

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, OCTOBER 16, 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 September 18, 2018 Planning Commission Meeting
Recommendation: Approve and file.

7. PUBLIC HEARINGS

- A. Project: Corner of N. Russ Street & Collins Tentative Parcel Map & Variance Request
- Applicant: Tim Davis
- Location: 327 N. Russ Street and 331 N. Russ Street (Corner of N. Russ Street and Collins Street)
- Consideration: Consideration of Tentative Parcel Map, Variance and Deviation Applications to Subdivide Two (2) Existing Lots into Three (3) Lots Located At 327 And 331 North Russ Street (Tentative Parcel Map Case No. TPM 2018-002, Variance Permit Case No. Var 2018-003, Deviation Case No. Dev 2018-001 APNS: 026-174-001 And 026-174-002)

Recommendation: The Planning Commission adopt Resolution No. 2018-242, which approves a tentative parcel map, variances and deviations. (*Reference Exhibit 1.*)

Environmental
Determination:

Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the project density is permitted pursuant to Chapter 16 of the Municipal Code and all requested variances are mitigated to a level of insignificance with conditions of approval and project design. The proposed land division will create four or less parcels and the project conforms with the maximum density permitted under the R-2 Zoning Designation. Therefore, this project is not subject to CEQA.

B. Project: MD BioDesign: Commercial Cannabis, Cultivation (CA Type 2B); Manufacturing Level 2 (CA Type 7), Distribution (CA Type 11).

Applicant: Ron Glantz

Location: 1011 Industrial Way (APN 026-351-031)

Consideration: Conditional Use Permit 2017-007 (CUP) to allow construction of a 70,000-sf facility (one floor, combination of "greenhouse" and metal building) on a lot of 2.6 ac in size. The lot is currently vacant and is located on the south side of Industrial Way, north of the Mesa del Rey Regional Airport, in the M-3 AP (Heavy Industrial with Airport Overlay) Zoning District. The proposed indoor uses include multiple Cannabis Cultivation Permit sites (CA type 2A, 10,000 sf maximum, each); Level 2 Manufacturing (CA Type 7) and Distribution (CA Type 11) Parking and landscaping will be part of the new development

Recommendation: Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2017-007

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 2017-745 and 746) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. King City has conducted an initial study of the project and has determined the project is fully within the scope of the prior analysis by the MND. The Adoption of a Finding of Consistency has been recommended per CEQA Guidelines Section 15162 and has been noticed for Public Review.

- C. Project: Medical Cannabis Manufacturing Level 2 (CA Type 7), Distribution (CA Type 11) and Non-Store Front Delivery (CA Type 10)
- Applicant: Ron Glantz
- Location: 180 East San Antonio Drive (APN-026-523-038)
- Consideration: Conditional Use Permit 2017-002 (CUP) to renovate an existing structure at 180 San Antonio Drive (APN 026-523-038) (see location, below). The projected development is on approximately 1.4 acres and currently includes an existing structure of approximately 13,800 sf with paved parking and existing landscaping. The building will be expanded by 5,500 sf and landscaping will be refreshed. The building will be used for Level 2 Manufacturing (CA Type 7) which allows the use of volatile solvents, Distribution (CA Type 11), and Non-Storefront Dispensary (CA Type 10)
- Recommendation: Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2017-002.
- 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 and a Class 1 Categorical Exemption. A 5,500 (40%) sf expansion to an existing the footprint will occur.

8. NON-PUBLIC HEARINGS

- A. Project: Planning Commission Interpretation on storage of a Temporary Storage Container Visible from Public View for the King City Fire Department 422 Bassett St. King City, CA.
- Applicant: Fire Department
- Location: 422 Bassett St., King City, CA.
- Consideration: Temporary Storage Container
- Recommendation: Staff is asking for an interpretation from Planning Commission on whether the King City Fire Department should be allowed to relocate and store their temporary portable storage container on a long-term basis in a location visible from public view.
- Environmental Determination: Staff has performed a preliminary environmental assessment of this project and, has determined that it falls within the Categorical Exemption set forth

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT – Parking in King City

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

OCTOBER

October 2 nd	6:00 p.m.	Planning Commission (canceled)
October 8 th	6:00 p.m.	Airport Advisory Committee (canceled)
October 9 th	6:00 p.m.	City Council
October 15 th	6:00 p.m.	Recreation Commission
October 16 th	6:00 p.m.	Planning Commission
October 23 rd	6:00 p.m.	City Council

NOVEMBER

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

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

ALUC: Airport Land Use Commission

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

APCD: Air Pollution Control District

BMP: Best Management Practices, Bike Master Plan

CAP: Climate Action Plan

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

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

CEQA: California Environmental Quality Act

CFD: Community Facilities District

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

CUP: Conditional Use Permit

EIR: Environmental Impact Report

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

LLA: Landscaping and Lighting District

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

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

MOU: Memorandum of Understanding

MIND: 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
September 18, 2018

1. Call to Order

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

2. Pledge of Allegiance

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

3. Roll Call

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

Commissioner Mendez made a motion to excuse Commissioner Uribe. Seconded by Commissioner Avalos. Motion carried 4-0.

Staff present: Principal Planner, Scott Bruce; Admin. Asst./Deputy City Clerk, Erica Sonne.

4. Public Comments

5. Presentations

6. Consent Calendar

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

A. Approval of Minutes: August 21, 2018

Action: Motion made by Commissioner Mendez to approve minutes of August 21, 2018. Seconded by Commissioner Avalos. Motion carried 4-0.

7. PUBLIC HEARINGS

- | | | |
|----|------------|---|
| A. | Project: | Amendment of the City's Zoning Ordinance Pertaining to Commercial Cannabis Activities Including Odor Control Requirements and Limitations and Associated CEQA Determination. |
| | 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: A Resolution Recommending to the City Council the Approval of an Ordinance Amending Chapter 17.03 of Title 17 of the King City Municipal Code Pertaining to Commercial Cannabis Activity Odor Control and Related CEQA Determination.

Recommendation: Planning Commission adopt a Resolution recommending to City Council approval of an Ordinance amending Chapter 17.03 of Title 17 of the King city Municipal Code pertaining to commercial cannabis activity odor control and the related CEQA determination.

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061 (b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the only effect of the ordinance will be to reduce detectable odors. Therefore, this project is not subject to CEQA.

Principal Planner Scott Bruce introduced this item with a PowerPoint. He went over a map of where greenhouses will be on San Antonio Dr., Airport Rd., and Industrial Way.

Principal Planner Bruce went over existing code.

Odor Control

Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from marijuana are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system

so that odor generated inside the medical marijuana facility that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business.

As such, commercial cannabis businesses must install and maintain the following equipment or any other equipment which the City Manager determines has the same or better effectiveness:

- An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
- An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

Principal Planner Bruce went over Proposed changes to the code.

- SPECIFIC SYSTEM REMAINS AS NOT BEING CALLED OUT: "ODOR ABSORBING" INCLUDES FILTERS AND FOG
- TEST SMELL AT PROPERTY LINE. MUST BE LESS THAN 4.
- TEST SMELL AT BUILDING. MUST BE LESS THAN 4.
- ISSUE NOTICE TO ABATE
- REASONABLE TIME TO TIMELY ABATE
- OWNER ABATES
- RETEST: May require indoor air samples
- MAY IMPACT PERMIT RENEWAL

- SECTION 17.03.040 (G)
 - Renewal can be denied for violating 17.03.210(i)
- SECTION 17.03.210: Odor not detected:
 - Outside the facility
 - On adjacent property or public rights of way
 - On or about the exterior / interior common areas
 - Other areas available for use by common tenants or visiting public
 - Within any other unit within same building and Commercial Cannabis Business

- SECTION 17.03.210 (3) (4)
- Owner and Lessee Responsible
- SECTION 17.03.210 (n)
- Greenhouses at least 750 feet from any residentially zoned area

TRIGGERED AS ANY OTHER NUISANCE

Commissioner Lee is concerned with the wind. Principal Planner Bruce stated that if there is a complaint about odor with or without wind a reading will be taken twice 15 minutes apart to detect the location where the odor is coming from.

Commissioner Mendez stated that the cover up smell may get complaints as well. Principal Planner Bruce stated that the cover up smell can not be greater than 4 as well.

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

Chair Nuck closed the public hearing.

Commissioner Avalos made a motion adopt the attached Resolution 2018-239 approving recommendation on odor ordinance to City Council seconded by Commissioner Mendez. Approved 4-0.

8. NON- PUBLIC HEARINGS –

None

9. Regular Business- None

10. Planning Commission Report – None

11. Director Reports-None

12. Written Correspondence-- None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:40 p.m.

David Nuck
 Planning Commission Chairperson
 City of King

Erica Sonne
 Planning Commission Secretary
 City of King



Item No. 7 (A)

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 16, 2018

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: DONALD J. FUNK, PRINCIPAL PLANNER

RE: CONSIDERATION OF TENTATIVE PARCEL MAP, VARIANCE AND DEVIATION APPLICATIONS TO SUBDIVIDE TWO (2) EXISTING LOTS INTO THREE (3) LOTS LOCATED AT 327 AND 331 NORTH RUSS STREET (TENTATIVE PARCEL MAP CASE NO. TPM 2018-002, VARIANCE PERMIT CASE NO. VAR 2018-003, DEVIATION CASE NO. DEV 2018-001 APNs: 026-174-001 AND 026-174-002)

RECOMMENDATION

The Planning Commission adopt Resolution No. 2018-242, which approves a tentative parcel map, variances and deviations. (*Reference Exhibit 1.*)

BACKGROUND

On September 5, 2017 and September 19, 2017, the Planning Commission (Commission) considered Variance Case No. VAR 2017-001 submitted by Tim Davis (Applicant) to allow construction of a home straddling a property line. The applicant withdrew the application on September 19, 2017 after the City Attorney recommended a Lot-Line-Adjustment in an attempt to avoid non-conforming building setbacks. On September 22, 2017, the applicant submitted and subsequently withdrew a tentative parcel map (TPM) application for four (4) substandard size parcels from two (2) existing lots totaling 19,000 square feet. Since September 2017, staff has been in conversations with the Applicant to discuss alternative projects. **Exhibit 6** provides a chronology of events. In 2016, one of the structures onsite was damaged by a fire and the Applicant wishes to

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 2 OF 36**

replace it and upgrade the properties. On August 2, 2018, the Applicant submitted an amended TPM to create three (3) lots, rather than four (4) lots, from two (2) existing parcels. The TPM creates two (2) lots that do not meet the minimum square footage required by the R-2 Zoning District and one lot that meets the minimum square footage requirement. Municipal Code Chapter 16 allows the Planning Commission to make certain findings to approve a deviation for lot sizes. Due to the location of existing structures on site and the existing lot configurations, the Project cannot meet the required setbacks from a few of the existing structures. Therefore, in addition to the TPM, the Applicant is requesting setback variances. **Figures 1-5** provide a pictorial overview of the site.

DISCUSSION

The proposed Project is in the Medium Density Residential General Plan land use designation and R-2 Zoning District. In September 2017, the Applicant proposed a TPM to create four (4) lots from two (2) existing lots, totaling 19,000 square feet. After the Planning Commission hearing, the applicant withdrew the TPM. (Reference **Exhibit 5** – September 16, 2017 Planning Commission Minutes.)

In August 2018, the applicant submitted an amended TPM to create three (3) parcels from two (2) existing parcels. The proposed parcel sizes are as follows:

- **Parcel 1:** Create a **corner lot** of 4,725.50 square feet, fifty (50') feet in width. (Required R-2 Minimum Lot Size: 7,000 square feet, seventy (70') feet width.)
- **Parcel 2:** Create an **interior lot** of 4,725.50 square feet, fifty (50') feet in width. (Required R-2 Minimum Lot Size: 6,000 square feet, sixty (60') feet width.)
- **Parcel 3:** Create an **interior lot** of 9,549 square feet, ninety-five and one-half (95.49') feet in width. (Required R-2 Minimum Lot Size: 6,000 square feet, sixty (60') feet width.)

The TPM will subdivide two (2) existing lots with a total of 19,000 square feet and create three (3) parcels, with the average lot size of 6,333 square feet. This is consistent with the maximum density required under the R-2 Zoning District.

To approve the TPM, variance and deviation findings need to be made in the affirmative. Following is a list of the requested variances and deviations.

Variance (Chapter 17): The applicant's request for approval of variances to reduce required minimum six (6') foot interior side and ten (10') foot rear yard

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 3 OF 36**

building **setbacks** for existing residences as described below and as shown on **Exhibit 1**.

The specific variances are:

- Reduce the **interior building** and **side yard setbacks** for **all four (4) existing houses** from six (6') foot to setbacks ranging from three+ (3.2') feet to five (5') feet.
- Reduce the ten (10') foot **rear yard building setback** for the: 1. **existing house** on **Parcel 1**, and 2. **existing detached garage** on **Parcel 3** ranging from three + (3.7') feet to five and one-half (5.5') feet.

Deviation (Chapter 16): Since the Applicant reduced the number of lots requested in 2017, a deviation process pursuant to Municipal Code Chapter 16 can be used on lots sizes rather than a variance process. (Under State law, variances from zoning regulations can only be granted under certain circumstances, such as an odd shape lot that makes it difficult to meet minimum lot size.) The deviation would allow a reduction in lot size and width. Two (2) lots would consist of 4,725.5 square feet. The **minimum lot size** required pursuant to Municipal Code Section 17.14.060 are six (6,000) thousand square feet for **interior lots**, and seven (7,000) thousand square feet for **corner lots**. The **minimum lot width** requirements are sixty (60') feet on interior lots and seventy (70') feet on corner lots

Chapter 16:12.310 allows the Commission to approve a deviation from lot sizes and setbacks if the following standards are applicable to the reduced lot sizes:

- produce a more desirable and livable community.
- create a better community environment.
- reduce the danger of erosion.

The Commission must find that the proposed project will result in benefits to 'enhance the livability and appearance, health, safety, convenience or general welfare of his proposed subdivision'.

General Plan and Zoning Designations/Surrounding Land Uses

The Project is within the Medium Density Residential General Plan land use designation and R-2 Zoning Designation. The adjacent General Plan land use designation, zoning designations and land uses are shown in **Table 1**.

Table 1			
Adjacent General Plan/Zoning/Land Use			
North:	PQ (General Plan) R-1 (zoning) Elementary School (land use)	East:	HDR (General Plan) R-4 (zoning) Residential (land use)
West:	MDR (General Plan) R-2 (zoning) Residential (land use)	South:	MDR (General Plan) R-2 (zoning) Residential (land use)

History and Existing Conditions

The two (2) existing lots contain four (4) older houses. The two (2) houses on proposed Parcel 3 currently straddle the property boundary separating existing Lots 1 and 2. The proposed TPM would resolve this nonconforming use. All of the existing buildings, including two (2) detached garages on proposed Parcels 2 and 3, are nonconforming due to existing substandard setbacks.

All of the four (4) existing houses and the two (2) existing detached garages predated the 1973 changes to the Zoning Regulations (Municipal Code Title 17). The two (2) existing houses straddle lot lines, have non-conforming setbacks and land uses. After the adoption of the 1973 R-2 Zoning Regulations and Subdivision Regulations, existing Lots 1 and 2 as well as all four (4) of the existing houses became "legally non-conforming". Legally non-conforming means use of land and/or structures which were legally established according to the applicable zoning laws of the time, but which does not meet current zoning regulations.

In 2016, the house straddling existing Lot 1 (APN 026-174-001) and Lot 2 (APN 026-174-002) was significantly damaged by fire. (Reference **Figures 1** and **3**.) The applicant desires to repair or construct a new two (2) bedroom residence to replace the fire damaged house. However, this damaged home cannot be reconstructed unless the lot line separating the home is either eliminated or relocated. The proposed TPM eliminates the property boundary that currently divides the damaged home. The TPM also eliminates the property boundary that currently divides the house adjacent to the fire damaged residence, resolving two

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 5 OF 36**

existing nonconforming use conditions that apply to the houses on proposed Parcel 3 (**See Exhibit 1, Figures 1 and 2**).

Driveways and Parking

The existing residence on proposed **Parcel 1** has an attached two (2) car garage and meets requirements for covered parking for that property.

The detached two (2) car garage serving the existing residence on **Parcel 2** is proposed to be removed and replaced with either a new two-car carport or new garage. Said new detached carport or garage is required to meet the setbacks of Section 17.48.140: ten (10') rear setback and five (5') foot side yard setback. The existing garage will be demolished and replaced, **prior to recordation of the Final Parcel Map**.

Parking for the two (2) existing residences on **Parcel 3** is provided by the existing detached two (2) car garage as well as two (2) undesignated open parking spaces located next to the existing homes on **Parcel 3**.

Regulations Governing the Project

The regulations that apply to the Project include the:

- City's Municipal Code Chapter 17.14 (R-2 regulations) and Chapter 16.12 (Subdivision Regulations standards),
- Building Code Standards (2015 International Building Code, including but not limited to Fire-Resistance Ratings identified in Section 703.2), 2015 International Fire Code, and
- 2015 International Residential Code.

Some of the existing building setbacks, in addition to being nonconforming to the Zoning Regulations, are also out of compliance with the International Building Code and Fire Code. Variances cannot be used to deviate from Building and Fire Code requirements. The Project must be consistent with Building and Fire Code. The applicant will work with the Building Official and Fire Chief on non-compliance issues. The Building Official and Fire Chief will require modifications to some of the onsite structures which do not comply with Building and Fire Code to ensure fire safety compliance. For example, buildings located closer than five (5') feet to a property line are required to have adequate fire protection based on the International Building Code and Fire Code standards.

Findings of Fact

To approve the Project, there are a number of findings of fact that need to be made. These include findings pursuant to the Municipal Code and Subdivision Map Act. **Exhibit 2** provides the necessary findings of fact in the affirmative to approve the Project.

Advantages

The project will allow the Applicant to replace the destroyed home and resolve nonconforming land use issues, improving fire safety, removing hazards along the sidewalk, maintaining off-street covered parking, addressing drainage and erosion and improving the appearance of the site.

Disadvantages

There are no known disadvantages.

ENVIRONMENTAL DETERMINATION

Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the project density is permitted pursuant to Chapter 16 of the Municipal Code and all requested variances are mitigated to a level of insignificance with conditions of approval and project design. The proposed land division will create four or less parcels and the project conforms with the maximum density permitted under the R-2 Zoning Designation. Therefore, this project is not subject to CEQA.”

