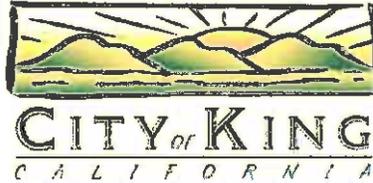
- a. *Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or*
- b. *Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970,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

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

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

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve which approval shall not be unreasonably withheld, conditioned or delayed:

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



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

The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding. Notwithstanding the preceding, this obligation to indemnify shall not apply to any claim to the extent arising from the gross negligence or willful misconduct of the indemnified party or of any agent, employee or licensee of the indemnified party.

**Conditional Use Condition Agreement:**

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

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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RESOLUTION NO. 2018 - 233****RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,  
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-009(a)18**

**WHEREAS**, on **June 08, 2018**, **Elite Molecular, LLC** submitted an application to amend a previously approved Conditional Use Permit (**CUP 2017- 009, October 17, 2017; CUP 2017-009(a) and 2017-009(b) February 06, 2018**) that allowed Commercial Cannabis Uses: Cultivation (CA Type 3A); Nursery (CA Type 4) Manufacturing Level 2, (CA Type 7); Distribution and Transportation (CA Type 11) in an existing structure located at 101 Airport Drive. Phase 1 Development was approved as were parking lot revisions.

**WHEREAS**, after numerous discussions, on **July 08, 2018** a formal Letter of Completeness was prepared.

**WHEREAS**, the purpose is to revise the Parking Lot Paving, Configuration and Drainage; eliminate Phase 1 and amend the allowed uses in the building, removing Nursery and Cultivation.

**WHEREAS**, the proposed revisions are consistent with the General Plan and the uses are allowed in the M-3 Zoning District;

**WHEREAS**, the proposed project conforms to the requirements of Section 17.52.050 of the City of King Zoning Code;

**WHEREAS**, an Initial Study for CUP 2017-009 and the resulting Mitigated Negative Declaration (MND) were prepared to address potential cumulative impacts of the **September 27, 2016** changes to the Zoning Code;

**WHEREAS**, the project has been evaluated in relation to the previously prepared MND. No potentially significant impacts have been identified; no endangered, rare or threatened species are present; approval of the proposed use will not result in significant impacts to traffic, noise, air quality or water; the site can be adequately served by all required utilities and services; none of the exceptions to the exemption under CEQA Guidelines §15300.2 are applicable; and, the Project is Categorically Exempt under CEQA §15332 (Infill Development)

**WHEREAS**, the potential impacts of the proposed Amendment fall within and were duly addressed in the previous evaluation(s);

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

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

**WHEREAS**, the Commission makes the followings Findings of Facts:

1. The purpose of the proposed parking revision is integral to the operation of the Commercial Cannabis Uses (Manufacture and Distribution / Transportation) allowed for this site.
2. The proposed use and its size and configuration are consistent with the General Plan Land Use Designation (LI) Light Industrial and the Uses and Standards of the Light Manufacturing (M-1) Zoning District.
3. The proposed parking lot does not increase the size of the previously approved parking and it increases the landscaped area. It does not decrease the number of parking spaces.
4. Grading, Drainage, Increase in Impervious area and Materials will be to satisfaction of City Engineer as addressed in the Conditions of Approval.
5. Fencing / Security is not significantly impacted. One rolling gate (and driveway) will be removed – fencing will replace the gate. The entire lot will be fenced – existing fencing will

be improved and / or replaced, new screening will be installed and a wrought iron fence will be placed along Airport Road. The Applicant has voluntarily determined to fence to the existing travel way which lies outside the existing access easement for lots to the north.

6. The existing lot will be accessed through two gates. New pavement and parking area will occur per the Application Package.
7. New landscaping will be installed per the Application Package, Municipal Code Chapter 15.50 and approval of Community Development Department and City Engineer.
8. The parking area will be integrated with improvements to the Airport Drive Right-of- Way, to the satisfaction of the City Engineer as addressed in the Conditions of Approval.
9. All processes, interior construction / building improvements, exterior painting, site development and, security / operating procedures will be in conformance with the CUP / Regulatory Permit Application Package, as submitted and / or as conditioned (See COA's Exhibit 1: Attached) and with City of King Zoning Code section 17.03.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King adopts a finding of a Class 1 Categorical Exemption per CEQA Guidelines Section 15301 and approves Conditional Use Permit Case No. CUP 2017-009(c)18.

This resolution was passed and adopted this **17<sup>th</sup> day of July, 2018** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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DAVID NUCK, CHAIRPERSON

ATTEST: \_\_\_\_\_

ERICA SONNE DEPUTY CITY CLERK / PLANNING COMMISSION SECRETARY



Item No. 7(C)

**REPORT TO THE PLANNING COMMISSION**

**DATE: JULY 17, 2018**

**TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION**

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

**BY: SCOTT BRUCE, PRINCIPAL PLANNER**

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

**RECOMMENDATION:**

Staff recommends the Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit Case No .2017-008(b)18.

