

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, OCTOBER 1, 2019
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, David Mendez, Brett Saunders,
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 3, 2019 Planning Commission Meeting
Recommendation: Approve and file.

7. PUBLIC HEARINGS

- A. Project: Boutique Unlimited: Commercial Cannabis Manufacturing
(CA Type 7)
- Applicant: Mike Ferguson
- Location: 151 Airport Dr., King City, CA. 93930
- Consideration: Cup Amendment 2016-008(D)19; Floor Plan Revisions to
Accommodate Manufacturing (Ca Type 7) Operations: 151
Airport Drive, City of King.

Recommendations: Staff recommends the Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution approving Conditional Use Permit 2016-008(d)19.

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. Potential impacts fall within the estimates of the 2016 MND.

8. NON-PUBLIC HEARINGS

None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

A. None

11. WRITTEN CORRESPONDENCE

12. ADJOURN

UPCOMING REGULAR MEETINGS

OCTOBER

| | | |
|--------------------------|-----------|----------------------------|
| October 1 st | 6:00 p.m. | Planning Commission |
| October 8 th | 6:00 p.m. | City Council |
| October 14 th | 6:00 p.m. | Airport Advisory Committee |
| October 15 th | 6:00 p.m. | Planning Commission |
| October 21 st | 6:00 p.m. | Recreation Commission |
| October 22 nd | 6:00 p.m. | City Council |

NOVEMBER

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

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

ALUC: Airport Land Use Commission

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

APCD: Air Pollution Control District

AR: Architectural Review

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

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

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

CEQA: California Environmental Quality Act

CFD: Community Facilities District

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

CUP: Conditional Use Permit

EIR: Environmental Impact Report

EIS: Environmental Impact Statement

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

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

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

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

LLA: Landscaping and Lighting District

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

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

MOU: Memorandum of Understanding

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.

TAMIC: The Transportation Agency for Monterey County develops and maintains a multimodal transportation system for Monterey County. TAMIC 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 03, 2019

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
David Mendez X Brett Saunders X Domingo Uribe X

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

4. Public Comments

None

5. Presentations

6. Consent Calendar

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

A. Approval of Minutes: August 20, 2019

Action: Motion made by Commissioner Mendez to approve minutes of August 20, 2019. Seconded by Commissioner Saunders. Motion carried 5-0.

Item 8A was heard first so that the applicant could leave.

7. PUBLIC HEARINGS

Commissioners Saunders moved down to be a part of the public for this item and will not vote on this item.

- | | | |
|----|----------------|---|
| A. | Project: | Amendment to the Municipal Code to Establish and Regulate Hemp within the City Limits |
| | Applicant: | City of King |
| | Location: | Regulations prohibiting hemp cultivation citywide and allowing industrial hemp manufacturing in the M-1, M-2, M-3 Zoning Designations and the East Ranch Business Park Specific Plan. |
| | Consideration: | Hemp Regulations. |

Recommendations: Staff recommends the Planning Commission adopt Resolution No. 2019-263.

Environmental Determination: In accordance with the California Environmental Quality Act ("CEQA"), and pursuant to CEQA Guideline Sections 15378 and 15061 (b) (3), this activity is not a "project" subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment.

Community Development Director Doreen Liberto introduced this item.

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

Chair Nuck closed the public hearing.

Commissioner Mendez made a motion to adopt Resolution No. 2019-263.

Commissioner Uribe seconded. Motion carried 4-0.

8. NON- PUBLIC HEARINGS –

A. Project: Architectural Review for Kentucky Fried Chicken
Applicant: Frederick Baker & William Robinson
Location: 1300 Broadway Circle, King City, CA. 93930
Consideration: Architectural Review (Case No. AR2019-002)

Recommendations: Staff recommends the Planning Commission review and make a determination on the proposed color scheme and architectural renderings for the proposed Kentucky Fried Chicken ("KFC") located at 1300 Broadway Circle, King City.

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 1 Section 15301 as it relates only to continuing the operations of existing facilities with no expansion to the existing uses.

Assistant Planner Maricruz Aguilar-Navarro introduced this item.

Applicant showed pictures of what he wants to change. Commissioner Uribe did his homework looking at Google and what the applicant is asking for is what is corporate colors and he prefers the applicant's renderings to what PRC choose. Chair Nuck is leaning towards the PRC's suggestions. Commissioner Avalos as well he likes the gray neutrals.