PROJECT REVIEW COMMITTEE COMMENTS AND REVIEW AND REVIEW BY AGENCIES

A representative from each City Department meets to discuss most community development projects. This group operates as the City’s staff advisory team, which is referred to as the Project Review Committee (PRC). PRC provides comments to the Applicants and COA before a project goes to the Commission. The Committee recommended that the nonconforming status (house straddling the lot line) be resolved prior to construction of the replacement residence. The proposed TPM, Variances and ‘Deviation’ will resolve the issue of the two homes which currently straddle the existing property boundary. In addition, the sewer lines for the residences will have separate connections to the sewer main. Comments from PRC are incorporated throughout the staff report and their

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 7 OF 36**

recommendations are incorporated in the attached COA. Comments in this staff report reflect comments made by City Staff.

As of the date of the preparation of this staff report, no written testimony has been received by the City from agencies other than those represented by the PRC.

PUBLIC NOTICE AND INPUT

A public hearing notice was published in the South County Newspaper *The Rustler* on **October 3, 2018**, and all property owners of record within three-hundred (300') feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

COST ANALYSIS

Development review application fees are based on actual time and materials per the City Fee Schedule. The Applicant is covering the cost required for review and processing.

ALTERNATIVES

The following alternatives are provided for Planning Commission consideration:

1. Adopt Resolution No. 2018-242 which approves Case No. TPM 2018-002, VAR 2018-003 and a 'Deviation' for lot sizes.
2. Request modifications in the design and/or proposed use.
3. Make a tentative motion to deny the project. If the Planning Commission chooses this alternative, the reasons should be specified and the item continued to a future hearing so the appropriate findings of fact and a new Resolution can be prepared by staff.
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 – Figures
2. Exhibit 2 – Findings of Fact
3. Exhibit 3 – Resolution No. 2018-242
4. Exhibit 4 – Conditions of Approval
5. Exhibit 5 – September 5 and 19, 2017 Planning Commission Minutes
6. Exhibit 6 - Chronology

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 8 OF 36**

Submitted by: _____

Donald J. Funk, Principal Planner

Approved by: _____

Doreen Liberto, AICP, Community Development Director

FIGURES

Figure 1: Aerial of Proposed Project Site



Residence damaged by fire.

Figures 2 through 5 show the existing residences.



Figure 2

**Photo of the two Existing Primary Residences from Russ Street
(Proposed Parcels 1 and 2)**



Figure 3

Photo of the two Existing Secondary Residences from Collins Street

(Proposed Parcel 3)

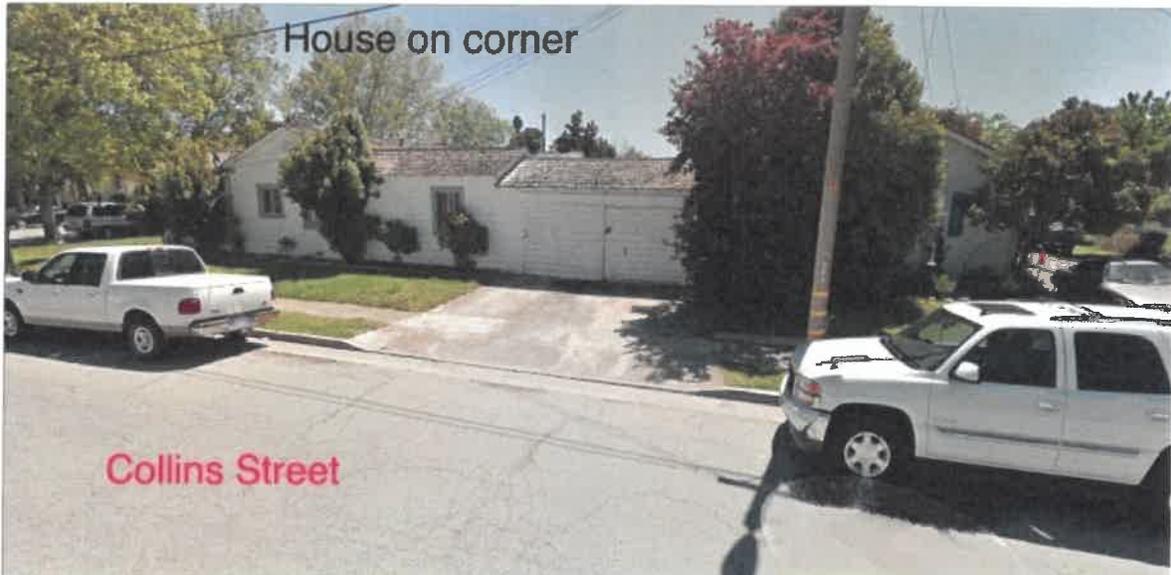


Figure 4

Photo of Corner Primary Residence & Secondary Residence (behind power pole)

(Proposed Parcel 1)



Figure 5

Photo of Primary Residences from the corner of Russ and Collins Streets

(Proposed Parcels 1 and 2)

Figure B
Proposed Parcels

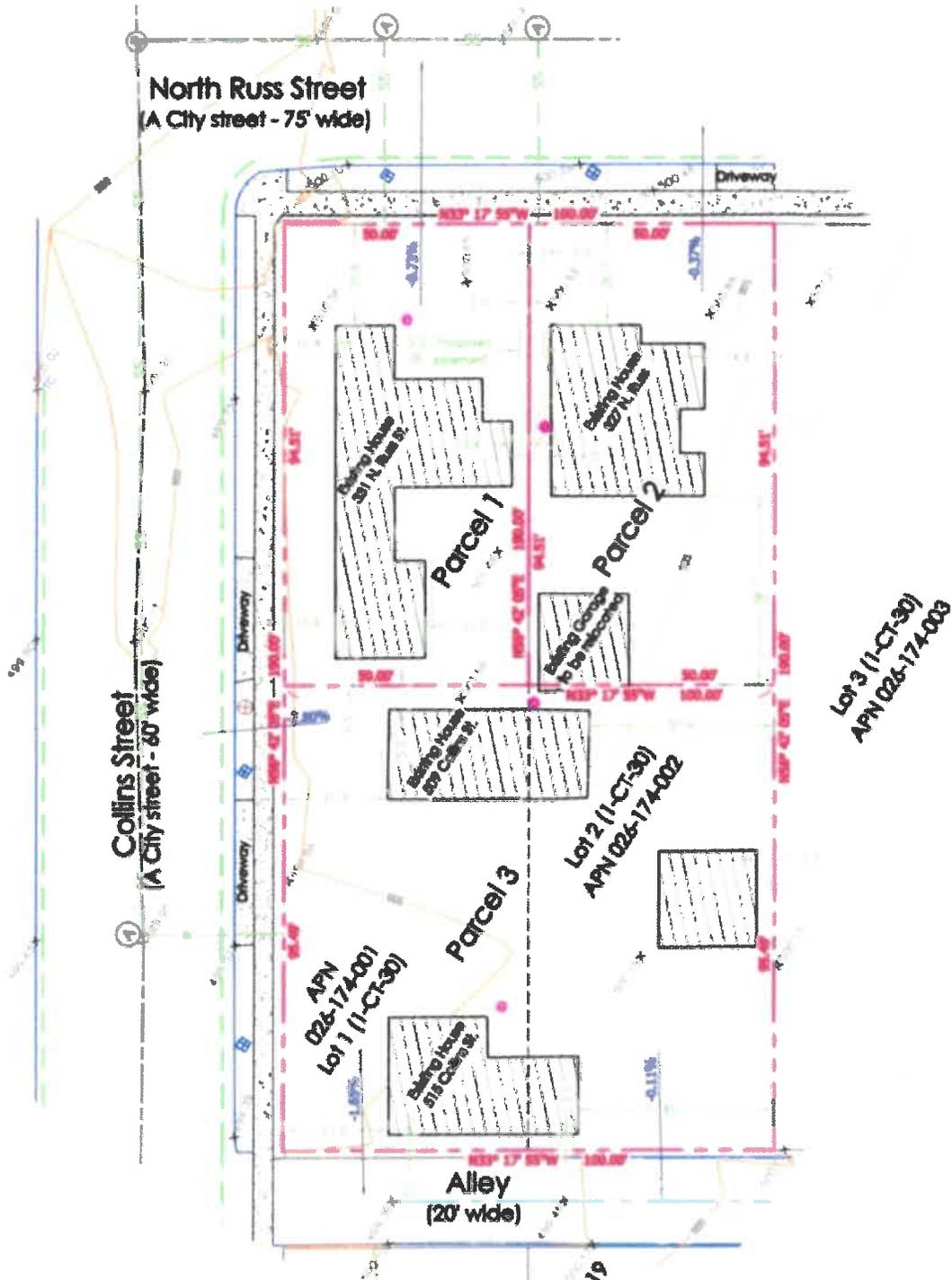


EXHIBIT 2
FINDINGS OF FACTS

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

California Environmental Quality Act (CEQA) Findings of Fact

Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3), and based upon this assessment, it has been determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the project density is permitted pursuant to Chapter 16 of the Municipal Code and all requested variances are mitigated to a level of insignificance with conditions of approval and project design. Therefore, this project is not subject to CEQA."

Deviation

1. The Project is consistent the maximum density allowed within the Medium Density Residential General Plan designation and R-2 Zoning District. The proposed subdivision of the 19,000 square foot property will create three (3) parcels, the average lot size, 6,333 square feet, which is consistent with the maximum density allowed within the R-2 Zoning District.
2. The Project will produce a more desirable and livable community than the minimum requirements in Chapter 16 because it will improve the:
 - a. safety of the existing building occupants of all of the homes by increasing their fire safety because the Applicant will make improvements to the onsite structures.
 - b. appearance of the site by either rebuilding or constructing a new residence to replace the fire damaged home located adjacent to the alley. Repairing existing sidewalks adjacent to the site, thereby, improving pedestrian safety.
3. The Project will create better community environment through the rearrangement of lot sizes, removal of non-conformance structures and making other improvements as outlined in the staff report and Conditions of Approval. The Project will produce a more desirable and livable community than the minimum requirements under Chapter 16 by improving the fire safety, appearance of the site and improving pedestrian safety.
4. The Project will reduce the danger of erosion because Condition of Approval No. 12 provides that the applicant shall ensure that the project will

PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 15 OF 36

provide good drainage and erosion control thereby reducing potential soil erosion.

Variance (in compliance with Cal. Government Code Section 65906 and Municipal Code Section 17.62.030)

1. The granting of the variance will not constitute a grant of special privilege because Project lot sizes are similar to other lots in the vicinity and will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity. In particular, there are nonconforming building setbacks at the following locations:
 - 519 Collins: Garage Built to within two (2') feet of alley
 - 311 N. Russ: Home Built less than six (6') feet from side property boundary
 - 323 N. Russ: Home Built less than six (6') feet from side property boundary
 - 325 N. Russ: Home Built less than six (6') feet from side property boundary
2. The granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel because the uses are consistent with the R-2 Zoning District.
3. The granting the variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located because the applicant will improve the property, including removing non-conforming structures.
4. There are special circumstances applicable to the subject property, including the fact that there are other properties in close proximity zoned R-2 and have less than six (6') foot side yards and less than ten (10') rear-yard setbacks. The circumstances of this particular case in which all reduced setbacks apply to existing residences, the approval of the reduced side yard setback, rather than the sections at issue in this title related to minimum side yard setback, carry out the spirit and intent of this title.

Tentative Parcel Map (Municipal Code Chapters 16 and 17, the Subdivision Map Act, Cal. Government Code Sections 66473.1, 66474, 66451, etc.)

1. The TPM is in conformity with provisions of the Subdivision Map Act ("SMA") and Municipal Code Chapter 16.36 Minor Land Divisions, as to design, public improvements, drainage, utilities, road improvements.

2. The TPM, together with the provisions for its design and improvement, is consistent with the City General Plan Medium Density Residential designation, the R-2 (Medium Density Residential) Zoning District, and appropriate for the site terrain, location and zoning criteria contained in Municipal Code Chapter 17.14 because.
 - Parcels 1, 2 and 3 have adequate area and appropriate access to meet the requirements of the R-2 Zoning District.
 - Parcels 1, 2 and 3 are physically suitable for current and potential future uses allowable under the R-2 Zoning District.
3. The design will not conflict with any easements for access through or use of the property.
4. The design of the proposed subdivision is not likely to cause substantial damage or avoidable injury to wildlife and their habitat because the area is infill and has been used for housing many years.
5. The design is not likely to cause substantial health problems. As a condition of approval, the Applicant will comply with the City's requirements for water and sewer connections.

Specific Findings of Facts Required by State Law

6. State Government Code §66473.1 requires that the design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Based on the Project location, there is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site. The design of the TPM provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

7. State Government Code §66473.5 states that no local agency shall approve a parcel map, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.

As evaluated in the staff report dated October 16, 2018, hereby incorporated by reference, with the implementation of the conditions of approval, and finding of fact No. 2, the project is consistent with all applicable policies of the City's General Plan. The Project description and conditions of approval will ensure that the subdivision does not create any significant environmental impacts. In addition, the proposed parcel sizes are consistent with those of the surrounding area and any future development

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 17 OF 36**

will be required to be compatible with neighboring land uses. Therefore, the project is consistent with this finding.

EXHIBIT 3

RESOLUTION NO. 2018-242

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING DEVIATION CASE NO. 2018-001, VARIANCE PERMIT CASE NO.
VAR2018-003 AND TENTATIVE PARCEL MAP CASE NO. TPM 2018-002 (TIM
DAVIS, 327 AND 331 RUSS STREET)

WHEREAS, On **August 2, 2018**, Timothy Davis ("**Applicant**") submitted an application for Tentative Parcel Map ("**TPM**") Case No. TM 2018-002 and Variance Case No. VAR 2018-003 to create three (3) new parcels from two (2) existing parcels totaling 19,000 square feet, reduction in various setbacks, lot sizes, as shown on **Exhibit 1, Figures A and B ("**Project**")**; and

WHEREAS, on **September 25, 2018**, the Project Review Committee ("**PRC**") met to discuss the TPM, variance application and determined that the lot size request could be processed as a deviation pursuant to Municipal Code Chapter 16; and

WHEREAS, pursuant to the California Environmental Quality Act ("**CEQA**") Guidelines (14 Cal. Code Regs. §15000 et. seq.) and pursuant to an assessment conducted by staff based on CEQA Section 15061(b)(3), and based upon this assessment, it has been determined with certainty that there is no possibility that this project may have a significant effect on the environment; and

WHEREAS, on **October 3, 2018**, a Notice of Public Hearing was published in the South County Newspaper *The Rustler* and Notice of Public Hearing was sent to all property owners within three-hundred feet (300') of the Project; and

WHEREAS, on **October 16, 2018**, the Planning Commission ("**Commission**") conducted a duly noticed public hearing as prescribed by law to consider the Project; and

WHEREAS, at said public hearing, the Commission reviewed and considered the information provided in the staff report, all relevant information and accepted all testimony during the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King approved VAR Case No. 2018-003, DEV Case No. 2018-001 and TPM Case No. 2018-002, as presented on **Exhibit 1, Figures A and B** with the findings of fact outlined in **Exhibit 2** .

This resolution was passed and adopted this 16th day of October, 2018, by the following vote:

AYES:

NAYS:

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 19 OF 36**

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT 4
CONDITIONS OF APPROVAL

PROJECT CASE NO. TPM 2018-002, VAR 2018-003, DEV 2018-001

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

1. **Project Description:** The Project includes tentative parcel map (“TPM”), variance and deviation requests to subdivide two (2) parcels into three (3) lots, reduce lot sizes below the minimum required size and reduce setbacks, and in accordance with **Exhibit 1, Figure A and B**, which were approved by the Planning Commission (“Commission”) on **October 16, 2018**. The Project specifics are as follows:
 - A. **TPM:** Subdivide two (2) existing lots consisting of a total of a nineteen thousand (19,000) square foot into three (3) lots consisting of:
 - New Parcel 1 and Parcel 2:** Create two (2) lots of 4,725.50 square feet each.
 - New Parcel 3:** Create one (1) nine thousand five hundred and forty-nine (9,549) square foot lot.
 - B. **Variances:** Approve building setback variances as follows:
 - Parcel 1:** Reduction of corner rear yard building setback to existing residence from minimum required ten (10’) feet to five + (5.5’) feet.
Reduction of corner lot interior side yard building setback to existing residence from minimum required five (5’) feet (based on lot width) to three + (3.4’) feet.
 - Parcel 2:** Reduction of interior lot side yard building setback to existing residence from minimum required six (6’) feet (based on lot width) to four + (4.5’) feet.
 - Parcel 3:** Reduction of interior lot side yard building setback to existing residence from minimum required six (6’) feet (based on lot width) to five (5’) feet.
Reduction of interior lot side yard building setback to existing residence from minimum required six (6’) feet (based on lot width) to three + (3.2’) feet (Setback from alley).
Reduction of rear yard lot building setback to existing detached two-car garage from minimum required ten (10’) feet (based on lot width) to three + (3.7’) feet.
 - C. **Deviation (Municipal Code Sections 16.12.310 and 16.12.320):** Reduce

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 21 OF 36**

the size of the lots for Parcel 1 and Parcel 2 from seven thousand (7,000) square feet to four thousand seven hundred and twenty-five and half (4,725.50) square feet. The average size of the three (3) new parcels is 6,333 square feet.

2. **Approval Period:** The approval period for this **variance approval** shall be null and void **if not used** within one (1) year from the date of the Commission approval.

The TMP shall expire three (3) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act (SMA) Government Code Section 66452.6. The deviation approval shall run concurrently with the TMP.

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 PRC 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:** The Applicant shall provide copies of any required County, State and Federal permits and written verification of waiver of permit requirements.
5. **Changes:** The Project shall be in substantial conformance with the plans (**Exhibit 1, Figures A and B**), and the COA approved by the Commission, as determined by the Community Development Director.

City of King Building and Safety Department (The Applicant should discuss the building COA with the Chief Building Official Building and Safety Department at (831) 386-5915.)

6. **Building Plans:** All COA shall be imprinted on plans submitted for building permits. Building plans shall comply with the current Title 24 California Building Standards Codes.
7. **Soils Report:** **As part of the building permit submittal**, and if deemed necessary by the City Building Official and City Engineer, the Applicant shall submit a Soils Report prepared by a State of California-Registered Engineer or State of California-Registered Geotechnical Engineer. **Prior to issuance of a building permit**, the Soils Report shall be reviewed and approved by the Chief Building Official and City Engineer.
8. **Business License:** **Prior to issuance of a building permit**, a business license shall be obtained for every person conducting or carrying on the

PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 23 OF 36

business of general contractor or contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.