**BACKGROUND:**

In September 2016 the City Council approved an amendment to the City's Zoning Code (Code) and to the East Ranch Business Park Specific Plan (ERBP-SP), authorizing expansion of land uses related to Medical Cannabis. As a result of that action, Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing are allowed in the M-1, M-2 and M-3 Zoning Districts and in the ERBP-SP. Since that time, the Code has been amended twice (June and August 2017) and a number of Permits have been approved through the CUP and Operations Permits processes. This current application is to amend previous approvals for use of an existing structure on a lot at 991 Industrial Drive.

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

However, only ethanol will be used in the process. CUP Case No. 2017-008(a)18, as approved April 17, 2018 added Distribution Use to the site – changes were limited to the floorplan. No changes were proposed to the size of the structure or the site plan.

Since that time, the ownership of the site has changed. Since Conditional Use Permits are tied to a site and not an owner, CUP Case No. 2017-008(a)18 can be used by the new owner. The new owner is MGP, LLC. The current owner proposes to keep all uses within the existing structure with the expansion (as previously proposed) to follow at some time in the future. Approved uses will not change (Manufacturing (Type 7) and Distribution (Type 11)). However, Operations Permits are per owner. Therefore, the Operations Permit will be cancelled and reissued in favor of the new owner when appropriate.



**DISCUSSION:**

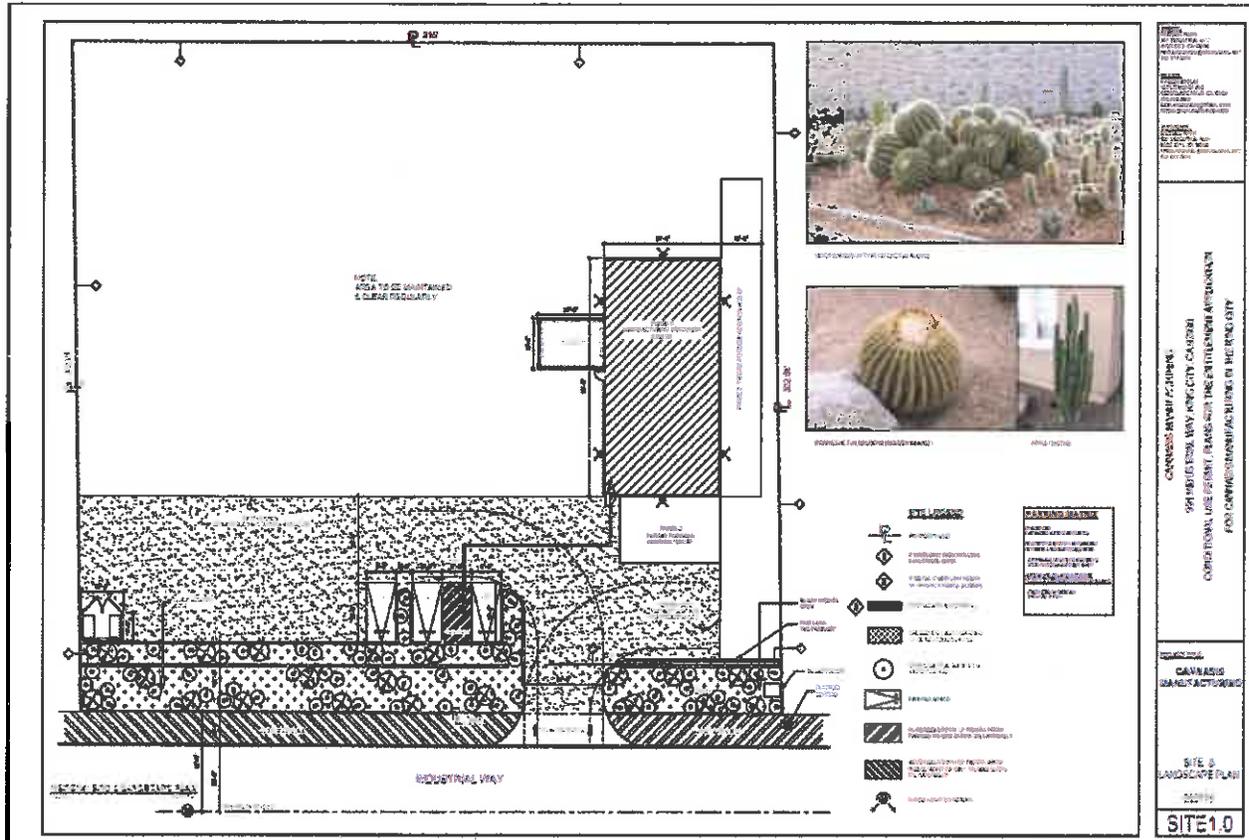
As noted above, the current Applicant MGP, LLC proposes to use the existing structure for previously approved Manufacturing and Distribution Uses. Additional development of the site will occur at a later date.