The applicant submitted pictures with the correct colors which will be Exhibit 4.

Commissioner Saunders made a motion to make a determination on the proposed color scheme of Exhibit 2 and Exhibit 4 plus the painted stencil on the side elevation, of architectural renderings for the proposed Kentucky Fried Chicken ("KFC") located at 1300 Broadway Circle, King City by approving resolution 2019-262. Commissioner Avalos seconded. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report – None

11. Director Reports-

12. Written Correspondence-- None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned by Chair Nuck at 6:42p.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 1, 2019

TO: HONORABLE CHAIR NUCK AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP AMENDMENT CASE NO. 2016-008(d)19; FLOOR PLAN REVISIONS TO ACCOMMODATE MANUFACTURING (CA TYPE 7) OPERATIONS: 151 AIRPORT DRIVE, CITY OF KING (BOUTIQUE UNLIMITED)

RECOMMENDATION:

Staff recommends that Planning Commission: 1) review request for an amendment to Case No. 2016-0088(d)19, 2) receive public comment, and 3) adopt the attached Resolution approving CUP Case No. 2016-008(d)19.

BACKGROUND:

The Project is the fourth amendment to Conditional Use Permit (“CUP”) Case No. 2016-008. This Amendment would revise the floorplan, focusing on the Central portion of the structure to be used for Manufacturing (CA Type 7) purposes. The Project name is Boutique Unlimited and the Applicant is Mike Ferguson. **Figure 1** shows the location of the Project.

In **September 2016** the City Council approved an amendment to the City’s Zoning Code and to the East Ranch Business Park Specific Plan (“ERBP-SP”), authorizing expansion of land uses related to Medical Cannabis. As a result of that action Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing were allowed in the M-1, M-2 and M-3 Zoning Districts and in the ERBP-SP. In August 2017, the City Council approved changes to the Zoning Code to allow Manufacturing Level 2 (CA Type 7) and Distribution/Transportation (CA Type 11). On **May 16, 2017**, the Planning Commission approved CUP 2016-008 to allow Cannabis Cultivation (CA Type 3A) on this site. On **June 30, 2017**, an Operations Permit was approved by the City

Manager. Occupancy and Operations may not occur until all the Conditions of Approval (CUP and Operations Permit Approval) have been met.

In **October 2017**, CUP Case No. 2016-008(a)17 Amendment added Manufacturing Level 2 (volatiles) (CA Type 7) to the allowed use(s) on this site.

On **December 19, 2017**, (Case No. CUP 2016-008(b)17 the Planning Commission approved Distribution (CA Type 11) use on the site

On **January 16, 2018**, the Planning Commission heard the Applicant's request for Phased Operations and the addition of Nursery Operations (Type 4 CA License). At that time the Commission directed Staff to prepare Conditions of Approval ("COA") specific to Phased Operations and provide them for review and action at the **February 06, 2018** meeting. (**See Exhibit 6.**)

On **January 13, 2019**, 743 Authorization for Distribution Operations was approved by the City Manager.

This current Amendment would revise the floorplan, focusing on the Central portion of the structure to be used for Manufacturing (CA Type 7) purposes.

DISCUSSION:

The previous approvals allow Cannabis related uses in existing 15,952 sf structure, on a 1.08 ac lot (47,192 sf), located on the west side of Airport Drive. In early 2019 limited Distribution uses originated in the southern portion of the building. A second floor (15,572 sf) as well as an addition to the west side of the structure were proposed and approved with the original CUP. The addition has a footprint of approximately 4,800 sf. With a second floor the total area of the new construction would be slightly over 9,500 sf. It should be noted that the existing building height is 33 feet 6 inches. The maximum height per the Zoning Code for the M-1 District is 30 feet. The existing roof will remain.