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

Public Works Department (The Applicant should contact Octavio Hurtado, Contract City Engineer (831) 386-5927, ohurtado@kingcity.com, regarding the following COA, if there are any questions.)

9. **Infrastructure and Underground Utilities:** **Prior to issuance of a building permit**, verification of existing connections for each home to the City sewer main along the frontage of the lot on which the home exists or is planned shall be provided to the City Engineer. Each home is required to connect to the sewer main along its frontage and any plans for sewer line connections shall be submitted to and reviewed by the City Engineer. Individual sewer connections for each separate residence are required. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards.
10. **Final Parcel Map Changes:** If the proposed final parcel map is revised from the approved tentative parcel map, or if changes to conditions are sought, approval of the revisions shall be in the same manner as for the originally approved tentative parcel map.
11. **Final Parcel Map Submittal:** Submit a completed Parcel Map application packet, five (5) copies of the final parcel map for plan check, and required review fees in effect at the time of submittal. The final parcel map will be reviewed by the City Engineer for compliance review. Additional information and additional copies may be requested during the review process.
12. **COA Listed:** **Prior to recordation of the final parcel map and subject to the City Engineers approval as to form and content**, the Applicant shall include all the COA and agreements associated with or required by the Project approval on a separate information sheet to be recorded with the final map. All applicable conditions of the Project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.

13. **Agreement:** Prior to recordation of the final parcel map, the Applicant shall sign and record an agreement to comply with the Project description and all COA.
14. **Title Company:** Prior to recordation of the final parcel map, the Applicant shall submit the map to a Title Company for parcel map review and to issue a Parcel Map Guarantee.
15. **Tax Clearance Letter:** Prior to recordation of the final parcel map, the Applicant shall request a tax clearance letter from the Monterey County Tax Collector.

Sidewalk/Public Accessibility:

16. **Encroachment Permit:** 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).
17. **Drainage and Erosion Control:** Prior to recordation of the Final Parcel Map, the applicant shall submit plans to show that there is positive drainage of rainfall runoff to the City right-of-way's and that measures will address the prevention of site erosion and sediment to the satisfaction of the City Engineer.
18. **Parking and Driveways:** Prior to recordation of the Final Parcel Map, the Applicant shall demolish the existing two (2) car garage on Parcel 2 and replace that garage with a new conforming two (2) car carport or garage on Parcel 2. **Prior to any demolition,** the Applicant shall apply for and receive a demolition permit. **Prior to construction any structure,** the Applicant must apply for and receive a building permit. As part of the building permit application, the Applicant shall provide plans showing the design of a garage or carport and assure off-street parking for the existing unit on Parcel 2, including all paving surfacing of the parking spaces and driveway.
19. **Repairs:** Prior to repairs and/or reconstruction of the fire damaged residence located on proposed Parcel 3, the existing two (2) car garage on Parcel 3 shall be inspected by the Building Official. The Applicant shall make all repairs to the two (2) car garage, if needed, and as directed by the Building Official and Fire Chief.
20. **Deed Restriction:** Parcels 1, 2 and 3 were created under Municipal Code Section 16.12.320, which allows smaller lot sizes than permitted by the zoning requirements provided they are consistent with the General Plan and Zoning Ordinance. The following statement shall be placed on deeds for Parcels 1, 2 and 3. "No parcel shall be further subdivided to allow for smaller lot sizes".

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

21. Automated Fire Suppression System and Fire Safety Measures:

Concurrent with the building permit application, for all residences and accessory buildings located closer than five (5') feet from the property line, or if otherwise required by regulation, the Applicant shall submit automated fire suppression system plans and other required fire safety measures to the Building and Safety Department. **Prior to issuance of a final occupancy permit**, the fire suppression system plans shall be reviewed and approved by the City Engineer and Fire Department. 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. Other fire-protection measures, as defined by Building and Fire Codes, may be required.

Miscellaneous COA

22. Processing Fees: Prior to issuance of any building permit or recordation of the final parcel map, whichever comes first, the Applicant shall ensure payment of all delinquent processing fees (e.g., engineering). No building permit shall be issued or final parcel map recorded, whichever comes first, until the Applicant has paid all such fees in full, as required by City ordinances and resolutions.

EXHIBIT 5
SEPTEMBER 5 AND 19, 2017 PLANNING COMMISSION MINUTES

Planning Commission Minutes
September 5, 2017

1. Call to Order

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

2. Pledge of Allegiance

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

3. Roll Call

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

Commissioner Mendez made a motion to excuse Commissioner Lee, seconded by Commissioner Barbree. Motion carried 4-0.

Staff present: Community Development Director, Doreen Liberto-Blanc; Principal Planner, Don Funk; Admin. Assl./Deputy City Clerk, Erica Sonne.

4. Public Comments

None

5. Presentations

None

6. Consent Calendar

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

A. Approval of Minutes: August 15, 2017

Action: Motion made by Commissioner Raschella to approve minutes of August 15, 2017. Seconded by Commissioner Barbree. Motion carried 4-0.

7. Public Hearing Items

A. Project:	Variance Permit
Case No.:	VAR 2017-001
Applicant:	Timothy Davis
Location:	331 N. Russ Street (APN 026-174-001-000) and 327 N. Russ Street (APN 026-174-002) King City, CA 93930.
Consideration:	The request is for a variance permit to rebuild a residence that was destroyed by a fire on APN: 026-174-001, Lot 1, Block 13. The project includes a setback variance and resolve an existing non-conforming land use with the adjoining parcel, Lot 2, Block 13, APN: 026-174-002 that involves correcting a unit that currently straddles the lot line between the two parcels.

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 27 OF 36**

Recommendation: Conduct the public hearing and adopt Resolution No. 2017-189 which approves Variance Case No. VAR2017-001, based on the findings of fact and subject to the Conditions of Approval.

Environmental Determination: The project is categorically exempt (Class 1 Existing Facilities and Class 3 New Construction or Conversion of Small Structures) pursuant to Section 15301 and Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines.

Principal Planner Don Funk introduced this item, showing a power point presentation.

Commissioner Lee arrived to the meeting 6:04p.m.

Chair Nuck opened the public hearing

Tim Davis the applicant stated that the building codes don't fit the lots in King City. He would have to have all the residence sprinklered because of creating new lots. He doesn't feel the lot line adjustment is feasible for him. If that is the only way Planning Commission can grant the variance he is not interested.

Doreen Liberto suggested speaking to the City Attorney to explore another alternative.

ADU is being discussed by the applicant and Planning Commission.

Chair Nuck continued the public hearing to September 19, 2017.

Action: Motion made by Commissioner Barbree to continue this item to the September 19th meeting and have staff check with the City Attorney on different options. Seconded by Commissioner Raschella. Motion carried 5-0.

Planning Commission and Applicant feel that the code needs to be worked on and changed to fit King City.

B. **Project:** Amending CUP2017-004 Conditions of Approval
Case No.: CUP2017-004 Amendment
Applicant: David Downs, Mobilite, LLC
Location: Latitude/Longitude: 36.205456, -121.133448. (Franciscan Way)
Consideration: Removal from calendar of the previously noticed item - *Amendment to Conditional Use Permit Case No. CUP2017-004 to Amend Conditions of Approval for the small cell site within the existing public right-of-way along Franciscan Way.*
Recommendation: Refer back to staff and remove from calendar for re-noticing
Environmental Determination: Staff has found the project categorically exempt, pursuant to Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines: New Construction or Conversion of Small Structures, Class 3 (b).

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Raschella to refer back to staff and remove from calendar for re-noticing. Seconded by Commissioner Mendez. Motion carried 5-0.

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 28 OF 36**

C. Project: Amending CUP2016-004 Conditions of Approval
Case No.: CUP2016-004 Amendment
Applicant: David Downs, Mobilitie, LLC
Location: Latitude/Longitude: 36.213680/-121.129431. (Ellis Street)
Consideration: Removal from calendar of the previously noticed item - *Amendment to Conditional Use Permit Case No. CUP2016-004 to Amend the Conditions of Approval for the small cell site within the existing public right-of-way along Ellis Street.*
Recommendation: Refer back to staff and remove from calendar for re-noticing
Environmental Determination: Staff has found the project categorically exempt, pursuant to Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines: New Construction or Conversion of Small Structures, Class 3 (b).

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Raschella to refer back to staff and remove from calendar for re-noticing. Seconded by Commissioner Barbree. Motion carried 5-0.

D. Project: Amending CUP2016-003 Conditions of Approval
Case No.: CUP2016-003 Amendment
Applicant: David Downs, Mobilitie, LLC
Location: Latitude/Longitude: 36.215359/-121.130148. (Vanderhurst Avenue)
Consideration: Removal from calendar of the previously noticed item - *Amendment to Conditional Use Permit Case No. CUP2016-003 to Amend the Conditions of Approval for the small cell site within the existing public right-of-way along Vanderhurst Avenue.*
Recommendation: Refer back to staff and remove from calendar for re-noticing
Environmental Determination: Staff has found the project categorically exempt, pursuant to Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines: New Construction or Conversion of Small Structures, Class 3 (b).

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Raschella to refer back to staff and remove from calendar for re-noticing. Seconded by Commissioner Barbree. Motion carried 5-0.

E. Project: General Plan Amendment and Zone Change for WWTP properties
Case No.: GPA2017-002, ZC2017-002
Applicant: City of King
Location: APN: 245-111-030-000 and 245-111-029-000

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 29 OF 36**

Consideration: The proposal involves amending the General Plan Land Use Map and the Zoning Map for the remainder portion of APN: 245-111-030 and all of APN 245-111-029. The properties are situated west of the City and adjacent to the Waste Water Treatment Plant ("WWTP") and zoned Light Industrial ("M-1") and within the Public Quasi ("PQ") General Plan Land Use Designation. The proposed amendment and zone change are properties within the city limits.

Recommendation: Planning Commission will make recommendation to the City Council on whether to approve a general plan amendment and zone change of the remainder portion of APN 245-111-030-000 and all of APN 245-111-029-000 and adopt Resolution No. 2017-187.

Environmental Determination: This project is categorically exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3)).

Community Development Director Doreen Liberto introduced this item.

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

Action: Motion made by Commissioner Raschella to recommend the City Council approve a general plan amendment and zone change of the remainder portion of APN 245-111-030-000 and all of APN 245-111-029-000 and adopt Resolution No. 2017-187. Seconded by Commissioner Barbrae. Motion carried 5-0.

F. Project: Sign Ordinance

Applicant: City of King

Location: Citywide. Applies to all zones and land uses in the City.

Consideration: The project includes changes to Municipal Code Title 17, Chapter 17.55, Sign Regulations. The changes include, but are not limited to, allowing certain signs to be approved by the Community Development Director rather than the Planning Commission; adding procedures for sign deviations; identifying Planning Commission's authority to approve pole signs; modify Master Sign Programs to be required for 11 or more separate tenants; expand the area of window signs from twenty (20%) percent to twenty-five (25%) percent; changes the method of calculating double sided signs; provides exemptions for many signs including temporary banners and feather signs; adds a new Table 1 which establishes standards for specific sign types, and modifies the provisions of non-conforming signs.

Recommendation: Planning Commission will make recommendations to the City Council on whether to amend Title 17.55 Signs.

Environmental Determination: The new Sign Ordinance does not substantially change the sizes, colors, shapes or heights of future signs nor does it substantially change appearance of businesses nor does it negatively impact the views from US 101 or from major streets within the City. Based upon Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, Section 15061. (b)(3) a project is exempt from CEQA "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 30 OF 36**

environment, the activity is not subject to CEQA." The proposed sign regulations do not have the potential to negatively impact views or appearance of the City.

Principal Planner Don Funk introduced this item, showing a power point presentation.

Commissioner Lee would like to have a handout/booklet that applicants could review.

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

Action: Motion made by Commissioner Raschella recommending to the City Council to amend Title 17.55 Signs. Seconded by Commissioner Mendez. Motion carried 5-0.

Motion made by Commissioner Lee to have the Planning Department make a handout that covers that gives design guidelines. Seconded by Commissioner Barbree. Motion carried 5-0.

8. Non-Public Hearing Items -

A. Project: General Plan Consistency for WWTP properties

Case No.: GPC2017-004

Applicant: City of King

Location: Assessor Parcel Numbers: 245-111-030-000 and 245-111-029-000

Consideration: Consistency Determination of the General Plan regarding selling of Assessor Parcel Numbers: 245-111-030-000 and 245-111-029-000.

Recommendation: Adoption of Resolution No 2017-188 which finds the General Plan consistency determination for the sale of APN245-111-030-000 and APN245-111-029-000.

Environmental Determination: This project is categorically exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(3).

Action: Motion made by Commissioner Barbree Adopt of Resolution No 2017-188 which finds the General Plan consistency determination for the sale of APN245-111-030-000 and APN245-111-029-000. Seconded by Commissioner Raschella. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report -

11. Director Reports-

12. Written Correspondence- None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:38 p.m.


David Nuck
Planning Commission Chairperson
City of King


Erica Sonne
Planning Commission Secretary
City of King

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 31 OF 36**

Planning Commission Minutes

September 19, 2017

1. Call to Order

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

2. Pledge of Allegiance

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

3. Roll Call

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

Commissioner Mendez made a motion to excuse Commissioner Raschella, seconded by Commissioner Barbree. Motion carried 4-0.

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

4. Public Comments

None

5. Presentations

None

6. Consent Calendar

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

A. Approval of Minutes: September 5, 2017

Action: Motion made by Commissioner Barbree to approve minutes of September 5, 2017. Seconded by Commissioner Mendez. Motion carried 4-0.

7. Public Hearing Items

A. Project:	Conditional Use Permit Case No. CUP 2017-015 amending CUP2016-003 Conditions of Approval
Case No.:	CUP2017-015
Applicant:	David Downs, Mobilitie, LLC
Location:	Latitude/Longitude: 36.215369/-121.130148. (Vanderhurst Avenue)
Consideration:	Consideration of Conditional Use Permit Case No. CUP2017-015 to Amend the Conditions of Approval 2016 a small cell site within the existing public right-of-way along Vanderhurst Avenue.

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 32 OF 36**

Recommendation: Recommending Planning Commission approve Conditional Use Permit Case No. CUP 2017-015 which amends Conditions of Approval for CUP2016-003.

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

Assistant Planner Aguilar introduced this item.

Action: Motion made by Commissioner Mendez to approve Conditional Use Permit Case No. CUP 2017-015 which amends Conditions of Approval for CUP2016-003. Seconded by Commissioner Barbree. Motion carried 4-0.

B. Project: Conditional Use Permit Case No. CUP 2017-014 amending CUP2016-004 Conditions of Approval

Case No.: CUP2017-014

Applicant: David Downs, Mobilite, LLC

Location: Latitude/Longitude: 36.213660/-121.128431. (Ellis Street)

Consideration: Consideration of Conditional Use Permit Case No. CUP2017-014 to Amend the Conditions of Approval for the small cell site within the existing public right-of-way along Ellis Street.

Recommendation: Recommending Planning Commission approve Conditional Use Permit Case No. CUP 2017-014 which amends Conditions of Approval for CUP2016-004.

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

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Lee to approve Conditional Use Permit Case No. CUP 2017-014 which amends Conditions of Approval for CUP2016-004. Seconded by Commissioner Mendez. Motion carried 4-0.

C. Project: Conditional Use Permit Case No. CUP2017-013 amending CUP 2017-004 Conditions of Approval

Case No.: CUP2017-013

Applicant: David Downs, Mobilite, LLC

Location: Latitude/Longitude: 36.205456, -121.133448. (Franciscan Way)

Consideration: Conditional Use Permit Case No. CUP2017-013 amending Conditional Use Permit Case No. CUP2017-004 to Amend Conditions of Approval for the small cell site within the existing public right-of-way along Franciscan Way.

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 33 OF 36**

Recommendation: Recommending Planning Commission approve Conditional Use Permit Case No. CUP 2017-013 which amends Conditions of Approval for CUP 2017-004.

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

Community Development Director Doreen Liberto introduced this item.

Action: Motion made by Commissioner Lee to approve Conditional Use Permit Case No. CUP 2017-013 which amends Conditions of Approval for CUP 2017-004. Seconded by Commissioner Mendez. Motion carried 4-0.

D. Project: Variance Permit
Case No.: VAR 2017-001
Applicant: Timothy Davis
Location: 331 N. Russ Street (APN 026-174-001-000) and 327 N. Russ Street (APN 026-174-002) King City, CA 93930.
Consideration: The request is for a variance permit to rebuild a residence that was destroyed by a fire on APN: 026-174-001, Lot 1, Block 13. The project includes a setback variance and resolve an existing non-conforming land use with the adjoining parcel, Lot 2, Block 13, APN: 026-174-002 that involves correcting a unit that currently straddles the lot line between the two parcels.
Recommendation: Conduct the public hearing and adopt Resolution No. 2017-189 which approves Variance Case No. VAR2017-001, based on the findings of fact and subject to the Conditions of Approval.
Environmental Determination: The project is categorically exempt (Class 1 Existing Facilities and Class 3 New Construction or Conversion of Small Structures) pursuant to Section 15301 and Section 15303 of the California Environmental Quality Act ("CEQA") Guidelines.

Principal Planner Don Funk introduced this item, showing a power point presentation.

Chair Nuck opened the public hearing

Tim Davis the applicant stated that he would like to withdraw his application.

Chair Nuck closed the public hearing.

Action: Motion made by Commissioner Barbree to accept Mr. Davis' withdraw of his application. Seconded by Commissioner Mendez. Motion carried 4-0.

8. Non-Public Hearing Items -

9. Regular Business- None

10. Planning Commission Report – Planning Commission wanted to know if someone was working on the first street fence that was damaged. They also asked about the Medical Cannabis projects. Community Development Director Liberto stated that 5 applications for Medical Cannabis will be coming to the Planning Commission on October 17th. Commission was curious about the wind sculptures and the signs were just approved for O'Reilly.

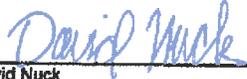
**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 34 OF 36**

11. Director Reports- Two City Employees are retiring, Paul Hodges Building Official and Sal Morales Public Works Superintendent.

12. Written Correspondence- None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:38 p.m.



David Nuck
Planning Commission Chairperson
City of King



Erica Sonne
Planning Commission Secretary
City of King

**EXHIBIT 6
CHRONOLOGY**

The following is a summary of the previous proposals by Tim Davis, the applicant, recommendations of the City Attorney and actions taken by the Planning Commission.