**Overview:**

The existing structure is located on a 1.0-acre site. The site and the surrounding area are located M-3 (Industrial) District on the north side of the Airport, accessed from the south side of Industrial Way.

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

The site is partially developed (2,592sf Building) and generally flat. The site sits slightly above Industrial Drive; minor improvements to the frontage (curb, gutter and sidewalk) will be required. Site access will be from Industrial Drive. In the previous approvals a 1,728sf addition was to be added to the western side of the existing structure to house modular clean rooms for manufacturing. This Amendment removes the addition for the present time.



The existing structure will remain a single story. The uses will be Cannabis Level 2 (CA Type 7) Manufacturing and Distribution. Crude cannabis oil will be produced which will be further refined by others for use in items such as capsules, tinctures, creams and edibles.

Future improvements (not part of this CUP) may include addition to the existing structure and greenhouses for cultivation use on the remainder of the site.

**CUP Information:**

Building setbacks will be as exists. The M-3 District has a zero setback at the side and rear property lines.

**Architecture:**

The existing structure is metal with metal roof and is to be repainted. Specific colors are yet to be determined. The metal canopy and roof will be dark grey; the roll-up and exit doors will be light gray. Stucco will be beige. Window frames will be aluminum. **See Exhibit 4.** Final colors will be brought back to the Commission for architectural review and approval.

**Floor Plan and Interior Uses:**

As noted above, the uses remain as Cannabis Distribution (CA Type 11). Manufacturing Level 2 (CA Type 7), with support administrative uses. **See Exhibit 5.**

In keeping with City policy, loading and unloading of cannabis related product will be accomplished in a secured / enclosed parking area. The current plans do not show a roof on this area, Staff will confer with HdL.

**Landscape:**

Parking and landscaping concepts for the development have been presented. The Applicant is proposing a xeri-scape type of concept that focuses on the use of cactus and rock. This concept varies from the previous. It should also be noted that:

- Municipal Code Section 17.32.130 requires that "...the landscaping shall be undulating mounds with grass or groundcover vegetation with trees every fifty feet. Additional landscaping is required for the parking lot and front. ..."
- The City has recently amended Chapter 15.50, Water Efficient Landscape which responds to the State requirements for water efficient landscaping. (The City Council amended Chapter 15.50 to meet State mandated requirements and meet City Permit requirements of the Central Coast Regional Water Quality Control Board. Therefore, it is important that projects comply with Chapter 15.50)

Staff has contacted the Applicant to discuss landscaping. Although the Applicant's proposal does not strictly adhere to the requirements of the current Zoning Code, it meets the standards of recently updated Chapter 15.50. The Applicant has agreed to amend his concept by adding trees along the frontage at the parking lot. Additionally, the Applicant will have to submit a landscaping plan prior to issuance of a Building Permit consistent with Chapter 15.50 which meets State mandated requirements. **See Conditions of Approval, Exhibit 6.**

Given the above, Staff can support the proposed concept which is in compliance with the spirit and intent of Chapter 15.50 and that includes a landscaping plan as described above. The Planning Commission has some ability under a CUP to allow flexibility of design standards if the alternative does not negatively impact health and safety and can be shown to be compatible with the surrounding properties.

While landscaping will occur along the lot frontage, a large portion of the lot will remain undeveloped for the foreseeable future. Landscaping is proposed for the area between the block wall and the property line. A small retaining wall will be incorporated.

Front setback (to the retaining wall) will be 14.25' and to the building front will remain at 65'. Side setback along the northern property line will remain at 16.8'. Regular maintenance will occur on undeveloped portions of the property.

Although areas for landscaping have been identified and examples of plant material presented no specific plant types and quantities have been presented. X.X% of the lot will be landscaped.

Landscaped area will be between the Industrial Drive Right of Way and the parking area with planter islands in the parking area. Plant materials will be similar to those shown in the Application Package. Final landscape materials, quantities and irrigation will be to the satisfaction of the Community Development Director or designee. **See Exhibit 3**

Final Landscaping will be brought back to the Commission for architectural review and approval.

**Grading:**

The site is generally flat, draining from north to south. Grading will be minimal to accommodate the new addition and the new parking. A minimal amount of material will be moved, most related to parking lot construction and the small retaining wall along Industrial Way. Final grading and wall construction will be to satisfaction of City Engineer.

**Access, Parking, Paving:**

A single access point (existing access location) is proposed, including a rolling electric gate for security. 4 paved parking with 1 ADA spaces will be present along the Industrial Drive frontage. Access to the dumpster location must be paved. Decomposed granite (DG) will be proposed in the area that provides access to the delivery / loading area on the south east side of the building. Final design / areas of asphalt paving and DG will be to satisfaction of City Engineer. **See Exhibit 3.**

**Signage:**

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

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

**Security:**

**Fencing:** Because the intent for the future is to allow cultivation in greenhouses, fencing along the Industrial Drive frontage must be opaque. The Applicant indicates that fencing along the street will be block wall, 6' in height with 2' of wrought iron at the top. The remainder of the property will be fenced with 6' high non-climbing chain link, with screening slats, including maximum of 2' barbed wire at the top for security.