The following information provides an overview of the surrounding sites:

- The parcel to the north (161 Airport) is vacant and also owned by Zayrich Properties, LLC. Cannabis uses (cultivation, manufacturing, distribution) have been approved for that site.
- Airport Road bounds the subject parcel on the east.
- The parcel to the south (101 Airport) contains a structure devoted to cannabis use.
- An access and utility easement (serving the parcels to the north) bounds the subject parcel on the west. The parcels beyond it are also in the M-1 Zoning District with the ERBP-SP beyond them



Figure 1: Site Location

The **October 17, 2017** Amendment allowed the Applicant to replace approximately 1,900 sf of Cultivation Area (1,356 sf of canopy) with Level 2 Manufacturing, located in the northwest corner of the building on the 1st floor.

The **December 19, 2017** Amendment allowed the Applicant to replace approximately 6,000 sf of Cultivation with Distribution uses (office and storage) **See Exhibit 2.**

On **January 16, 2018**, the Planning Commission heard and discussed a request for Phased Operations. The Planning Commission directed Staff to work with the Applicant to prepare a revised site plan and to prepare C Specific to Phase 1.

Currently approved uses are Commercial Cannabis Cultivation, compliant with State License 3A (indoor, artificial light), Nursery compliant with State License 4, Level 2 Manufacturing compliant with State License 7 and, Distribution compliant with State License 11.

A King City Conditioned Operations Permit has been issued for Type 7 Manufacturing and Type 3A Cultivation. Authorization for Operations has been issued for Distribution.

The current Amendment proposes a revised floor plan that places Manufacturing Operations in the Central third of the building. Other uses will be built out over time. The current concept differs from what was previously presented to the Commission. **(See Exhibit 5 for proposed floor plan.)**

The current concept proposes changes to the original landscape concept. Also, because of the length of time to project completion, the recommended Conditions of Approval regarding the building exterior have been revised. The revisions do not impact the ultimate result of the currently approved CUP. **(See Exhibit 11.)**

CUP Information:

See Exhibit 8 for the original Staff Report, and Exhibit 9 for the Amendment (b) Staff Report. Previous Floor Plans are included as Exhibits 3, 4 and 5.

Architecture:

This Amendment does not impact size or color. However, this Amendment proposes mechanical equipment on the roof. As discussed in the original CUP, this building is currently 33 feet 6 inches in height. The maximum building height in the M-1 District is 30 feet. Mechanical equipment that exceeds the maximum height is allowed with a CUP but is required to be screened. Municipal Code Section 17.30.050

The approved colors are Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray. These colors will be consistent with those of the surrounding area. Repainting and potential re-skinning (or replacing of damaged portions) was deferred with the previous amendments. Staff is recommending that the building be painted, and new skin be installed in areas of obvious damage **within 1 year of the date of Operations Authorization.**

Floor Plan and Interior Uses:

This amendment changes the floorplan, focusing on the central third of the structure. In this Phase of development, Manufacturing will be located in that central portion of the structure, Distribution in the southern third will not be impacted. The northern third will remain vacant in this Phase. Future changes to the floor plan to include other uses will require additional amendment(s). **(See Exhibit 3.)**

New construction in this Phase will be limited to the central third of the structure.

Landscape:

In the original concept, the area to the west of the structure was to be landscaped with the existing paved area removed.

The current concept shows paving to remain in the western portion of the site. This is required to allow loading and unloading to access the western facing roll up door.

The area to be landscaped proposed along the front access drive has become part of the ramp for ADA Accessibility. Landscaping at the front entry has been installed.

Landscaping in the area between parking spaces and the lot to the south will be required to be landscaped.

Parking and Paving:

No new access, parking or paved area is proposed for this Phase. This Phase of development will create a total of approximately 10 employees on site requiring 7 spaces. 7 spaces (including one ADA Space) are currently shown. Therefore, this Phase is not anticipated to impact parking.

The access ramp (an easement over a portion of the lot to the south (101 Airport) has been completed per City Engineer approval. New paving will stop at the gate to this site.

The Applicant indicates that the area to the south of the building will be repaved. A seal coat will be required over the existing paving.

In a future Phase, Manufacturing will expand into the northern portion of the structure. The loading ramp on the north side of the will be required to be removed.

When the building is operational the trailer will be removed.

Signage:

Signage will not change, being limited to an address / street number for identification by emergency response personnel and deliveries, located at the south entry to the building.

Security:

A final Operations and Security Plan will be reviewed and approved by HdL prior to beginning Manufacturing Operations.

Fencing:

Fencing and the entry gate has been upgraded per the original CUP approval. No additional improvements are required at this time.