- September 5, 2017 The Planning Commission held a public hearing to consider the applicant's requests for variances, Case No. VAR 2017-001, to allow reconstruction of existing fire-damaged residence. Said residence and a second residence straddle the property line. The recommended solution was for the applicant to prepare a Lot-Line-Adjustment to correct the non-conforming landuse. At the request of the Planning Commission, the item was continued to discuss with Shannon Chaffin, City Attorney, options available to legally solve the existing non-conforming conditions on the property. The item was continued to September 19, 2017.
- September 19, 2017 Staff presented the opinion of the City Attorney, which was that the applicant needed to submit a lot line adjustment (LLA) application. Staff recommended the Planning Commission approve the building setback variances with the requirement that prior to construction, the shall resolve the house straddling the existing lot line, and conform to the requirements in Municipal Code Section 17.58.060 (Nonconforming Use).
The applicant indicated that he did not want to process a LLA and withdrew his application at the hearing.
- September 22, 2017 The applicant filed new applications for a Tentative Parcel Map and variances to divide the property into four (4) substandard size parcels, including variances for lot size area, lot width reduction, setback reductions and covered off-street parking.
- October 11, 2017 The application for four (4) lots was determined to be incomplete and a letter of incompleteness was sent to the applicant.
- November 7, 2017 The Planning Commission conducted a general discussion of lot size standards. Issues raised at that meeting included concerns for parking throughout the City if lot sizes were reduced. No decision was made at the meeting.

**PLANNING COMMISSION
TIM DAVIS, 327 RUSS ST. & 331 RUSS ST.
TPM 2018-002, VAR 2018-003, DEV 2018-001
OCTOBER 16, 2018
PAGE 36 OF 36**

May 23, 2018

Staff and Roy Santos, Assistant City Attorney, met with the applicant to discuss the City's regulations, California Map Act Government Code Section 66410 and State Government Code standards related to subdivisions and variances. It was explained that there were no legal justifications to support the variances for four substandard size parcels. The Assistant City Attorney indicated that the applicant should reduce the project to three parcels and submit a Tentative Parcel Map that complied with the average density allowed for the R-2 Zone.

August 2, 2018

The applicant filed a new application, TPM 2018-002 and VAR 2018-003, to divide the existing 19,000 square foot property into three (3) parcels, including creating two (2) substandard size parcels. The average size of the three new parcels complies with the allowable lot sizes of the R-2 Zone. The City reviewed the application and sent a letter of incompleteness on August 28, 2018. On September 17, 2018, the applicant submitted a revised Tentative Tract Map. On September 28, 2018, the application was deemed complete for processing.



Item No. 7(B)

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 16, 2018

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

**RE: CUP 2017-007, COMMERCIAL CANNABIS CULTIVATION (CA TYPE 2B)
MANUFACTURING LEVEL 2 (CA TYPE 7), DISTRIBUTION (CA TYPE 11):
1011 INDUSTRIAL WAY APN 026-351-031**

RECOMMENDATION

Staff recommends the Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2017-007.

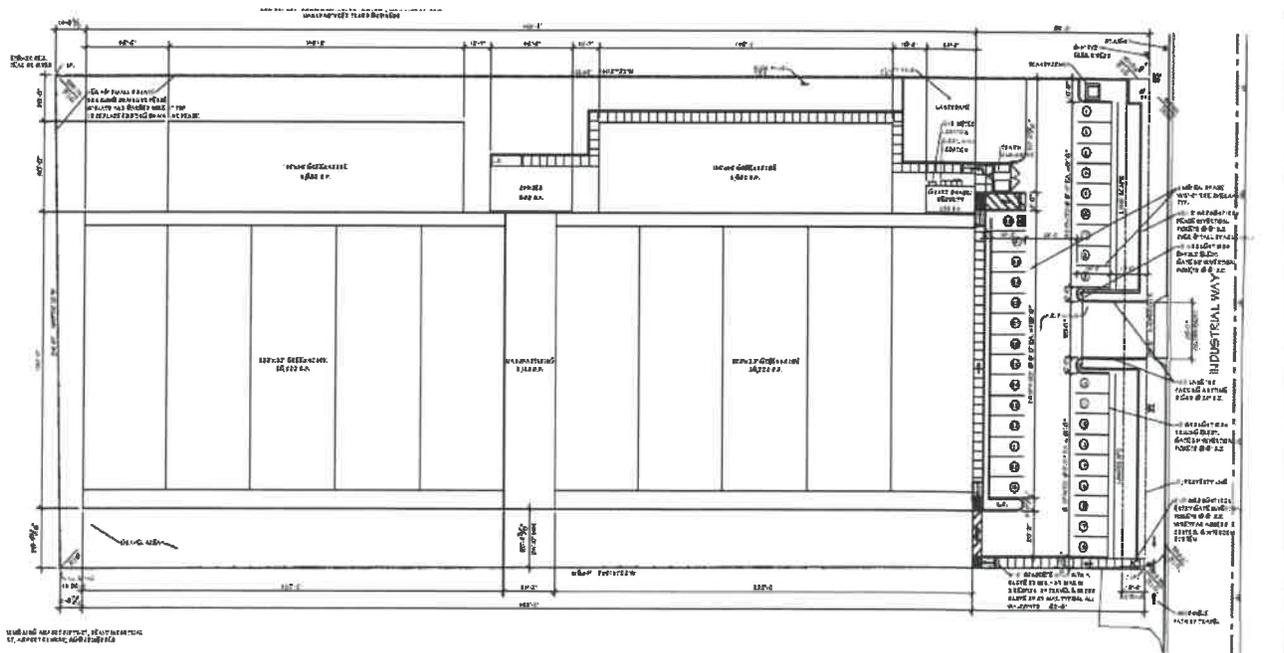
BACKGROUND

In September 2016 the City Council approved an amendment to the City's Zoning Code and to the East Ranch Business Park (ERBP) Specific Plan, authorizing expansion of land uses related to Medical Cannabis. As a result of that action, Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing are allowed in the M-1, M-2 and M-3 Districts and in the ERBP. Since that time, the Code has been amended twice (June and August 2017) and a number of Permits have been approved through the CUP and Operations Permits processes. This current application is for new construction at 1011 Industrial Drive for Cannabis Cultivation (CA Type 2B), Level 2 Manufacturing (CA Type 7) and Distribution (CA Type 11).

The Planning Commission's primary role in the process is to make a determination regarding the Conditional Use Permit. Community Development Staff has been tasked by the City Manager with reviewing and evaluating the Application for Operating Permit and the Building Department will approve the appropriate building permit.

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

As noted above, CUP 2017-007 is a proposal for new development on a parcel located at 1011 Industrial Drive (APN 026-351-031) as generally depicted in the attached diagram, below. The projected development includes construction of manufactured translucent structures (mts)(“greenhouses”) and a single-story metal building on a lot of 2.6 ac in size. Total mts floor area will be approximately 63,200sf, the metal building will be approximately 4,000sf. The lot is currently vacant and is located on the south side of Industrial Way, north of the Mesa del Rey Regional Airport, in the M-3 AP (Heavy Industrial with Airport Overlay) Zoning District. The proposed indoor uses include multiple Cannabis Cultivation Permit sites (CA type 2B, 10,000 sf maximum, each); Level 2 Manufacturing (CA Type 7) and Distribution (CA Type 11) Parking and landscaping will be part of the new development



DISCUSSION

Overview

- Industrial Drive 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 structures are to be located on a 2.6 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.

The use will be Cannabis Level 2 (CA Type 7) Manufacturing. Cannabis oil / distillate will be produced for cannabis oils to be used in items such as capsules, tinctures, vapes, creams and edibles. The oil will be transported to other Manufacturing facilities in the area – primarily the 180 San Antonio site, if approved by the Commission. MDBioDesign intends to hold all Permits issued on this site.

CUP Information

Coverage by structures will be approximately 60 % of the lot. Landscaping coverage will be approximately 9.9 %. 35 employees are anticipated on the largest shift, ultimately 3 shifts will be employed 7 days per week. 32 parking spaces are provided. Gated site access will be from the central portion of the site. Structures will be oriented so that the long side wall of the greenhouses is oriented toward the street.

Water and sewer and storm drain are present in Industrial Drive. Curb, gutter and sidewalk improvements will be provided to satisfaction of City Engineer.

Architecture

As noted above, 4 translucent (“greenhouse”) structures will be built for Cultivation uses. The structures will be opaque to a minimum of six (6) feet above the ground plane. Offices, Manufacturing Space and Distribution space will be located in the central portion of the site. **See Exhibits 3 and 5.** The metal office and manufacturing structure will be faced with board and batten siding, the roof will be asphalt shingles. Window frames will be anodized aluminum, the entry door will be metal. Paint colors will be DEC 757 (Rincon Cove) by Dunn Edwards for the body of the structure and DEC 765 (Bone) by Dunn Edwards for the trim. Community Development Director / designee may determine (similar color of substantial conformance). A metal roll-up door will be located on the south-west side of the structure for product shipping and receiving.

Floor Plan and Interior Uses

The proposed uses are Cannabis Cultivation, Manufacturing and Distribution, with support administrative uses. Cultivation will occur in banks of rolling trays, manufacturing using ethanol will occur in site-built cleanrooms. The Distribution area will include space for a van to be loaded / unloaded in the structure. Storage for Manufactured product and area for sorting and packaging will be included. An aeroponic / hydroponic system for cultivation will be used, fertilizers will be minimal and will be added to the irrigation source.

Landscape

Parking and landscaping for the development at build out will be included with the first phase. Concept landscaping areas and plant layout have been identified with examples of plant material presented. The project will comply with Municipal Code Chapter 15.50 with detailed construction documents, materials types and locations and a detailed water budget being presented prior to Building Permit approval.

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 in substantial conformance with those shown in the Application Package. Street trees will be selected from the City's approved street tree list. **See Exhibit 6.**

Grading

The site is generally flat, draining from north to south. Grading will be minimal to accommodate the new construction and the new parking. A minimal amount of material will be moved, a detailed grading and drainage plan and SWPPP are required and will be approved by City Engineer prior to issuing any grading permit.

Access, Parking, Paving

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

Areas in the northwest, south and southwest portions of the site will be decomposed granite (dg) and base to the satisfaction of the City Engineer. Delivery vehicle access to the secure shipping / receiving location will be paved (asphalt or concrete). **See Exhibit 3.**

Signage

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

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

Security

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

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

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

Interior cameras will be provided; a concept camera location plan has been included with the Application Package. Final camera locations will be approved by HdL.

Solid Waste

One locked dumpster location is located at the north end of the property. The dumpster enclosure will be constructed of concrete block with board and batten to relate to the other site-built structure. Maximum daily plant waste will be approximately 150 lbs or 1,050 lbs per week. This equates to approximately 2 cubic yards per week. Dimensions of a six-yard dumpster are approximately 6'8" W, 6'6" L, 5'4" H.

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

composting facility, when mixed with a non-compostable material it will be picked up by Waste Management.

Regular conversation with Waste Management indicates that, there are not yet State of California regulations for solid waste. Should regulations emerge they will be adhered to.

Water

Water use was estimated in the 2016 environmental review as having a maximum of 8,400 gallons per week (gpw) for a 10,000 sf Cultivation facility. For this site, six (6) cultivation permits will be issued. Therefore, maximum water use without additional environmental review is 50,400 gpw.

Because the cultivation technique includes recycling water use for irrigation / fertilization purposes, the Application indicates that gpw used will be significantly below the maximum used as the basis for the MND. Water for Manufacturing Operations uses are similar to or less than water use for other uses in an industrial or business setting. Water in Manufacturing use will be primarily for cleaning purposes.

On-site plumbing to access future recycled water (purple pipe) in Industrial Drive will be required. Landscaping must be irrigated with recycled water when available, recycled water for cultivation purposes must be available.

Note that a salts tank will be required to hold residue from recycled irrigation water, to satisfaction of City Engineer.

Water (Landscaped Area) The Applicant has not yet prepared a detailed landscaping plan with irrigation and detailed water analysis in conformance with Municipal Code Chapter 15.50. Such plan will be required prior to final landscaping approval and issuance of Building Permit.

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 East Ranch Business Park and Manufacturing Districts, regardless of land use.

Power

The Applicant estimates 16 hours per day of power use. The primary energy source for cultivation will be the sun. Supplemental lighting will be provided by 900W LED lights, using approximately 45% of the power required for traditional 1000W High Pressure Sodium lights. This strategy typically produces cannabis plants with approximately 10% of the power required for traditional indoor grow techniques.

Approximately 960 Amps (80 % load) are anticipated for Phase 1 operations.

Noise

Given the nature of manufacturing operations no noise related issues have been identified.

Regulatory Permit Related Information

The item before the Commission is the consideration of a Conditional Use Permit to allow Cannabis Cultivation (CA Type 2B), Manufacturing Level 2 (CA Type 7) and Distribution (CA Type 11). Cultivation will occur in Translucent Manufactured Structures, Manufacturing and Distribution will occur in a central "stick built" structure.

Employee Traffic

The applicant has indicated that anticipated maximum employee count will run between 10 and 35 per shift. There will be a maximum of 3 eight- hour shifts.

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

Shipping and Transport

The purpose of this facility is to grow cannabis, manufacture oils for a variety of products and distribute them to a wholesale user.

Outbound transport will vary. As noted above, distillate will be transported to a local manufacturing facility to produce product (transdermal patches, lozenges, tinctures, ointments and similar) but is anticipated to be no more than twice weekly. Storage space for finished product is anticipated to be approximately 750 square feet.

Product will be transported from the facility in unmarked vehicles. Transactions will be recorded on a manifest with details regarding the driver, vehicle, weight and / or count of all products. Delivery vehicles will be loaded inside the structure with cars traps and security personnel present. Cameras will be placed to record shipping from the facility. Approximately 2-3 trips per week are anticipated.

Manufacturing

Although the Applicant is requesting Level 2 (Type 7) (Volatile) manufacturing, he has indicated that no volatiles will be used. All manufacturing will utilize an ethanol process. A storage / use / disposal plan for ethanol has not been provided but will be required and

must be reviewed and approved by the Fire Marshall and City Engineer during the Building Permit process.

Odor Control

The Odor Control Program will continually operate in conformance with the requirements of Municipal Code Section 17.03.210 (i). This portion of the code is being amended and is anticipated to be acted on by the City Council on October 23, 2018. The Code amendment outlines methods for odor testing, triggered by a complaint.

The Applicant indicates that an essential oils odor absorbing ventilation and exhaust system will be provide for the cultivation structures. Charcoal filters and negative air pressure are proposed techniques for the stick-built building. Odor that is distinctive to this operation is not to be detected outside the facility, anywhere on adjacent properties or right of way.

Security

The rolling gate for access from Industrial Drive is security code controlled and access limited to employees and delivery. Each employee will be required to present an employee badge as they pass through the security gate. Wireless scanners will be used to ensure that the entrant is an active employee.

A second scan will occur at the entrance to the area where the employee works. All non-employees will be verified by administrative personnel. Visitors are escorted to the appropriate parking or delivery area. From there they are escorted to the receptionist to await the person with whom they are visiting.

All entrance and critical access points are protected via biometric sensor control. Panic buttons are present in all operational rooms and the guard shack. The buttons alert the King City Police Department.

As noted above, a concept security camera plan has been prepared. Prior to Operations, HdL will verify camera locations and on-site security measures via on-site inspection.

Employee Vetting

No person under 21 years of age will be employed on this site. Employees will be vetted via the City's standard system which under which fingerprints are taken at the King City Police Department and a third party provides provide the City with background report and checklist. 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

The company will provide training and information required to comply with various legal requirements. Training will be bi-annually or as suggested by legal counsel given revisions to regulations. Training includes administration (files, reports, records); regulatory compliance training and technical training (garden professionals, manufacturing techniques and safety).

Quality Control

All of the plant material product produced in-house will 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 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 manufactured product is found to fall outside of company 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) and again in August of 2018 to allow Non-Storefront delivery (Type 10)

Staff has conducted an Initial Study related to this proposed project (CUP 2017-007) and has determined the project is fully within the scope of the prior analysis by the MND. The Adoption of a Finding of Consistency has been recommended per CEQA Guidelines Section 15162 and has been noticed for Public Review.

ALTERNATIVES

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

EXHIBITS

1. Location
2. Photos of Existing Site
3. Site Plan
4. Elevations
5. Floor Plan
6. Landscape and Fencing
7. Conditions of Approval
8. Resolution 2017 – 240
9. Initial Study

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

Submitted by: 
SCOTT BRUCE, PRINCIPAL PLANNER

Approved by: _____
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

CUP 2017-007

EXHIBIT 1

LOCATION



CUP 2017-007

EXHIBIT 2

SITE PHOTOS



FROM GATE



ONTO SITE



FRONTAGE SOUTH

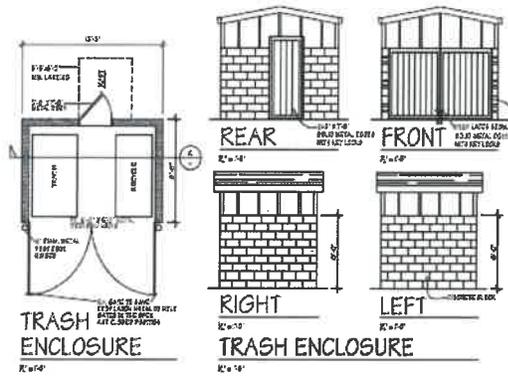


FRONTAGE NORTH

CUP 2017-007

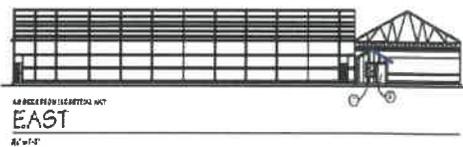
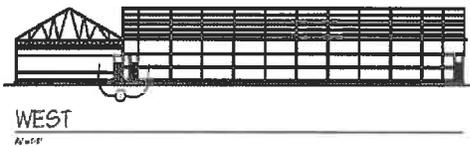
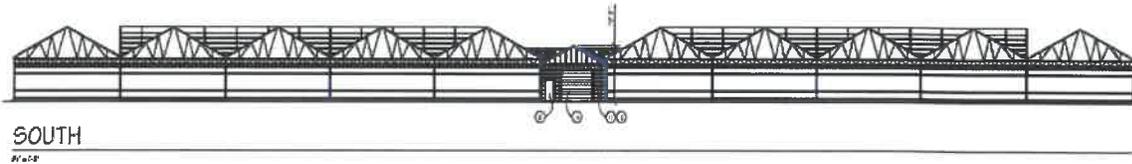
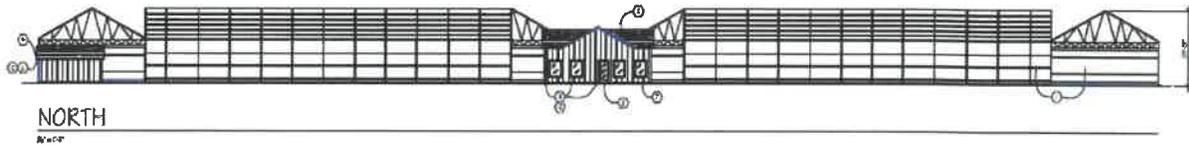
EXHIBIT 4

ELEVATIONS



FINISH SCHEDULE

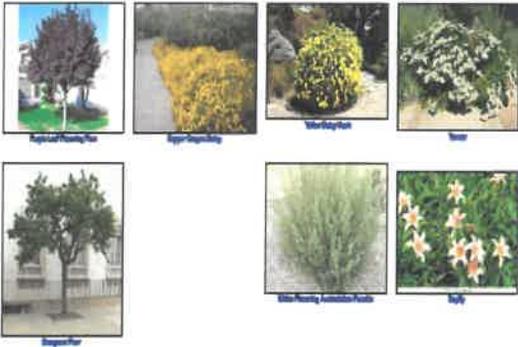
- ① BRICKWORK BY MANUFACTURER.
- ② ASPHALT THROUGH ROOF AT THE PANEL CLAMP TO INSULATION.
- ③ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ④ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑤ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑥ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑦ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑧ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑨ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑩ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑪ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑫ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑬ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑭ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑮ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑯ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑰ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑱ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑲ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ⑳ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉑ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉒ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉓ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉔ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉕ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉖ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉗ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉘ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉙ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉚ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉛ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉜ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉝ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉞ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㉟ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊱ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊲ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊳ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊴ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊵ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊶ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊷ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊸ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊹ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊺ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊻ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊼ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊽ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊾ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.
- ㊿ BRICKS BY THE MANUFACTURER'S LOCAL SOURCE. 1" FACE.