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

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

Given the reconfiguration of the interior and the change in total area (limited to the existing structure) the camera plan must be reviewed by HdL.

**Solid Waste:**

One locked dumpster location is located at the east end of the property. Maximum daily plant waste (at ultimate production) will be approximately 6,000 lbs. or 42,000 lbs. per week. This equates to approximately 80 cubic yards per week. This equates to approximately 13 six-yard dumpsters (approximately 6'8"W, 6'6"L, 5'4" H.) or six truck trips per week. Plant waste at start up is estimated to be approximately 1,500 lbs. per day or 6,000 lbs. per week.

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

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

**Water:**

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

**Water (Landscaped Area):**

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

A number of water conservation measures will be employed including drip irrigation, weather or moisture-based controllers, non-invasive/ climate appropriate species and similar. Water for landscaping irrigation is not included in the analysis of water use under the previous MND – outdoor / landscaping water is common for all sites in the ERBP-SP, regardless of land use.

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

**Power:**

The Applicant estimates 16 hours per day of power use. 24 hours is possible. Light and air conditioning / heating requirements are consistent with standard industrial / business park use. Approximately 208 Amps (80 % load) are anticipated for currently proposed operations. Distribution use is not power intensive.

**Noise:**

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

**Regulatory Permit Related Information:**

The item before the Commission does not change previously approved uses at this location. Those use are Cannabis Manufacturing Level 2 (CA Type 7) and Distribution (CA Type 11). The existing 2,592 sf structure will be renovated to F-1 / H-1 Occupancy Type.

**Employee Traffic:**

The applicant has indicated that maximum employee count will run between 3 and 6 persons per shift. There will be a maximum of 3 eight-hour shifts. Parking as proposed will accommodate 4 persons.

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

**Shipping and Transport:**

A standard delivery will include a 2,500 lbs. of plant material (mix of bud and shake). Deliveries at start-up will be 4 times weekly. At ultimate production this may increase to two (2) trips per day.

Outbound transport will vary based on sales of product (refined cannabis oil) but is anticipated to be twice weekly. Storage space for finished product is approximately 150sf.

Product will be transported from the facility in unmarked vehicles. Transactions will be recorded on a manifest with details regarding the driver, vehicle, weight and / or count of all products.

Delivery vehicles will be loaded inside the secure area (block walls with gate at south east side of structure with security personnel present. Cameras will be placed to record shipping from the facility.

**Volatiles Use and Storage:** The storage / use plan for volatiles (ethanol) will be reviewed and approved by Fire / Police during the Building Permit process, before Occupancy.

The Applicant indicates that the Manufacturing process will be limited to the use of Ethyl Alcohol with Isopropyl Alcohol used for cleaning. Current estimates are a maximum of two (2) 55-gallon barrels per week – no more than four (4) barrels or 220 gallons will be allowed on site, or as allowed by the Fire Marshall. Isopropyl will be contained in eight (8) gallon containers, delivered approximately once per week.

The Building will conform to sprinkling requirements to satisfaction of Fire Marshall.

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

**Waste Disposal:**

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

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

Alcohol Waste: Most ethanol used in the processing is recycled and reused.

**Security, Interior:**

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

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

One armed guard will be on site at all times.

As noted above, revised Security plans will be provided to HdL for their review and approval.

**Employee Vetting:**

No person under 21 years of age will be employed on this site. It is anticipated that a third party will receive fingerprints and provide the City of King Police Department with background review. The Department will verify and the employee will sign, under oath, an agreement that verifies the accuracy of the background check and that delineates the responsibilities of and expectations for the employee.

**Employee Training:**

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

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

**Quality Control:**

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

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

**Compliance with Evolving State and Local Regulations:** The applicant's operating procedures will comply with State and local regulations. The applicant engages a team of lawyers, community relations staff and industry advisors to assist with governance, compliance, legal adherence and updates to laws and regulations. In addition, the Applicant has executed the City's required Indemnification Agreement.

**ENVIRONMENTAL COMPLIANCE:**

King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. The Municipal Code was amended in June and August of 2017 to allow Manufacturing Level 2 (CA Type 7 and Distribution (CA Type 11 (Ordinances 2017-745 and 2017-746)

Staff conducted an Initial Study related to the originally proposed project (CUP 2016-008) and determined the project to be fully within the scope of the prior analysis by the MND. The Planning Commission Adopted a Finding of Consistency per CEQA Guidelines Section 15162. This Amendment (revised to be limited to the existing structure) is within the scope of that analysis.