Exterior Lighting:

Lighting at buildout will not change. Exterior lighting for the entire site as approved by the original CUP will be required prior to beginning Manufacturing Operations.

Cameras:

A camera plan for this Phase is required and will be reviewed / approved by HdL. An approved camera plan (with operational cameras) is in place for the current Distribution use. Cameras for interior of the remainder area of the structure to be occupied will be provided on a Phase by Phase basis. **(See Exhibit 3.)**

Fertilizer and Storage:

This Amendment does not impact Cultivation/fertilizers. No Cultivation/Nursery operations will occur in this Phase.

Solvents:

The Manufacturing process will use N-Butane, liquid CO-2 and Ethyl Alcohol. Construction documents will show the proposed location for the storage of solvents. N-Butane, CO-2 and Ethyl Alcohol will be stored on site. The building official and fire marshal will review the plans and give approval **prior to issuing a building permit.**

Solid Waste:

This Amendment does not impact ultimate solid waste production at buildout or the location of the trash enclosure. In this Phase, the secure solid waste dumpster should be located as approved by the CUP.

Water:

The Amendment does not increase water use or impact it in a way not included in the previous evaluation. Water is available to the existing site.

Sanitary Sewer:

Per previous discussions, sanitary sewer to serve this site (and 161 Airport, next door to the north) has been installed. The site is now served with Sanitary Sewer.

Right of Way Improvements:

Curb and gutter improvements have been installed. No new improvements are required.

Power.

The amendment does increase power use or impact it in a way not included in the previous evaluation. Two-hundred (200) Amps are allocated to Distribution with 1000 Amps allocated to Manufacturing. The current service is sufficient, and the Applicant requested an upgrade to 4,000 Amps which is needed for additional expansion.

Operations Permit Related Information:

As noted above, this Amendment has to do with the central portion of the structure and does not impact the area to the south (existing Distribution) or the north (remains vacant)

Shipping and Transport:

The Distribution space will continue to operate, product in and product out will function through this Permitted space. Estimated raw material in is estimated to be 500 to 1,000 pounds per day with 70L of crude, 35L of distillate and 15L of high-end distillate per day. Delivery vehicle (vans) trips per day are estimated to be 3 to 5 per day with a maximum of 30 per week.

Odor Control:

It is not anticipated that odor will be a significant Issue. An odor control system is being proposed. Municipal Code Section 17.03.210 (i) will govern any odor impacts.

Security:

An armed guard will be on site at all times. Visitor and Operations protocols will be based on previous protocols and will be approved by HdL, **prior to final Authorization to Operate.**

Employee Vetting:

No person under 21 years of age will be employed on this site. The employee vetting process (as described in the CUP and Amendments) is being finalized at this time and the approved process will be used in the interim. No Operations will occur prior to employee vetting.

Employee Training:

This Amendment does not impact employee training procedures.

Quality Control:

This Amendment does not impact quality control procedures. They will be as addressed by the previous approval.

Compliance with Evolving State and Local Regulations:

The Applicant's operating procedures will comply with state and local regulations. The applicant engages a team of lawyers, community relations staff and industry advisors to assist with governance, compliance, legal adherence and updates to laws and regulations. In addition, the City requires that an Indemnification Agreement be execute.

ENVIRONMENTAL COMPLIANCE:

On **September 27, 2016**, the City Council approved Ordinances 2016- 728, 729 and 730, amending Municipal Chapter 17.03 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 ERBP-SP were amended at that time to allow the uses in those specific zoning districts

A Mitigated Negative Declaration ("MND") was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on **September 27, 2016** at the time that the change to the Zoning Code was approved.

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

ALTERNATIVES:

1. Accept Staff's recommendation and approve CUP Case No. 2016-008(d) 19.
2. Do not approve CUP Case No. 2016-008(d) 19 and direct Staff to return with a Resolution of Denial.
3. Request additional information.
4. Provide staff other direction.