CUP 2017-007

EXHIBIT 6

LANDSCAPE and FENCING



PLANT LIST

- Notes:**
- 1. All plants to be installed as specified in the list.
 - 2. All plants to be installed as specified in the list.
 - 3. All plants to be installed as specified in the list.
 - 4. All plants to be installed as specified in the list.
 - 5. All plants to be installed as specified in the list.
 - 6. All plants to be installed as specified in the list.
 - 7. All plants to be installed as specified in the list.
 - 8. All plants to be installed as specified in the list.
 - 9. All plants to be installed as specified in the list.
 - 10. All plants to be installed as specified in the list.

Plant Notes

1. For a full list of plants to be installed see the project plan.
2. All plants to be installed as specified in the list.
3. All plants to be installed as specified in the list.
4. All plants to be installed as specified in the list.
5. All plants to be installed as specified in the list.
6. All plants to be installed as specified in the list.
7. All plants to be installed as specified in the list.
8. All plants to be installed as specified in the list.
9. All plants to be installed as specified in the list.
10. All plants to be installed as specified in the list.

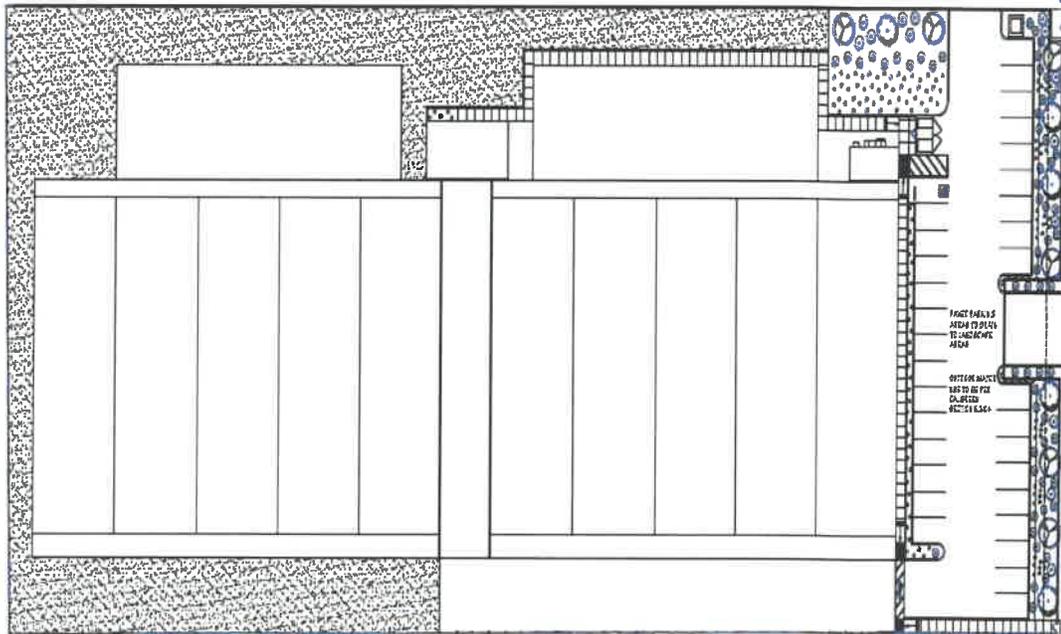
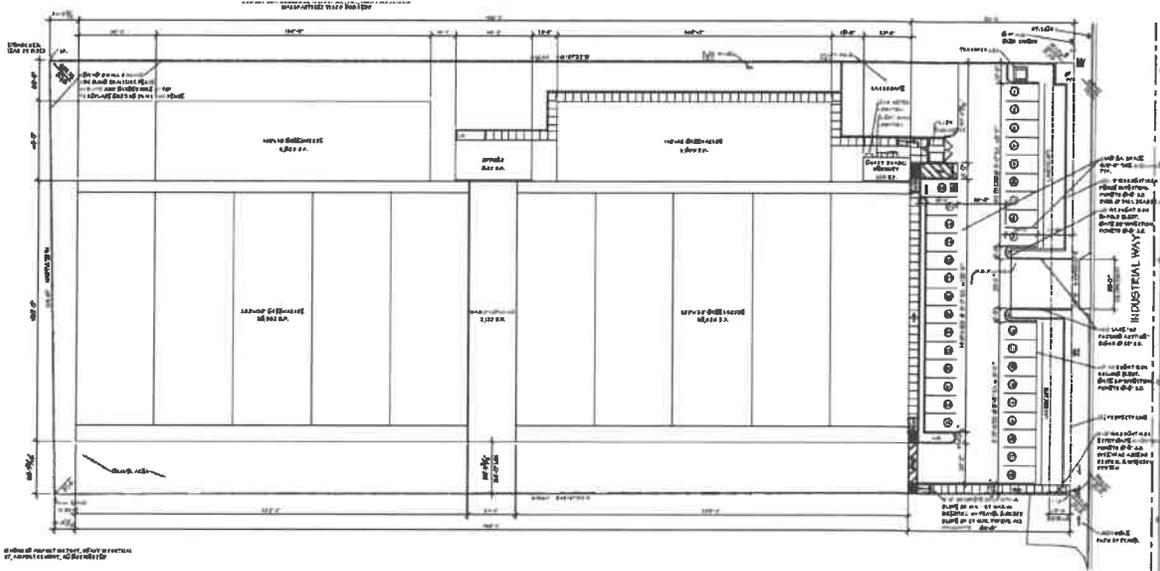


EXHIBIT No. 7
Case Number: COA 2017 - 007
CONDITIONS OF APPROVAL

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 ninety (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: MD BIODESIGN

1. Assessor's Parcel No(s): 026-351-031
2. Job Address: 1011 Industrial Drive
3. Street Location: 1011 Industrial Drive
4. Existing Zoning: M-3 / AP
5. Planned Land Use: General Plan: GI (General Industrial);
6. Plan Area: N/A
7. Project Description: CUP 2017-007 is a proposal for new development on a parcel located at 1011 Industrial Drive (APN 026-351-031). The projected development includes construction of manufactured translucent structures (mts)("greenhouses") and a single-story metal building on a lot of 2.6 ac in size. Total mts floor area will be approximately 63,200sf, the metal building will be approximately 4,000sf. The lot is currently vacant and is located on the south side of Industrial Way, north of the Mesa del Rey Regional Airport, in the M-3 AP (Heavy Industrial with Airport Overlay) Zoning District. The proposed indoor uses include multiple Cannabis Cultivation Permit sites (CA type 2B, 10,000 sf maximum, each); Level 2 Manufacturing (CA Type 7) and Distribution (CA Type 11) Parking and landscaping will be part of the new development

PART B – GENERAL CONDITIONS AND REQUIREMENTS

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

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

No uses of land, buildings, or structures other than those specifically approved pursuant to the approved site plan shall be permitted. (Include this note on the site plan.)
Please contact Scott Bruce at 805.439.0617 or via email at scottbruce11@gmail.com if you have any questions regarding the conditions of approval (COA).

PART C – SPECIFIC CONDITIONS AND REQUIREMENTS

COMMUNITY DEVELOPMENT DEPARTMENT:

1. **Allowed Use:** Cannabis Cultivation (CA Type 2B), Distribution (CA Type 11) and Manufacturing (Type 11) are allowed.
2. **Site Development:** The site is vacant and generally flat. Site access will be from Industrial Drive. New construction will Manufactured Translucent Structures for cultivation and a single-story metal building with board and bat siding for Administration, Manufacturing and Distribution. Six (6) 10,000 sf cultivation sites will be allowed, one Manufacturing and one Distribution space will also be permitted.

Building construction materials and colors will be as presented in the Application Package and will be reviewed / acted on by the Planning Commission during Architectural Review at a time to be determined. Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director, or designee. Structures for Cultivation along buildings adjacent to Industrial Drive will have minimum of six (6') feet opaque material.

3. **Parking:** Parking will conform to the Plan and Application Package as submitted.
4. **Landscaping:** Landscaping will conform to concept plans and Application Package as submitted. Final plans will be in conformance with Municipal Code Chapter 15.50, to be reviewed and approved by Planning Commission during separate Architectural Review. . Landscape / 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 required to be mounted on the structures and on poles in the parking area not to exceed thirty (30') feet in height. A lighting plan must be approved by the Director before installation. All new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky.
6. **Signage:** No signage has been requested at this time. Signage shall conform to plans as submitted. Any additional signage shall conform to the requirements of Chapter 17.03 of the City of King Municipal Code and the requirements of the ERBP SP. Additional signage may be approved by the Community Development Department and may be submitted to the Planning Commission at the Director's or designee's discretion.

Fencing: New fencing along Industrial Drive shall be wrought iron and eight (8) feet in height, given a minimum of six (6) feet in height of opaque material used to construct the translucent structure. 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.

8. **Odor:** Odor management measures shall be as per the project application and shall at all times conform to the most recent version of Municipal Code Section 17.03.210(i). Schematic drawings for odor control system shall be submitted and be available during

building inspection. Odor control system shall be installed per schematics / manufacturers' recommendation. If an odor complaint is filed with the City Manager's office it shall addressed per the most recent version of the Municipal Code.

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

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

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

1. **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Application Package.
2. **Sprinklers:** Building and Translucent Manufactured Structure shall be sprinkled.
3. **Greenhouse Construction:** Gravel floors will be permitted – steel frame construction must include footings. Wall material must be of same opacity or greater as that presented to the Planning Commission. For facades adjacent to Industrial Drive translucent walls must be completely opaque to a height of no less than six (6) feet. Drainage will be to satisfaction of City Engineer and Regional Water Quality Control Board.
4. **Power:** Applicant shall show evidence of specific power source prior to Occupancy / Operations.

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

1. **Scope of Work Description:** Grading, utilities, parking and drainage are subject to City Engineer review and approval. Grading, drainage and site improvement shall conform to the Storm Water Pollution Prevention Plan (SWPPP) as approved by Central Coast Regional Water Quality Control Board.
2. **Right of Way Improvements:** Curb, gutter and sidewalks must be installed along the Industrial Drive Frontages with two (2%) percent maximum cross-fall per ADA requirements (including areas of Driveway Approaches
3. **Recycled Water Connection:** A connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the Industrial Way Right-of-Way. Building(s) shall connect to and utilize recycled water for all landscaping and cannabis irrigation water use at such time that the City and / or local water purveyor makes recycled water available through a dedicated main distribution line adjacent to the property.
4. **Recycled Water, Water Quality Assessment:** The City may require a future water quality assessment to evaluate mass loading / nutrient balance, based upon the results of regular, ongoing analysis.
5. **Parking Area Section:** The structural section of the parking area and loading / unloading travel way shall conform to the recommendation of a Registered Soils Engineer, licensed in the State of California.

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

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

- A. **Regulatory Permit:** Each grow site (10,000 sf maximum) must obtain and maintain a commercial cannabis permit from the City Manager. Each commercial cannabis permit is in force for the period of one (1) year. It shall be renewed annually. No operations shall occur without a current permit.
- B. **Security Cameras:** Security cameras shall be installed in quantity and location per the Application. Package City of King Police personnel shall have access to the system for real time review. One camera that is part of the City's City-wide system shall be installed at each driveway access from or exit to the street. HdL approval is of final camera locations is required prior to release of Operations Permit.
- C. **On-Site Security:** An armed security guard shall be present at all times.
- D. **Internal Runoff:** All interior runoff from irrigation from the project site (if any) shall drain into the City's Sanitary Sewer system. Salts from a reverse osmosis system or similar which extracts salts from cultivation water must be held in a storage and disposed of separately to satisfaction of City Engineer.
- E. **Solid Waste:** Solid waste disposal from the project site shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements, as applicable.
- F. **Odor Control:** Odor management measures shall be as per the project application and shall at all times conform to the most recent version of Municipal Code Section 17.03.210(i). Charcoal filters shall be replaced every three months or less. If a complaint is filed with the City Manager's office it shall addressed per the most recent version of the Municipal Code.
- Odor caused by outdoor dumpsters will be addressed in a similar manner. Regardless, the project must comply with the current odor control requirements of the City King Municipal Code until an amendment takes effect.
- G. **Pesticides and Fertilizers:** Shall comply with requirements of the Monterey County Agricultural Commissioner and in substantial conformance with the materials and quantities presented in the Application Package.
- H. **Air Quality:** Venting shall be in compliance with Monterey County Air Resources Board Standards as applicable.
- I. **Employee Background Checks:** Employees shall be vetted (background checks) through the standardized King City process, in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Zoning Code. After the Applicant is fingerprinted at the Police Department, Staff will send the Applicant additional information, to be submitted

to a third party HdL / Intelifi who will then perform the check. Results will be provided to Applicant and City of King.

- J. **Hours of Operation and Employees:** The Applicant has indicated that the facility will potentially be in operation 24 hours a day 7 days a week. A maximum of 40 persons may be employed on-site during any one shift. On-site parking will be sufficient to cover overlap periods.
- K. **Work Permits and Fees:** Work Permits shall be required in conformance with Section 17.03.070 (a) of the Municipal Code as may be amended. Fees shall be as set by the City Council as updated from time to time.
- L. **Indemnification Agreement:** A signed Indemnification Agreement shall be in place prior to issuance of each commercial cannabis permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall supersede the Hold Harmless and Indemnification Clause attached hereto.
- M. **Record Keeping:** Financial and Product Record for the project shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.

HOLD HARMLESS AND INDEMNIFICATION CLAUSE:

o 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 (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.

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. 2018-240**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2017-007**

WHEREAS, on **December 19, 2017** the Planning Commission was scheduled to hear a request to allow Commercial Cannabis uses (Cultivation, Manufacturing, Distribution). That item was continued to January 16 at the Applicant's request;

WHEREAS on **January 16, 2018** the Applicant requested that the hearing be postponed to a non-specified future date.

WHEREAS, multiple discussions have occurred with comment memos being provided;

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the M-3 District with the approval of a Conditional Use Permit (**Ordinance 2017-745 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 uses to being within the structures proposed in the Application Package;

WHEREAS, on September 26, 2018, a notice was published in the South County Newspaper *The Rustler* and mailed notices to property owners of record within 300ft radius of the project site;

WHEREAS, the Commission has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **October 16, 2018**;

WHEREAS, after due consideration of the administrative record, the Commission desires to adopt a Finding of Consistency with the MND and approve **CUP No. 2017-007**.

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

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

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

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

b. The future development of the subject property will not adversely impact existing City service systems or the traffic circulation system that serves the subject property beyond those analyzed by the MND.

c. There are no unique topographic, soil, or geologic conditions at the site that will be impacted by this project, and no aspects of this project that will result in impacts to air quality, water supply or quality, plant life or animal life beyond those analyzed in the MND.

d. There are no hazards or hazardous materials at the site or which would be created by the project beyond those analyzed by the MND.

e. There is no evidence that the site contains any habitats for wildlife, unique, rare, or endangered plants or animals, or historic buildings or resources.

f. All applicable MND mitigation measures from the MND have been applied to this project.

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

Section 3: The Commission makes the followings Findings of Facts:

1. The purpose of the proposed Commercial Cannabis Uses (Cultivation, Manufacturing, 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 uses will be wholly contained within the structures as presented;
4. The entire lot will be fenced – existing fencing will be improved and / or replaced, (6' non-climb chain link with 2' maximum barbed wire, with slats) to meet the Conditions of Approval. An 8' wrought iron fence will be located along Industrial Drive.
5. The lot will be accessed through one gate. New pavement and parking area will occur per the Application Package.
6. Right of Way improvements are required and shall be to the satisfaction of the City Engineer.

7. New landscaping will be installed per the Application Package, in conformance with Chapter 15.50 of the Municipal Code. Detailed plans must be submitted and approved prior to issuance of any Building Permit.
8. 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.
9. Architectural Review for colors, materials and landscape architecture / plans has not occurred and will be scheduled prior to Building Permit approval.
10. The buildings will be sprinkled.
11. Power and Water are available and are required to be provided prior to/concurrent with building construction

Based on the foregoing and evidence in the administrative record, the Commission determines that the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. The Commission further determines that the use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City. Therefore, the Commission approves Conditional Use Permit Case No. CUP 2017-007.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopts a finding of a Class 32 Categorical Exemption per CEQA Guidelines Section §15332 (Infill Projects) and approves Conditional Use Permit Case No. CUP 2017-007, as shown on **Exhibit 1**.