**ALTERNATIVES:**

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

**EXHIBITS:**

1. Location
2. Photos of Existing Site
3. Site Plan / Landscape
4. Elevations
5. Floor Plan
6. Conditions of Approval
7. Resolution 2018-234

*Exhibits are available for public review at front counter, City of King City Hall,  
212 South Vanderhurst, King City, CA*

Submitted by: Luca L. Senne for  
SCOTT BRUCE, PRINCIPAL PLANNER

Approved by: MLB for Doreen Liberto-Blanck  
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT  
DIRECTOR

CUP 2017-008(b)18

EXHIBIT 1: SITE LOCATION



CUP 2017-008(b)18

EXHIBIT 2: SITE PHOTOS



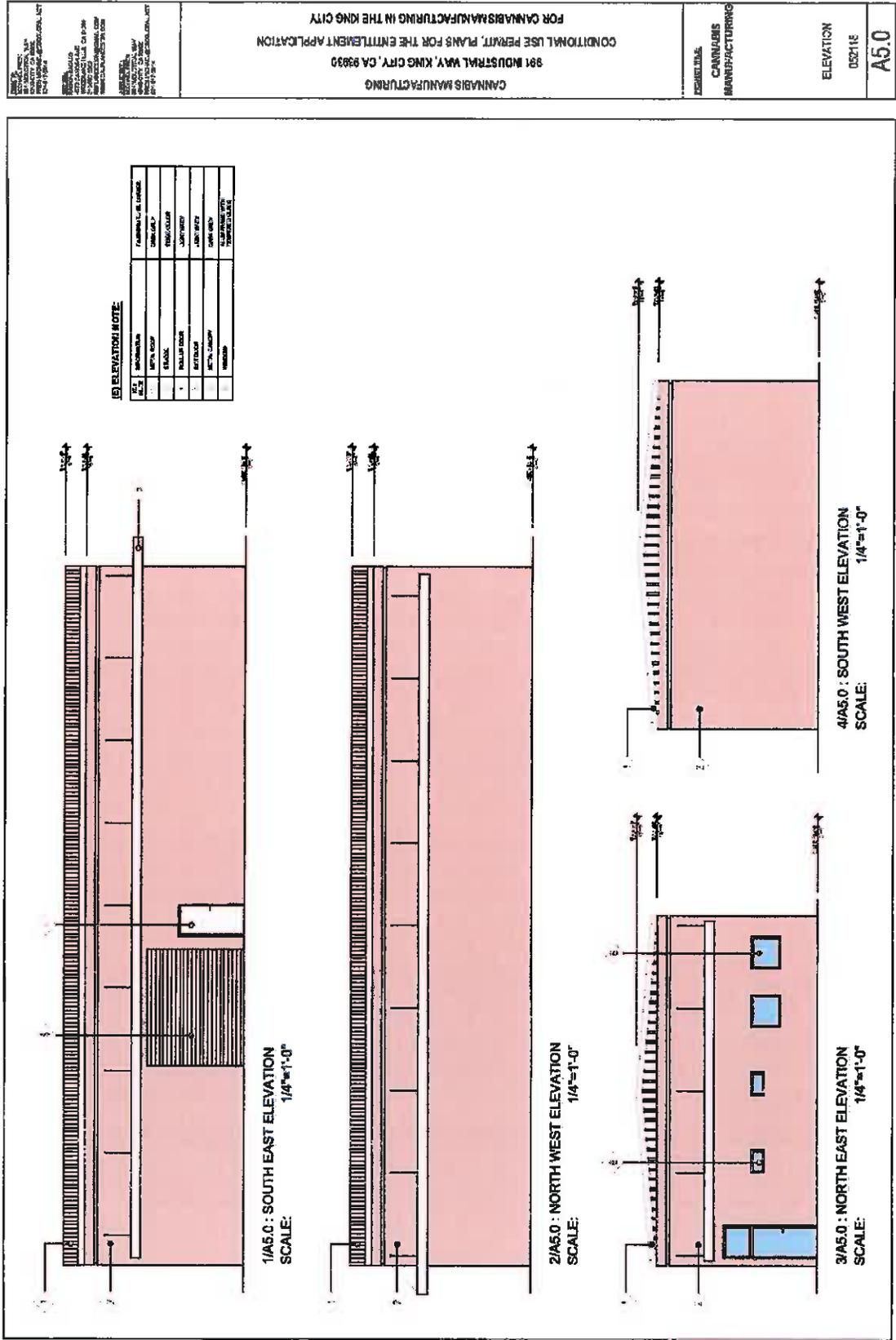