This resolution was passed and adopted this **16th day of October 2018** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

ERICA SONNE DEPUTY CITY CLERK / PLANNING COMMISSION SECRETARY

**INITIAL STUDY CHECK LIST (OCTOBER 01 ,2018)
CUP 2017-007**

A. BACKGROUND INFORMATION

1. **Lead Agency:** City of King
2. **Project Representative / Owner:** MD BioDesign: Ron Glantz
3. **Project Location:** 1011 Industrial Way
4. **Project, Project History and Approved Mitigated Negative Declaration Description:**

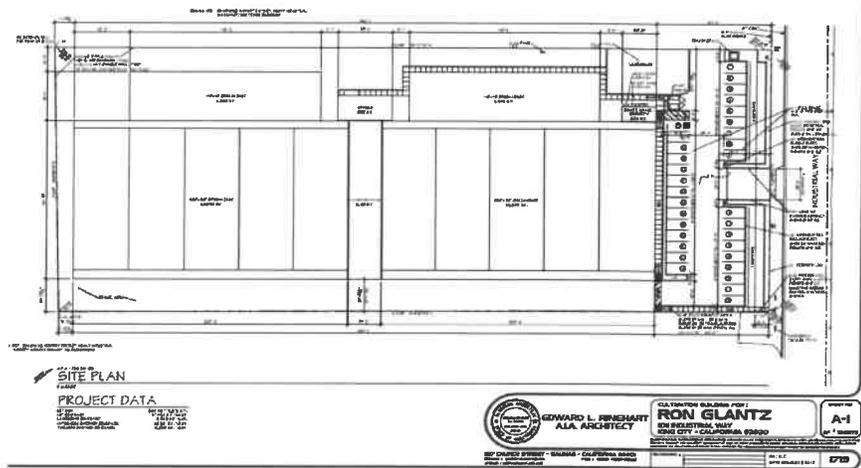
Project
Construction of a 70,000sf (approximate) facility (one floor, "greenhouse" and metal building) on a lot of 2.6 ac in size. The lot is currently vacant and is located on the south side of Industrial Way, north of the Mesa del Rey Regional Airport, in the M-3 AP (Heavy Industrial with Airport Overlay) Zoning District. The proposed indoor uses include multiple Cannabis Cultivation Permit sites (CA type 2A, 10,000 sf maximum, each); Level 2 Manufacturing (CA Type 7) and Distribution (CA Type 11) Parking and landscaping will be part of the new development



History

In 2016, the City of King amended the Zoning Code and the East Ranch Business Park Specific Plan to allow Medical Cannabis Uses including Cultivation (CA Types 2A,2B,3A,3B) Nursery (CA Type 4), Manufacturing (CA Type 6) and Testing (CA Type 8). In August 2017 the Code was amended to include Level 2 Manufacturing (CA Type 7) and Distribution (CA Type 11).

The potential impacts of these uses, their proposed land use and zoning designations, development densities and potential locations were evaluated. As a result of the analysis a Mitigated Negative Declaration was prepared. It was certified on September 26, 2016.



- | | |
|--|---|
| <p>5. Certified MND Project Description:</p> | <p>The Certified MND Project Description is attached as Exhibit 1.</p> |
| <p>6. Public Review Period:</p> | <p>20 Days</p> |
| <p>7. Other Public Agencies :</p> | <p>N/A</p> |
| <p>8. Address Where Written Comments May be Sent:</p> | <p>City of King
Community Development Department
212 South Vandenhurst Avenue
King City, CA 93930</p> |
| <p>9. Purpose For Initial Study:</p> | <p>The purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIR and Negative Declaration) can be made in the affirmative.</p> |

10.

The City of King is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. There was a Mitigated Negative Declaration (“MND”) certified by the City Council on **September 26, 2017**.

As noted above, the purpose for the initial study is to determine whether the findings needing to be made pursuant to CEQA Guidelines §15162 (Subsequent EIRs / ND’s) can be made in the affirmative. The City must determine that on the basis of substantial evidence in the record, one or more of the following *paraphrased* findings does not exist:

1. There are no substantial changes to the proposed project that will require major revisions to the certified MND or increase the severity of previously identified significant effects;
2. There are no substantial changes due to circumstances under which the proposed project is undertaken that require modifications to the certified MND, due to new significant environmental effects or increase in severity of previous impacts; or
3. There is no new information that was not analyzed in the certified MND.

Based on the initial study, the above findings of fact can be made and the Proposed Project will not have the potential to result in significant adverse environmental impacts. All the mitigation measures adopted in 2016 will apply. Therefore, the issues associated with the Proposed Project are adequately addressed in the 2016 certified MND.

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

III. ENVIRONMENTAL SETTING

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

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

C. ENVIRONMENTAL CHECKLIST

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

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

1. AESTHETICS:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Have a substantial adverse effect on a scenic vista?				X	X
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?				X	X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X		X
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X		X

Aesthetics Discussion:

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

2. AGRICULTURAL RESOURCES:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a. Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	X

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

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

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

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

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

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

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

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

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

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

7. HAZARDS/HAZARDOUS MATERIALS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	X
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X	X

7. HAZARDS/HAZARDOUS MATERIALS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
e.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	X
f.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	X

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

8. HYDROLOGY/WATER QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Violate any water quality standards or waste discharge requirements?				X	X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	X
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site?				X	X
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X		X
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		X
f.	Otherwise substantially degrade water quality?				X	X
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?					X
h.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	X
i.	Inundation by seiche, tsunami, or mudflow?				X	X

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

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

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

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

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

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

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

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

Public Services Discussion:

Impacts as discussed in the 2016 certified MND analysis.

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

Transportation/Circulation Discussion:

Impacts as discussed in the 2016 certified MND analysis.

14. UTILITIES & SERVICE SYSTEMS		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		X
e.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	X

Utilities & Service Systems Impact Discussion:

Impacts as discussed in the 2016 certified MND analysis.

D. INFORMATION SOURCES:

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

EXHIBIT 1

III. PROJECT DESCRIPTION

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

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

TABLE 1
ZONING BREAKDOWNS

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

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

B. Project Characteristics

1. Zoning Code Amendments

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

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

2. Future Development of Medical Cannabis Growing Facilities

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

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

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

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

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

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

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

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

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

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



Item No. 7(C)

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 16, 2018

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP 2017-002, MEDICAL CANNABIS MANUFACTURING LEVEL 2 (CA TYPE 7), DISTRIBUTION (CA TYPE 11), NON-STOREFRONT DELIVERY (CA TYPE 10): 180 E. SAN ANTONIO DRIVE APN 026-523-038

RECOMMENDATION

Staff recommends the Planning Commission: 1) review Conditional Use Permit Application; 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit 2017-002.

BACKGROUND

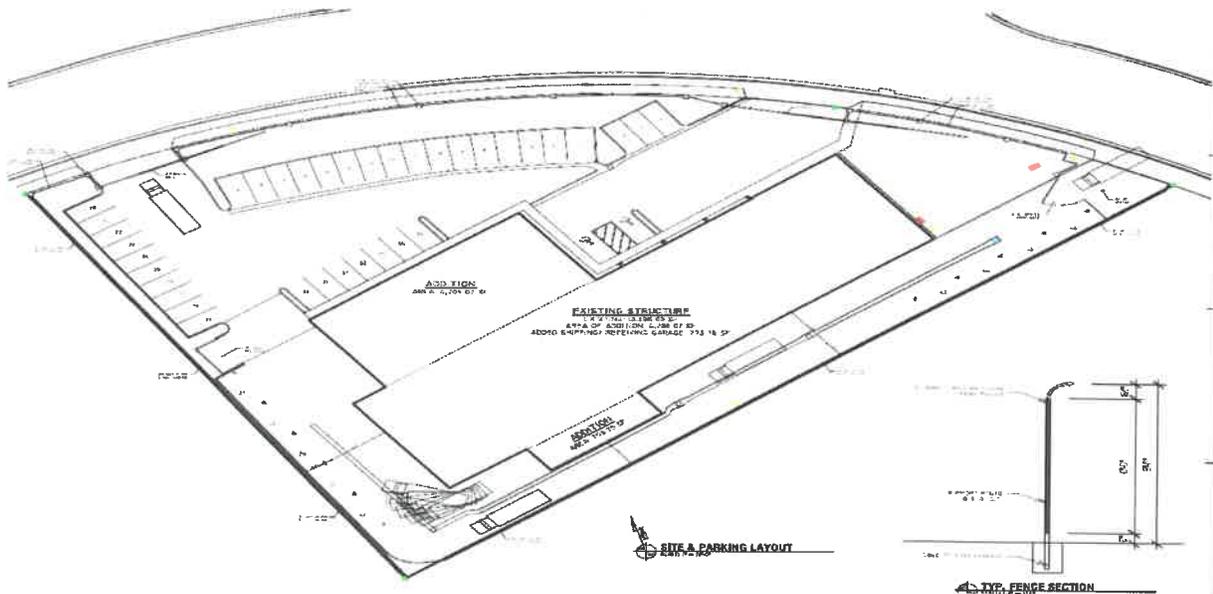
In September 2016 the City Council approved an amendment to the City's Zoning Code and to the East Ranch Business Park (ERBP) Specific Plan, authorizing expansion of land uses related to Medical Cannabis. As a result of that action, Indoor Cultivation under artificial or mixed light, Medical Cannabis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

The Planning Commission's primary role in the process is to make a determination regarding the Conditional Use Permit. Community Development Staff has been tasked by the City Manager with reviewing and evaluating the Application for Operating Permit and the Building Department will approve the appropriate building permit.

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

CUP 2017-002 is a request to allow Commercial Cannabis uses in an existing structure located at 180 E. San Antonio Drive within the East Ranch Business Park Specific Plan

(ERBP-SP) as generally depicted in the attached diagram, below. The projected development is on approximately 1.45 acres which currently includes an existing structure of approximately 13,800 sf – formerly the site of Kasey’s Gym. New additions to the structure will total approximately 5,500 sf. Existing parking and landscaping will be revised.



DISCUSSION

Overview

As noted above, the existing structure is located on a 1.45-acre site. The site and the surrounding area are located ERBP-SP on the south side of San Antonio Drive.

- San Antonio Drive is located to the north Don Bates Way and proposed Cannabis Use beyond.
- Industrial Use (Trucking) is located to the south.
- To the east is Cannabis Use (GSS: Manufacturing and Distribution).
- To the west is Industrial Use (Trucking).

The site contains an existing structure, with parking and landscaping and is generally flat. No required right-of-way improvements are anticipated. Three points of access will be from San Antonio Drive. Additions to the structure will be to the north and south at the west end of the building.

The existing structure and the addition will be single story. The use will be Cannabis Level 2 (CA Type 7) Manufacturing, Distribution (CA Type 11) and Non-Storefront Delivery (CA Type 10). Cannabis oil (produced at a sister facility on Industrial Drive) will be used to manufacture items such as capsules, tinctures, creams and edibles.

An interior demolition permit has been issued and work has been done to clear the inside of the structure so that tenant improvements can begin as soon as CUP and Building Permits have been obtained.

CUP Information

Site

Building setbacks on the south side will be reduced to approximately 15'. The ERBP-SP allows a 10" side-yard setback for buildings under 20' in height. **SEE EXHIBITS 3 and 4.** The setback along San Antonio Drive does not change, the addition to the building at the west is well within setback limits.

Architecture

The existing structure is metal with metal roof. Significant upgrades to the San Antonio Drive building frontage are proposed. These include new "skin", windows, doors and features on the ends of the structure (a primary purpose is to screen mechanical equipment). The height of these features will not exceed 31 1/2'. Skin is to be Anodic Bronze architectural panels, windows to have dark bronze anodized frames, architectural louvers (window shades) to be in dark bronze, insets above windows to be clear redwood

vener, stucco to be limestone finish. **SEE EXHIBIT 4** Architectural review to occur at time that final landscaping plan is completed.

Floor Plan and Interior Uses

As noted above, the proposed uses are Cannabis Manufacturing Level 2 (CA Type 7), Distribution (CA Type 11) and Non-Storefront Delivery (CA Type 10) with support administrative uses. The building will remain as one floor. Manufacturing will occur in clean rooms built on-site using CO₂, Ethyl Alcohol and Butane.

Landscape

Parking and landscaping were present as part of the previous operations. Parking will be revised to accommodate the added floor area and landscaping will be revised similarly. Although areas for landscaping have been identified and examples of plant material provided with the Application Package, no specific plant types and quantities have been presented.

Landscaped area will be primarily be located between the San Antonio Drive Right of Way and the parking area. Planter islands will occur in the parking area. Plant materials will be similar to those shown in the Application Package. Materials and quantities and irrigation will be consistent with other approved Cannabis projects in the East Ranch Business Park / M Districts, to the satisfaction of the Community Development Director or designee. Final landscaping plans in accordance with Municipal Code Section 15.50 will be approved prior to issuance of Building Permit. Final landscaping plans will be reviewed as part of Architectural review.

Grading

The site is generally flat and was previously developed. No significant grading will occur, only that related to new parking areas, expansion of the structure's footprint and landscaping area revisions. Drainage and SWPPP will be to satisfaction of City Engineer **prior to issuance of Building Permits.**

Access, Parking, Paving

Three points of access are proposed, each to include a rolling electric gate for security. Paved parking will be separated from the San Antonio Drive Right of Way by landscaping. 46 parking spaces are shown. Deliveries will be to the rear of the structure with parallel parking along the along the east and south property lines. Delivery van circulation moves from the eastern access point (off San Antonio Drive), behind the building, around the southern end of the building and out to the west. **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 Section 17.03 which addresses signs related to Cannabis Operations.

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

Security

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

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 primary entrance from San Antonio Drive. The document also proposes internal security camera locations which will reviewed and approved by HdL.

Solid Waste

One locked dumpster location is located along the west side of the property. Maximum daily plant waste has not been determined. A six-yard dumpster (approximately 6'8"W, 6'6"L, 5'4" H) can accept approximately 450 lbs. per day or 3,150 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.

Conversation with Monterey County Health Department indicates that there are currently no State of California regulations for solid waste. The project will comply with emerging regulation.

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 in conformance with Municipal Code Chapter 15.50 and will be approved through Architectural Review prior to issuing building permit approval.

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

On-site plumbing to access future recycled water (purple pipe), in San Antonio Drive, for use in landscaping, will be required.

Power

The building may be occupied 24 hours a day, year 'round. Light and air conditioning / heating requirements are consistent with standard industrial / business park use. An anticipated load has not been provided.

Noise

Given the nature of manufacturing operations no noise related issues have been identified.

Regulatory Permit Related Information

The item before the Commission is the consideration of a Conditional Use Permit to allow Cannabis Manufacturing Level 2 (CA Type 7), Distribution (CA Type 11) and Non-Storefront Delivery (CA Type 10). The existing 13,800 sf structure will be renovated to B, F, U and S Occupancy Types. 5,501 sf of the same structural / occupancy type will be added, including both administrative area shipping / receiving area. Manufacturing Operations will occur in modular National Fire Protection Agency (NFPA) Class I Division 1 Clean Rooms.

Employee Traffic

The applicant has indicated that maximum employee count (one shift) will be 65 persons. There will be a maximum of 3 eight-hour shifts.

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

Shipping and Transport

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

Outbound transport will vary based on sales of product (transdermal patches, lozenges, tinctures, ointments) but is anticipated to be twice weekly. Storage space for finished product is approximately 1800 sf.

Product will be transported from the facility in unmarked vehicles. Transactions will be recorded on a manifest with details regarding the driver, vehicle, weight and / or count of all products. Delivery vehicles will be loaded inside the structure with cars traps and security personnel present. Cameras will be placed to record shipping from the facility.

Manufacturing

Extraction will be carried out by applying CO₂ and ethanol to extract medical cannabis oils using closed loop extraction state of the art technology. Solvent is recovered for re-use. All manufacturing will occur in ISO 5,7 and 8 clean rooms. Manufacturing, inventory, personnel and distribution processes will be designed to meet current Good Manufacturing Practices (cGMP) for manufacturing, processing or holding of drugs; for finished pharmaceuticals, for producing processed food and for dietary supplements.

Volatiles

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

ETHYL ALCOHOL: Up to a 55-gallon barrel or as allowed by the King City Municipal Code will be delivered as often as once per week by a cargo truck with a lift gate. No more than 100 gallons or as allowed by the KCMC will be on site at any given time

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

Volatiles Storage: The Applicant has not yet provided the storage / use plan for volatiles. The plan will be reviewed and approved by Fire / Police during the Building Permit process, before Occupancy.

Odor Control

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

Waste Disposal

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

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

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

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

Security, Interior

The rolling gates for access from San Antonio Drive are security code controlled and access limited to employees and delivery. Access points into the structure are limited – a number have been eliminated in the renovation of the façade. **See Exhibit 4.** The visitor entry is at the front of the structure adjacent to the main body of the parking lot. Deliveries occur to a loading port (internal) at the rear 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.

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

Two armed guards will be on site during hours of operation. An armed guard will be on site 24 / 7.

Employee Vetting

No person under 21 years of age will be employed on this site. The King City verification process will be followed where the applicant will be fingerprinted at King City Police Department and City Staff will coordinate with a third party reviewed (HdL / Intelifi) who provide the City with background review. 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 the 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. MD Bio will source from only the most responsible cultivators to ensure that cannabis material is clean and pure, when the sister facility (Industrial Drive) is functional, the major of the raw materials will be sourced from there. The Applicant will deploy a vendor auditing program that meets cGMP standards for materials sourcing. It is anticipated that all inbound and outbound materials (component and manufactured product) will be tracked using the MJ Freeway platform in addition to our internal Quality Assurance database.

A product recall is indicated when a manufactured product 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.) The Municipal Code was amended in August 2018 to allow Non-Storefront Delivery (CA Type 10).

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

ALTERNATIVES

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

EXHIBITS

1. Location
2. Photos of Existing Site
3. Site Plan
4. Elevations
5. Floor Plan
6. Landscape and Fencing
7. Conditions of Approval
8. Resolution 2017 – 241

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

Submitted by: *Eds for Scott Bruce*
SCOTT BRUCE, PRINCIPAL PLANNER

Approved by: _____
DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

CUP 2017-002

EXHIBIT 1

LOCATION



CUP 2017-002

EXHIBIT 2

SITE PHOTOS



PRIMARY ENTRY



FAÇADE



PARKING LOT

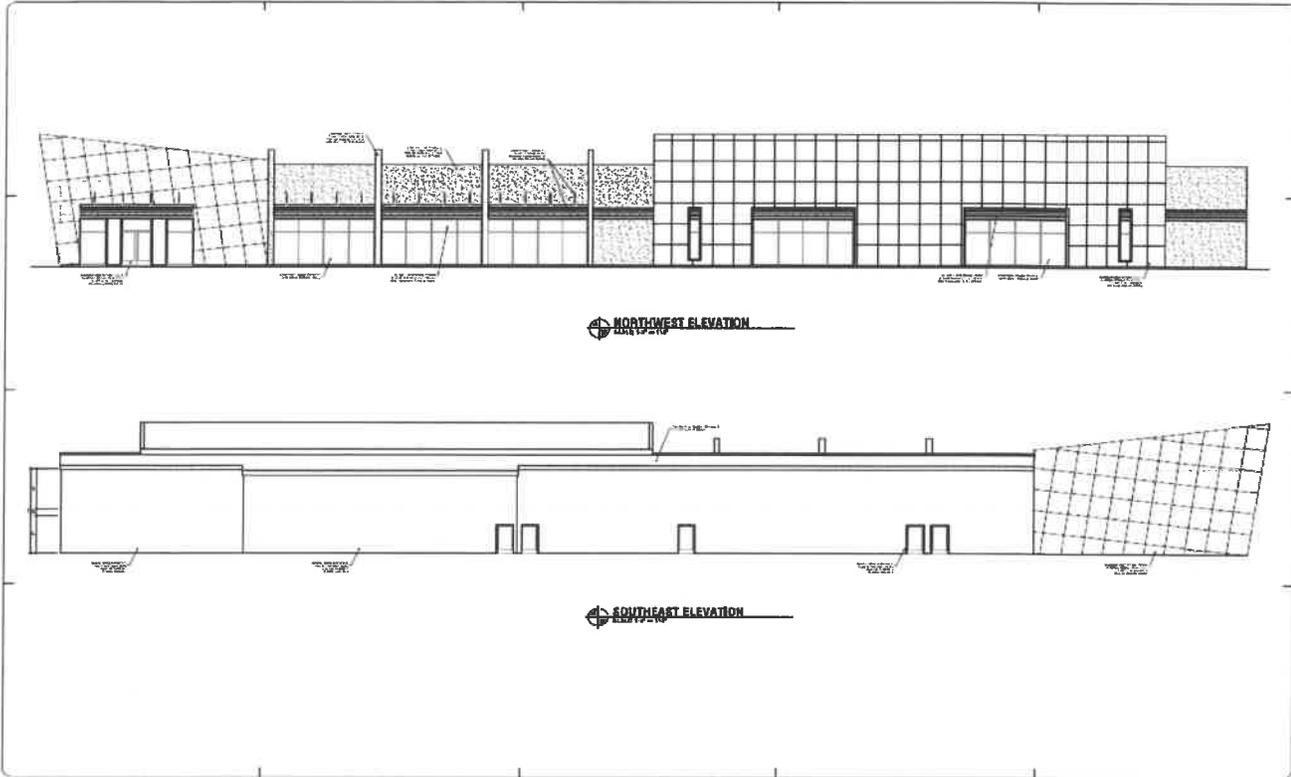


INSIDE

CUP 2017-002

EXHIBIT 4

ELEVATIONS



REVISION	BY

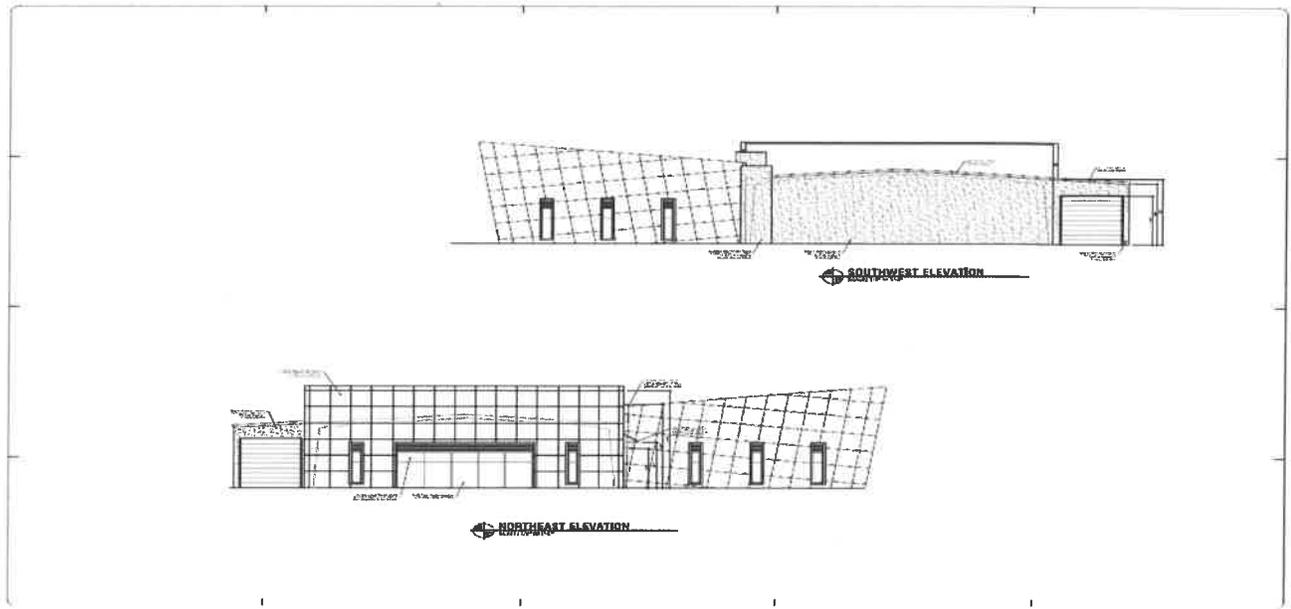
ARCHITECT
 ENGINEER
 CONTRACTOR
 OTHER

PARAGON
 DESIGN AND BUILDING
 ARCHITECTS & ENGINEERS
 1000 17TH AVENUE, SUITE 1000
 DENVER, CO 80202
 TEL: 303.733.8800
 WWW.PARAGONDB.COM

NO BIOLOGICS
 ISOLATED FROM THE FACILITY
 IN A PROCESSING FACILITY
 THE E-SHAW AND REL.
 CLIENT: BIOLOGICS

NO.	DATE	DESCRIPTION

A3.1
 OF SHEETS



REVISION	BY

PARAGON
 DESIGN AND BUILDING
 ARCHITECTS & ENGINEERS
 1000 17TH AVENUE, SUITE 1000
 DENVER, CO 80202
 TEL: 303.733.8800
 WWW.PARAGONDB.COM

NO BIOLOGICS
 ISOLATED FROM THE FACILITY
 IN A PROCESSING FACILITY
 THE E-SHAW AND REL.
 CLIENT: BIOLOGICS

NO.	DATE	DESCRIPTION

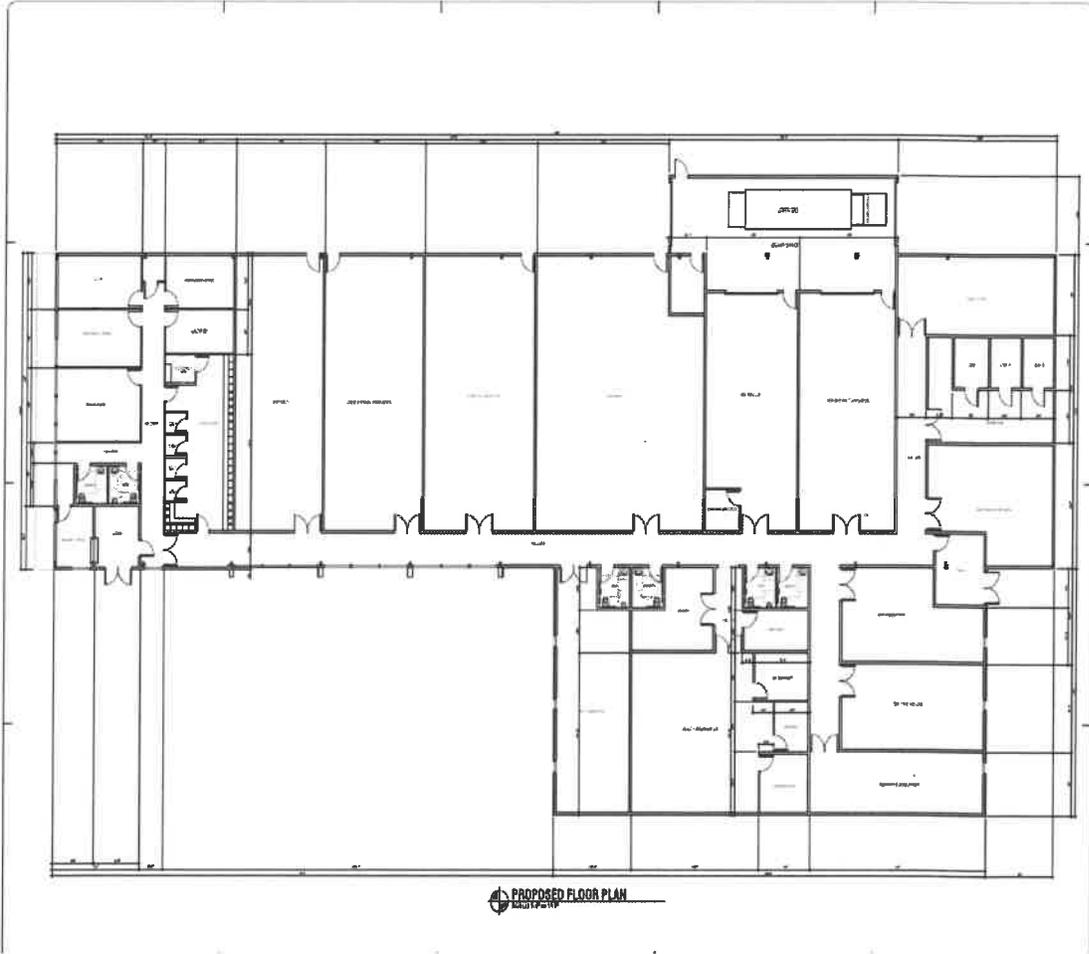
A3.2
 OF SHEETS



CUP 2017-002

EXHIBIT 5

FLOOR PLAN



PROPOSED FLOOR PLAN

DATE: 10/10/17
SCALE: AS SHOWN
PROJECT: CUP 2017-002

PARAGON
DESIGN AND BUILDING
ARCHITECTS
1000 S. MICHIGAN AVE. SUITE 1000
ANN ARBOR, MI 48106



MD BIOLOGICS
180 E. SAN ANTONIO RD.
MID CITY, CA 94028
SCIENTIFIC BIOLOGICS

DATE: 10/10/17
SCALE: AS SHOWN
PROJECT: CUP 2017-002

A2.1

Exhibit 6

Not available at this time

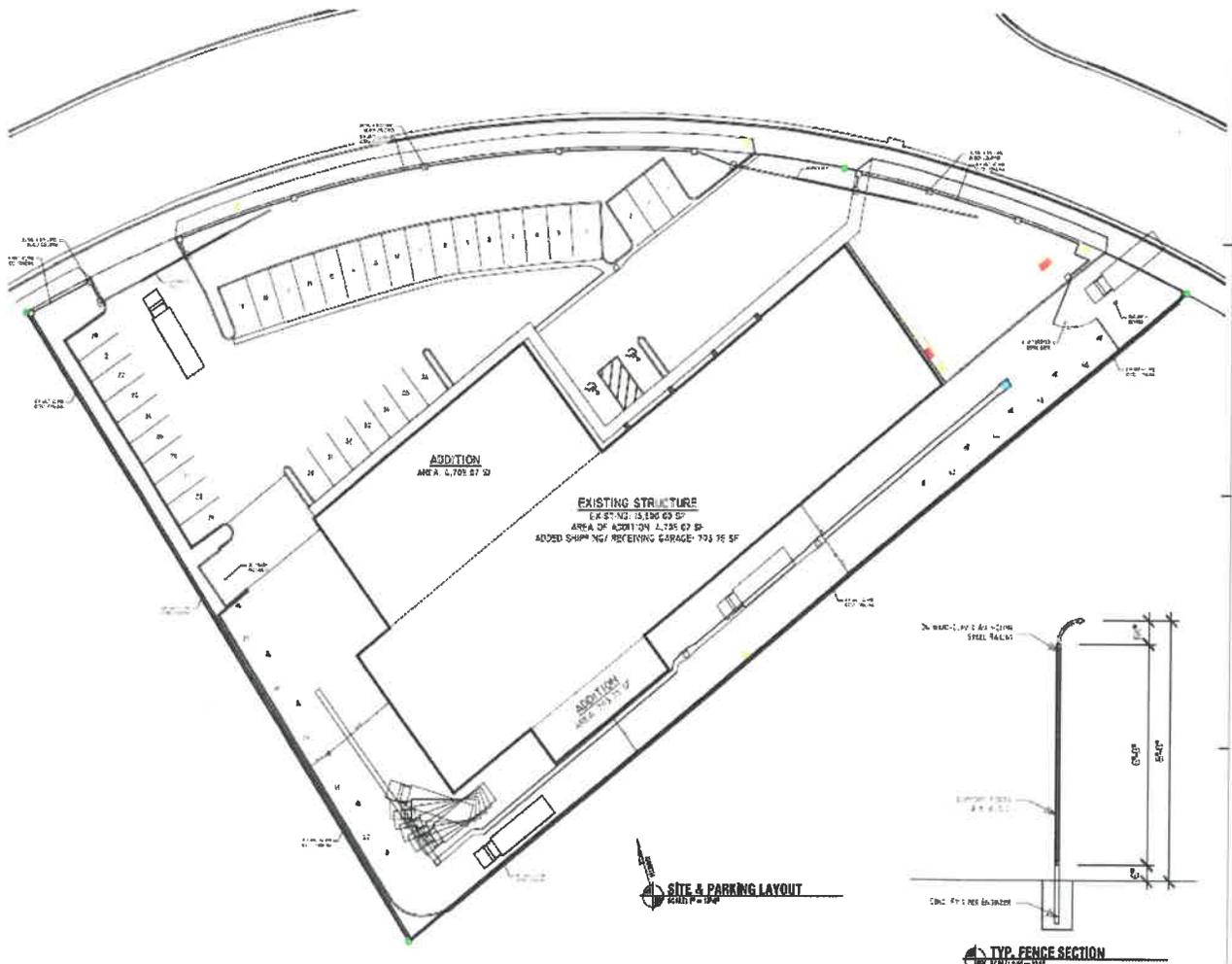
EXHIBIT No. 7

**Case Number: COA 2017 – 002
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 ninety (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: MD BIODESIGN

1. Assessor's Parcel No(s): 026-523-038
2. Job Address: 180 San Antonio Drive
3. Street Location: 180 San Antonio Drive
4. Existing Zoning: East Ranch Business Park Specific Plan
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: East Ranch Business Park Specific Plan
7. Project Description: CUP 2017-002 is a request to allow Commercial Cannabis uses in an existing structure located at 180 San Antonio Drive within the East Ranch Business Park Specific Plan (ERBP-SP) as generally depicted in the attached diagram, below. The projected development is on approximately 1.45 acres which currently includes an existing structure of approximately 13,800 sf – formerly the site of Kasey's Gym. New additions to the structure will total approximately 5,500 sf. Existing parking and landscaping will be revised.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

On September 27, 2016 the City Council approved Ordinances Numbers 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 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). Ordinances 763 and 764 amended the Municipal Code to allow Non-Storefront Delivery.

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

IMPORTANT: PLEASE READ CAREFULLY

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

health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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

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

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

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

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

COMMUNITY DEVELOPMENT DEPARTMENT:

1. **Allowed Use:** Manufacturing (CA Type 7), Distribution (CA Type 11), Non-Storefront Delivery (CA Type 10).
2. **Interior Renovation and Exterior:** The existing structure is a 13,800 square foot metal structure, accessed from San Antonio Drive. New additions to the structure will be approximately 5,500 sf. Colors will be anodic bronze "skin", dark bronze window frames and window shades with limestone stucco - to be reviewed /

approved 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, or 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, to satisfaction of City Engineer.
4. **Landscaping:** Landscaping will conform to concept plans and Application Package as submitted. Final plans will be in conformance with Municipal Code Chapter 15.50, to be reviewed and approved by Planning Commission during separate Architectural Review. Landscape / 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 poles in the parking area not to exceed thirty (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. Any signage shall conform to the requirements of Chapter 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 Community Development Director's, or designee's discretion.
7. **Fencing:** New fencing along San Antonio Drive 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.
8. **Odor:** Odor management measures shall be as per the project application and shall at all times conform to the most recent version of Municipal Code Section 17.03.210(i). Charcoal filters shall be replaced every three months or less. If a complaint is filed with the City Manager's Office, it shall be addressed per the most recent version of the Municipal Code.
9. **Height:** Height of architectural projections shall not exceed thirty-one feet five inches (31'5").

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

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

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

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package.
- 2 **Sidewalk:** Right of Way improvements (if any) shall be to satisfaction of City Engineer.
- 3 **Driveway Approach Revisions:** Sidewalk to be at two (2%) percent maximum cross fall across driveways 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. All paving 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 Chapter 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 (1) 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 / as approved by HdL and 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. A camera compatible with the City-wide surveillance system shall be located at the primary entry to the site.
- D. **Solvents:** The Applicant has indicated that CO2 and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be to the satisfaction of the City of King Fire Marshall 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 at all times per the Regulatory Application Section I and the most current version of Section 17.03.210 (i) of the City of King Zoning Code. If an odor related complaint is received by the City Manager's Office, it will be addressed per the direction of the Municipal Code. City Zoning Code. Odor caused by outdoor dumpsters will be addressed in a similar.
- 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) through the standardized King City process, in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Zoning Code. After the Applicant is fingerprinted at the Police Department, Staff will send the Applicant additional information, to be submitted to a third party HdL / Intelifi who will then perform the check. Results will be provided to Applicant and City of King.
- 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 10 and 65 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

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 (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.

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. 2018-241**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2017-007
(MDBIODESIGN – 180 SAN ANTONIO DRIVE)**

WHEREAS, on **October 01, 2018**, MDBioDesign officially reactivated an Application, previously put on-hold at the Applicant's request, to allow Manufacturing and Distribution of Medical Cannabis in an existing structure located at 180 San Antonio Drive in the East Ranch Business Park Specific Plan (ERBPSP);

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

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

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

WHEREAS, on September 26, 2018, a notice was published in the South County Newspaper *The Rustler* and mailed notices to property owners of record within 300ft radius of the project site;

WHEREAS, the Planning Commission (Commission) has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **October 16, 2018**;

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

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

WHEREAS, the Commission makes the followings findings of facts:

1. The purpose of the proposed uses is to Manufacture and Distribute Medical Cannabis in accordance with the description, process and standards provided in the Application Package as reviewed by Staff and presented at the Public Hearing.