**CUP 2017-008**

**EXHIBIT 2: SITE PHOTOS**

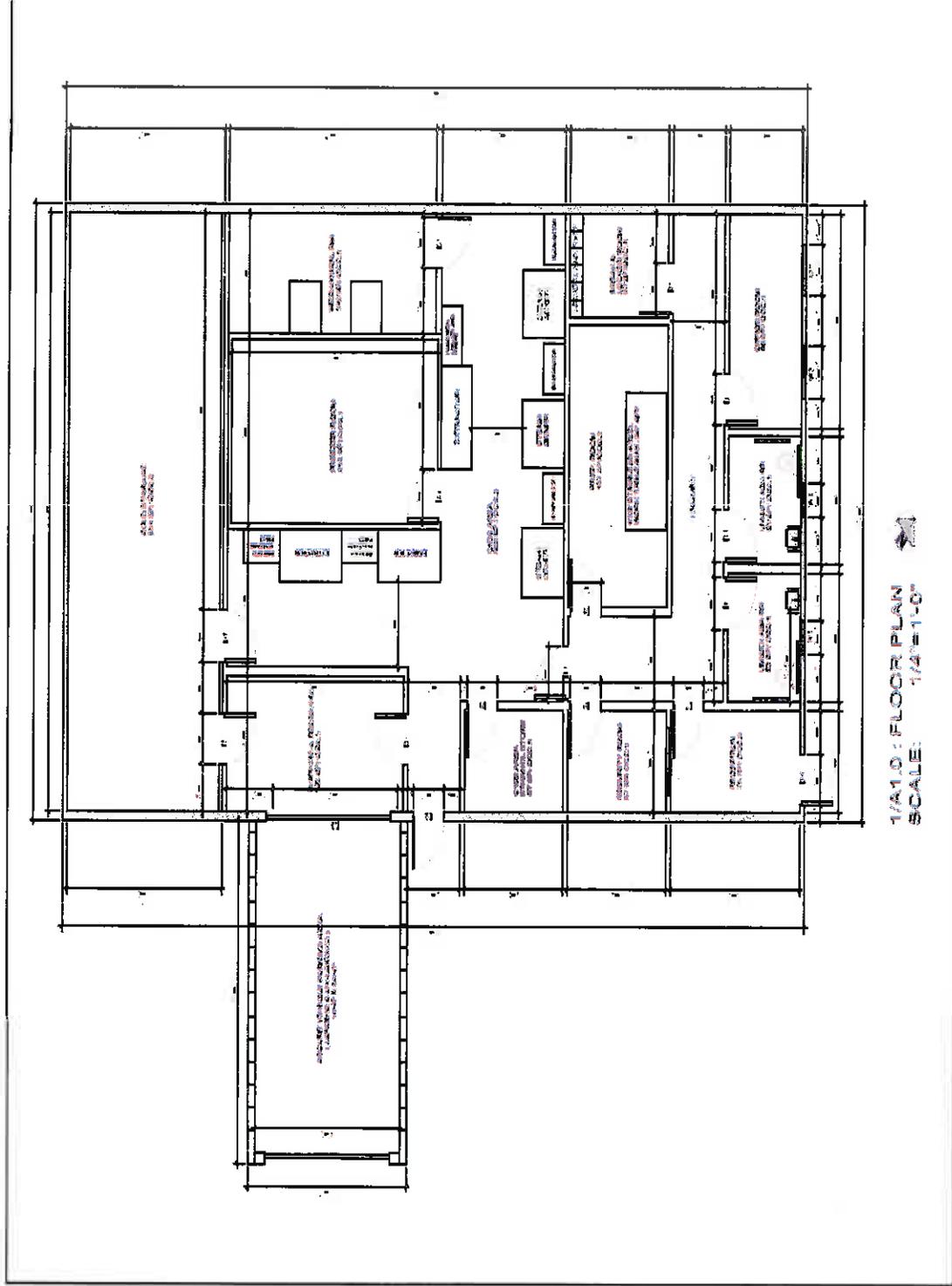




CUP 2017-008(b)18  
EXHIBIT 4: ELEVATIONS

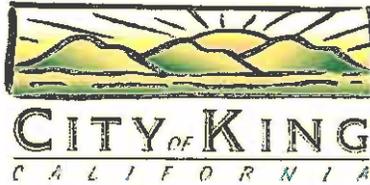


CUP 2017-008(b)18:  
EXHIBIT 5: FLOOR PLAN



1/4"=1'-0" FLOOR PLAN  
SCALE: 1/4"=1'-0"





## **PART B – GENERAL CONDITIONS AND REQUIREMENTS**

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

A Mitigated Negative declaration (MND) was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on September 27, 2016 at the time that the change to the Zoning Code was approved. In August 2017 Ordinances 2017- 745 and 746 amended the Municipal Code to allow Manufacturing Level 2 (CA Type 2) and Distribution (CA Type 11).