2. The proposed use is consistent with the General Plan Land Use Designation (LI) Light Industrial and the Uses and Standards of the (ERBP SP) – East Ranch Business Park Specific Plan.
3. The proposed use will be accomplished within the existing structure and additions as shown. The additions will add approximately 5,500 sf.
4. The entire lot will be fenced – existing fencing will be improved and / or replaced and new screening will be installed. An eight (8') foot high wrought iron fence will be installed along the San Antonio Drive frontage.
5. The existing lot is accessed at three points of entry. No new access points will be established.
6. Existing landscaping and parking will be revised to accommodate the new addition(s) and use. Parking and landscaping will be installed per the Application Package.
7. All processes and interior construction / building improvements, security / operating procedures will be in conformance with the CUP / Regulatory Permit Application Package, as submitted and / or as conditioned (See COA's Exhibit 7: Attached) and with City of King Zoning Code Chapter 17.03.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopts a finding of a Class 32 Categorical Exemption per CEQA Guidelines Section §15332 (Infill Projects) and approves Conditional Use Permit Case No. CUP 2017-002, as shown on **Exhibit 1**.

This resolution was passed and adopted this **18th day of October 2018** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

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

**REPORT TO THE PLANNING COMMISSION**

DATE: OCTOBER 16, 2018

TO: PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

VIA: MARICRUZ AGUILAR, ASSISTANT PLANNER

RE: PLANNING COMMISSION INTERPRETATION ON STORAGE OF A TEMPORARY STORAGE CONTAINER VISIBLE FROM PUBLIC VIEW FOR THE KING CITY FIRE DEPARTMENT 422 BASSETT STREET, KING CITY, CA.

RECOMMENDATION:

Staff is asking for an interpretation from Planning Commission on whether the King City Fire Department should be allowed to relocate and store their temporary portable storage container on a long term basis in a location visible from public view.

BACKGROUND:

The King City Fire Department ("**Department**") is a non-profit institution that provides fire protection service to the City. The Department station is located at 422 Bassett Street, across the street from the Police Station and City Hall. A Conex Storage Metal Container measuring 8'x8'x40' is located on the rear of the property. (Reference **Exhibit 1.**) The container holds archive plans and testing equipment and restocking supplies.

The Department has been having circulation issues with accessing the rear of the building and needs to relocate the container. The proposed location is along sides the fire station on a vacant lot. (Reference **Exhibit 2.**) The Department would like to keep the container in the proposed new location until a more viable storage solution can be found on site.

In August 2018, the City Council adopted Municipal Code Chapter 7.60 which provides a process for Temporary Use Permits and Special Use Permits. Section 7.60.050 (f) allows the use of temporary portable storage containers if certain requirements are met. (Reference **Exhibit 3.**)

An issue that has surfaced is that the new ordinance does not allow the storage containers visible from public view and the Community Development Director is not able to approve the TUP as it does not meet the requirements of Section 7.60.050 (f).

DISCUSSION:

The property is zoned Village Business (“**VB**”) and is within the Public / Quasi Public (“**PQ**”) General Land Use Plan Designation. The primary intent of the VB is to regulate the physical form of commercial buildings to ensure an appropriate transition between the Village Core and the adjacent residential neighborhoods. The VB has a zero setback requirement for building placements when adjacent to commercial zones. The Historic Corridor Revitalization Plan (“**HCRP**”) notes that structures, permanent or temporary, shall be designed and sited consistent with the Downtown Historic Architectural Design Guidelines (Section 3.6 of the HCRP). The guidelines ask for building materials such as wood siding, brick, or stone.

On August 28, 2018, the City Council conducted the first reading of Ordinance No. 2018-765 (Temporary Use and Special Event Permits), which became effective on October 12, 2018) The ordinance regulates storage of portable containers. The ordinance exempts the need of a Temporary Use Permit (“**TUP**”) if the temporary portable container meets the exemption requirements.

After reviewing the proposed location, the container does not meet the requirement of screening the container from public view, therefore, staff is asking for Planning Commission to discuss whether the application should be denied.

Staff has discussed other alternatives for the container such as relocating to the Corporation Yard or reducing the size of the container, none of which would be of any benefit to the Department. In fact, relocating it would affect the Department. Moving the container offsite would limit them in accessing some of their equipment. At this time the Department does not have budgeted funds to build a permanent structure for the storage items. The proposed container location is six (6’) feet away from the rear adjacent property, which includes a window, and twelve (12’) feet away from the side wall of the fire station. There are no proposed additional screening. The Department will paint the container, if needed.

Staff has also discussed the proposal with Tom Salcido, property owner of adjacent building. He had no objections to the proposal.

Staff requests the Planning Commission provide input on the requirements of the Ordinance.

1. Does the Temporary Portable Storage container comply with the King City Building Code and any applicable manufacturing regulations? (Section 7.60.050 (f) (1))

According to the Chief Building Official the temporary portable storage container does comply with the King City Building Code.

2. Does the Temporary Portable Storage container have any utility connections to the temporary portable storage containers? (Section 7.60.050 (f) (1) (i).)

The temporary portable storage container does not have any utility connections.

3. Does the Temporary portable storage container store flammable liquids or other hazardous materials as determined by the fire chief? (Section 7.60.050 (f) (1) (ii).)

The proposed will not store flammable liquids or hazardous materials.

4. Is the Temporary portable storage container located as to provide adequate access as determined by the fire chief? (Section 7.60.050 (f) (1) (iii).)

Per the Fire Chief, the temporary portable container will provide adequate access.

5. Is the Temporary portable storage container incidental to the primary use on the site and/or shopping center? The Temporary portable storage containers are not permitted as an accessory use to a stand-alone parking lot. (Section 7.60.050 (f) (1) (iv).)

The proposed is incidental to the storage needed by the Fire Department. The container will sit in a vacant unimproved lot.

6. Is the Temporary portable storage container kept in good condition and free of damage, rust, graffiti, signs, banners, etc.? Repairs shall be made within forty-eight (48) hours of being damaged. Graffiti shall be removed within forty-eight (48) hours. (Section 7.60.050 (f) (1) (v).)

The temporary portable storage container will be kept in good condition and will be painted to match the Fire Station building.

7. For commercial, industrial and residentially zoned parcels or lots one (1) acre or less in size, a maximum of one (1) cargo/storage container is permitted. For commercial, industrial and residentially zoned parcels greater than one (1) acre in size, a maximum of three (3) cargo/storage containers shall be permitted. (Section 7.60.050 (f) (2).)

The property is less than an acre and will only have one (1) storage container.

8. For commercial and industrial zoned property, cargo/storage containers shall not be located on site for more than thirty (30) days within one (1) calendar year. A cargo/storage container shall be located within the backyard setback and predominately out of view from a public street. A cargo/storage container cannot be placed on parking spaces needed to accommodate the uses, pursuant to Municipal Code Chapter 17.52, or as approved by a discretionary permit such as a use permit. (Section 7.60.050 (f) (3).)

The property is zoned Village Business ("VB") which does permit commercial and residential uses. However, the King City Fire Department is submitting for approval of a long term storage until the Department finds a more viable solution for storage. The request is approval to keep the storage containers on the vacant unimproved property. The Department will paint the container to match the fire station.

The department will budget within the next two (2) fiscal year(s) to purchase construction material to soften the exterior appearance of the metal container and reduce visual impact to the neighbors. The land use designation is Public Quasi which objective 7.4 for the Fire Department is to support measures to improve and enhance the capability of the fire department. Policy 7.4.1, the City shall encourage the funding of personnel, facilities, equipment, and training to the Fire Department at a level necessary to maintain its efficient functioning. The proposed temporary storage of the container will be necessary to maintain their equipment until a permanent viable solution for storage is made.

9. For a single family-residential use, cargo/storage containers shall be permitted only during the period of onsite construction or moving. Temporary portable storage containers used for construction purposes shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first. Temporary portable storage containers used for moving shall not be on site for more than ninety (90) days within one (1) calendar year. The permanent storage of a cargo/storage container is prohibited for single-family residential uses. (Section 7.60.050 (f) (4).)

This section is not applicable to non-single family residential uses.

10. Cargo/storage containers shall not be located within the public right-of-way unless an encroachment permit is obtained from the City. (Section 7.60.050 (f) (5).)

The proposed location will not be within the public right-of-way.

11. Non-profit institutions may be permitted to store one (1) portable storage container on-site. The container shall be screened from public view and located behind the building. The container shall be painted to match the colors of the existing building. (Section 7.60.050 (f) (6).)

The container will be painted to match the building. Within the next two (2) fiscal year(s) the Department will budget for material to screen the container.

Advantages

The advantages would be for the King City Fire Department to have access to their equipment and to be able to have more access to the rear of the property.

Disadvantages

The long-term storage of portable containers is not permitted. The placement of temporary portable storage containers along public view are not permitted. This is the first TUP permit to be processed under the new Ordinance No. 2018-765. The determination will establish precedence.

Environmental Review

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 11 Section 15311 which exempts accessory structures. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines section 15300.2 apply to this project.

COST ANALYSIS:

Cost for review and processing of this Temporary Use Permit is paid by the General Fund.

ALTERNATIVES:

1. Planning Commission provide input on the requirements of the Ordinance No. 2018-765;
2. Make any recommendations, or
3. Find the application inconsistent with Ordinance No. 2018-765 and the Community Development Director to proceed with a denial letter.

- Exhibits:
1. Photo of Current Location
 2. Photo of proposed location (Aerial View)
 3. Municipal Code §7.60.050 (f)

422 BASSETT STREET
TUP CASE NO. 2018-001
OCTOBER 16, 2018
PAGE 6 OF 11

Submitted by:



Maricruz Aguilar, Assistant Planner

Approved by:



Doreen Liberto, AICP, Community Development Director

422 BASSETT STREET
TUP CASE NO. 2018-001
OCTOBER 16, 2018
PAGE 7 OF 11

EXHIBIT 1
Current Location



EXHIBIT 2
Proposed Location (Aerial View)

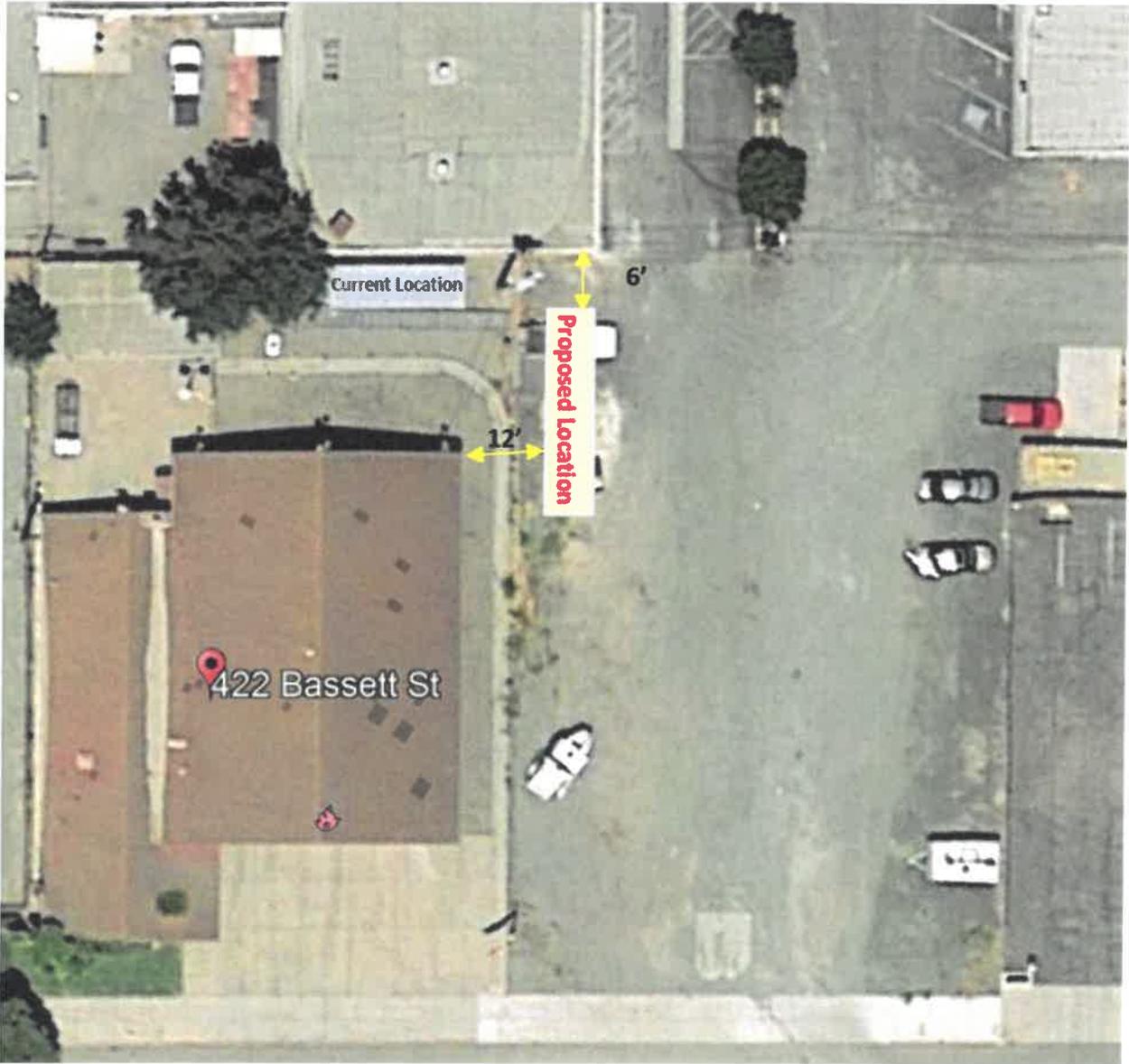


EXHIBIT 3

Municipal Code §7.60.090

Section 7.60.090 Exemptions.

The following uses shall be exempt from obtaining a required special event permit. If a proposal does not meet the minimum required development standards, then a special event permit may be required.

- (a) Events held in a private residence where no admission is charged, the event is not open or advertised to the public, and no extraordinary police services are required. Nothing in this subsection shall modify or otherwise limit the requirements of Chapter 7.09 regarding social host liability.
- (b) Events held in a members-only facility at which the only participants are the members (and their invited nonpaying guests) and no extraordinary police services are required.
- (c) For-profit entertainment activities of persons, entities and businesses such as cabarets who or which are currently licensed to regularly provide specified entertainment activities at fixed locations in the City and no extraordinary police services are required.
- (d) Any entertainment for which other City permits have previously been obtained, such as, but not limited to, dance permits, short-term encroachment permits and City sponsored events, or other permits which are more appropriate for a particular event, as determined by the chief of police.
- (e) County Fairground Events. All events are exempt, unless traffic control is needed, as determined by the chief of police. For any event serving alcohol, a temporary Alcohol Beverage Control (ABC) permit is needed.
- (f) Non-Profits. An exemption may be granted by the city council for non-profit organizations demonstrating a public benefit.
- (g) Funeral processions.
- (h) Religious Institutions. All events held on the property of the institution are exempt, unless serving alcohol or traffic control is needed, as determined by the chief of police.
- (i) No Significant Impacts. Any event, series of events and/or specific type of event may be exempted at the discretion of the chief of police, based upon evidence that the event or events will not impact police services and will not affect public health, safety and welfare.
- (j) Assembly.
 - (1) assemblies occasioned by news or affairs coming into public knowledge within three (3) days of such parade or assembly; provided, that the organizers thereof give written notice to the city at least twenty-four (24) hours prior to such assembly. Such written notice shall contain all of the following information:

- (i) The name, address and telephone number of the person or persons seeking to conduct the assembly. This person or these persons shall be considered a permittee for the purposes of this chapter;
 - (ii) The name, address and telephone number of the headquarters of the organization, if any, and of the organizer or responsible head of such organization by whom or on whose behalf the assembly is proposed to be conducted;
 - (iii) The name, address and telephone number of the person who will chair assembly and who will be responsible for its conduct;
 - (iv) The location and date of the proposed assembly, including the assembly area, disbanding area, and the route to be traveled;
 - (v) An estimate of the approximate number of persons who will be participating in the assembly and an estimate of the approximate number of persons who will be observing the assembly;
 - (vi) The time at which the assembly will start and conclude; and
 - (vii) The type of security or other arrangements that will be provided to assure that participants are properly directed.
- (2) The city manager may deny permission to conduct the assembly within eighteen (18) hours of the submission of the notice pursuant to subsection (j) of this section if the city manager or the city manager's designee makes a finding requiring denial. Denial of permission shall be based on a finding of any of the following:
- (i) The information contained in the application is false or intentionally misleading;
 - (ii) The assembly is proposed for a time and location for which another assembly permit has been previously issued;
 - (iii) The proposed route or location of the assembly traverses a street or other public right-of-way that was scheduled for maintenance, construction or repair prior to the application for that assembly permit and the conduct of the assembly would interfere with such maintenance, construction or repair or the maintenance, construction or repair would represent a threat to the health or safety of the participants in the assembly;
 - (iv) The proposed area for the assembly or for the set-up or dispersal of an assembly could not physically accommodate the number of

participants expected to participate in the assembly, as reflected in the application completed and submitted pursuant to the requirements of this chapter; or

(v) The assembly would result in a violation of any federal, state or local law or regulation.

If the city manager makes a finding requiring denial pursuant to that subsection, the city manager shall immediately provide notice of the denial, including the reason for the denial, by telephone to the permittee and shall also provide written notice of the denial including the reason for the denial. If the permittee provides an email or fax number for the purpose of receiving notices, the city manager shall provide written notice of the denial by email or fax immediately upon making the denial decision.

- (k) Not-for-profit fundraiser sales.
- (l) Educational institutions. All events held on the property of the institution are exempt, unless serving alcohol or traffic control is needed, as determined by the chief of police.
- (m) The following filming and videoing are exempt:
 1. Film amateurs making films and assisted by no more than one other person,
 2. Filming of news events.
 3. Filming activities conducted at studios.
 4. Filming activities conducted for use in a criminal investigation or civil or criminal court proceeding.
 5. Small Photography Shoot.