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

### **IMPORTANT: PLEASE READ CAREFULLY**

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

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

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

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



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

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

**COMMUNITY DEVELOPMENT DEPARTMENT :**

1. **Allowed Use:** Manufacturing (CA Type 7) Distribution (CA Type 11)
2. **Interior Renovation and Exterior:** The existing structure is a 2,600 metal structure, accessed from Industrial Drive at one location. No additions are proposed at this time. Colors will be greys and beige – to be reviewed by Planning Commission during separate Architectural Review. These colors are consistent with the surrounding area. Minor interior changes, which are determined by the Community Development Director to be substantially in conformity with the plans and Application Package as presented may be granted by the Community Development Director / designee. Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee
3. **Parking:** Parking will conform to the Plan and Application Package as Submitted. New parking and paving area will be installed. Parking shall drain to landscaped areas – post development runoff shall not exceed the existing condition.
4. **Landscaping:** Landscaping will conform to plans and Application Package as submitted, in conformance with Municipal Code Chapter 15.50. Final Landscape Plans will be reviewed and approved by Planning Commission during separate Architectural Review. Irrigation Plans shall be presented to and approved by City Engineer prior to Building Permit approval and Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.
5. **Lighting:** Security Lighting is proposed to be mounted on the structure and on two poles in the parking area not to exceed 30 feet in height. A lighting plan must be approved before installation. All new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky.
6. **Signage:** No signage has been requested at this time with the exception of property address. Any additional signage shall conform to the requirements of Section 17.03 of the City of King Zoning Code. Additional signage may be approved by the Community Development Department and may be submitted to the Planning Commission at the Director's discretion.
7. **Fencing:** New fencing along Industrial Way shall be wrought iron and eight (8) feet in height. All other perimeter fences shall be "no climb" chain link, six (6') foot in height with barbed wire, to a maximum of eight (8) feet with vertical slats woven into the chain link.

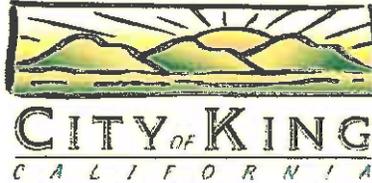
**BUILDING AND SAFETY DEPARTMENT:** (No application for Building Permit has been submitted. An application must be submitted after CUP approval and prior to any interior renovations).

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package
- 2 **Sprinklers:** Building will be improved with sprinklers.

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package (revised).

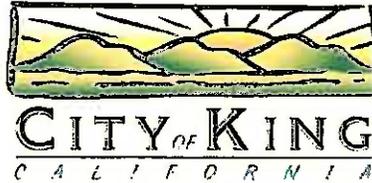


- 2 **Sidewalk:** Sidewalk (to match existing / to satisfaction of City Engineer will be extended along the entire Industrial Drive frontage.
- 3 **Driveway Approach Revisions:** Sidewalk to be at 2% maximum cross fall per ADA requirements.
- 4 **Recycled Water Connection:** At such time as the irrigation for the landscaped area is improved or installed, a connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the Industrial Way Right-of-Way.
- 5 **Recycled Water, Water Quality Assessment:** The City may require a future water quality assessment to evaluate mass loading / nutrient balance, based upon the results of regular, ongoing analysis.
- 6 **Parking and Paving:** All parking spaces and access to spaces will be paved. Access to dumpster must be paved. Access to secure loading / unloading may be DG. All paving and DG locations / use to be to satisfaction of City Engineer.
- 7 **Grading and Drainage:** Grading and drainage will be to satisfaction of City Engineer and Regional Water Quality Control Board.

#### **OPERATIONS PERMIT:**

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

- A. **Operations Permit:** The Regulatory shall be approved by the City Manager and is in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit.
- B. **Security Cameras:** Security cameras shall be installed in quantity and location per the Regulatory Application. City of King Police personnel shall have access to the system for real time review. One camera that is part of the City's City-wide system shall be installed at the driveway access to the street.
- C. **Security Systems:** Security systems shall be in conformance with those presented in the Application Package, to the satisfaction of the Chief of Police and the City's Consultant.
- D. **Solvents (previously approved Manufacturing Use):** The Applicant has indicated that Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety precautions must be to the satisfaction of the City of King Fire and Police Departments in compliance with Section 17.03.270 (a) and (b)
- E. **Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- F. **Odor Control:** Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (i) of the City of King Zoning Code. At the beginning of operations City Staff shall inspect for odor not less than once monthly for a period of no less than three months. In the event that compliance has not been achieved, mechanical equipment and the City Code will be reviewed. In the event that compliance is not achieved, Staff shall make a recommendation to City Council per Section 17.03.240 of the City Zoning Code. Odor caused by outdoor dumpsters will be addressed in a similar manner.
- G. **Air Quality:** Venting of Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.
- H. **Employee Background Checks:** Employees shall be vetted (background checks) to the satisfaction of the City of King Chief of Police and in compliance with the Regulatory Application



Package and Section 17.03.210 (k) of the City's Zoning Code. A third party perform the check, that Party suggested by City's Consultant (HdL) and accepted by Applicant and City of King. Results will be provided to Applicant, HdL and City of King Police Chief. Police Chief to verify.

- I. **Hours of Operation and Employees:** The Applicant has indicated that the facility will be potentially be in operation between 24 hours per day. Shifts of between 3 and 6 employees will be on site during this period. Onsite parking will be sufficient to cover overlap periods. No persons under the age of 21 will be allowed on site.
- J. **Work Permits and Fees:** Work Permits shall be issued in conformance with Section 17.03.070 (a). Fees shall be as set by the City Council.
- K. **Indemnification Agreement:** A signed Indemnification Agreement shall be in place prior to Issuance of the Regulatory Permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall prevail over Hold Harmless and Indemnification Clause attached hereto.
- L. **Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.



### **HOLD HARMLESS AND INDEMNIFICATION CLAUSE:**

The applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ("**City**") and its elected officials, officers, contractors, consultants (including Earth Design International, Aleshire & Wynder, LLP attorneys; Hanna & Brunetti, Aleshire & Wynder, LLP attorneys), employees and agents (including Earth Design, International, and Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "*proceeding*") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc, Aleshire & Wynder, LLP, and Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

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

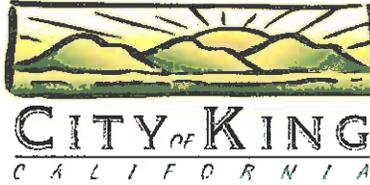
The applicant agrees to indemnify City and its elected officials, officers, contractors, consultants, attorneys, employees and agents (including Earth Design, Inc., Aleshire & Wynder, LLP, Hanna & Brunetti,) for all of City's costs, fees, and damages incurred in enforcing the **indemnification** provisions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

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

In the event that the applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve which approval shall not be unreasonably withheld, conditioned or delayed:

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

City shall have and retain the right to have the City attorney defend the City and its staff in connection with such proceeding. City shall also have and retain the right to not participate in the defense, except



that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants' actual and reasonable fees and costs arising from their support of the defense shall be paid by the applicant.

The applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding. Notwithstanding the preceding, this obligation to indemnify shall not apply to any claim to the extent arising from the gross negligence or willful misconduct of the indemnified party or of any agent, employee or licensee of the indemnified party.

**Conditional Use Condition Agreement:**

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

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

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION NO. 2018-234****RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,  
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2017-008(b)18**

**WHEREAS**, on **June 8, 2018 MGP LLC** submitted an application for change to the configuration of a structure that would house previously approved Commercial Cannabis Uses: Manufacturing (CA Type 7 and Distribution (CA Type 11); located at 991 Industrial Drive

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

**WHEREAS**, after numerous discussions, on **July 08, 2018** a formal Letter of Completeness was prepared.

**WHEREAS**, the proposed use is consistent with the General Plan and is allowed in the M-3 District with the approval of a Conditional Use Permit (**Ordinance 2016-745, August 22, 2017**);

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

**WHEREAS**, the proposed change would limit the allowed use to the existing structure, no new structure will be constructed at this time

**WHEREAS**, the original project (CUP 2017-008) was evaluated in relation to the MND that was prepared for the amendment of the City's Zoning Ordinance and the amendment of ERBPSP (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and designation the ERBP Specific Plan (Subsequently amended per Ordinances 2017-745 and 2017-746). An initial study was prepared for CUP 2017-008 which determined that the project was fully within the scope of the analysis of that MND, such that the adoption of a Finding of Consistency was warranted (adopted by Planning Commission on December 05, 2017); This current request falls within the scope of that review

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

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

**WHEREAS**, the establishment, operation and maintenance of the use as presented will not be detrimental to the property, improvements, health, safety, morals and general welfare of persons in the surrounding area (M-3 District / neighborhood) and / or the City;

**WHEREAS**, the Commission makes the followings Findings of Facts:

1. The purpose of the proposed Commercial Cannabis Use (Distribution) is in accordance with the description, process and standards provided in the Application Package as reviewed by Staff and presented at the Public Hearing.
2. The proposed use is consistent with the General Plan Land Use Designation (GI) General Industrial and the Uses and Standards of the Heavy Manufacturing (M-3) Zoning District.
3. The proposed use will be wholly contained within an existing structure that includes 2,592 sf of floor area on one floor.
4. The entire lot will be fenced – existing fencing will be improved and / or replaced, new screening will be installed and a block wall will be placed along Industrial Drive.
5. The existing lot will be accessed through one gate. New pavement and parking area will occur per the Application Package.
6. New landscaping will be installed per the Application Package with additional detail and approval by the Community Development Director as indicated in the Staff Report and the Conditions of Approval, in conformance with the City's Landscape Ordinance.

7. All processes and interior construction / building improvements, exterior painting and security / operating procedures will be in conformance with the CUP / Regulatory Permit Application Package, as submitted and / or as conditioned (See COA's Exhibit 1: Attached) and with City of King Zoning Code section 17.03.
8. The building will be sprinkled.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Planning Commission of the City of King finds the project as proposed consistent with the previous Finding of Consistency, adopts a finding of a Class 32 Categorical Exemption per CEQA Guidelines Section 15332 and approves Conditional Use Permit Case No. CUP 2016-008(b)18.

This resolution was passed and adopted this **17th day of July, 2018** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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DAVID NUCK, CHAIRPERSON

ATTEST: \_\_\_\_\_  
ERICA SONNE DEPUTY CITY CLERK / PLANNING COMMISSION SECRETARY