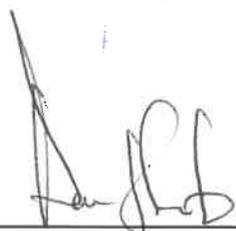
EXHIBITS:

- Exhibit 1 - Site Plan: Original CUP
- Exhibit 2 - Site Plan: Amendment (d)
- Exhibit 3 - Floor Plan – Original CUP
- Exhibit 4 - Floor Plan – Amendment(b)
- Exhibit 5 - Floor Plan – Amendment(d)
- Exhibit 6 - Landscape Plan
- Exhibit 7 - Conditions of Approval (d)
- Exhibit 8 - Resolution 2019-265
- Exhibit 9 - Staff Report Original CUP
- Exhibit 10-Staff Report CUP Case No. 2016-008(b)
- Exhibit 11-Conditions of Approval

Submitted by: _____


SCOTT BRUCE, PRINCIPAL PLANNER

Approved by: _____


DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

**EXHIBIT 2
SITE PLAN AMENDMENT (P)**

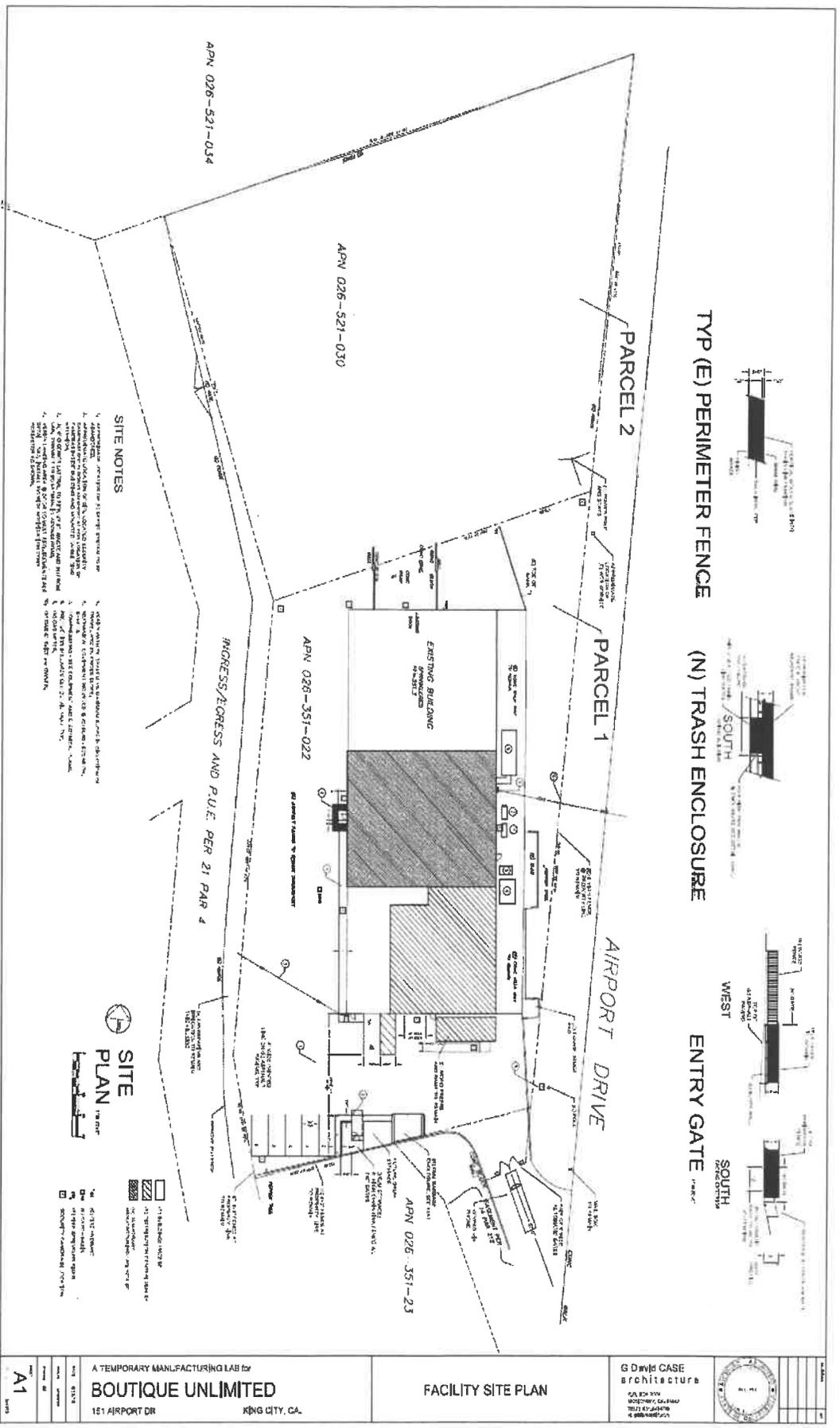
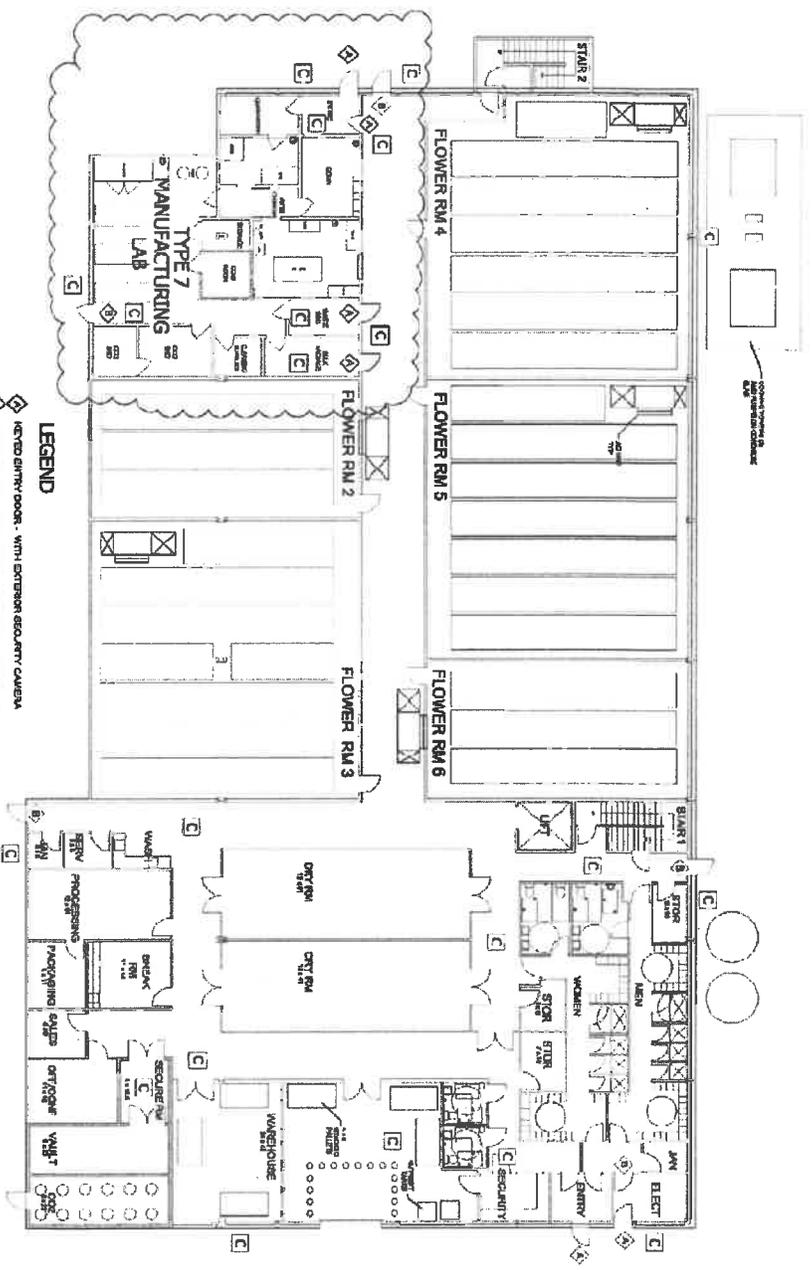


EXHIBIT 4
FLOOR PLAN AMENDMENT (a)b



- LEGEND**
- ◊ KICKED ENTRY DOOR - WITH EXTERIOR SECURITY CAMERA
 - ◊ EXIT DOOR ONLY - WITH EXTERIOR SECURITY CAMERA - NO EXTERIOR HARDWARE
 - ◻ SECURITY CAMERA LOCATION

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

FIRST FLOOR
SECURITY PLAN

EXHIBIT 4
FLOORPLAN AMENDMENT (b)

BOUTIQUE UNLIMITED, INC.

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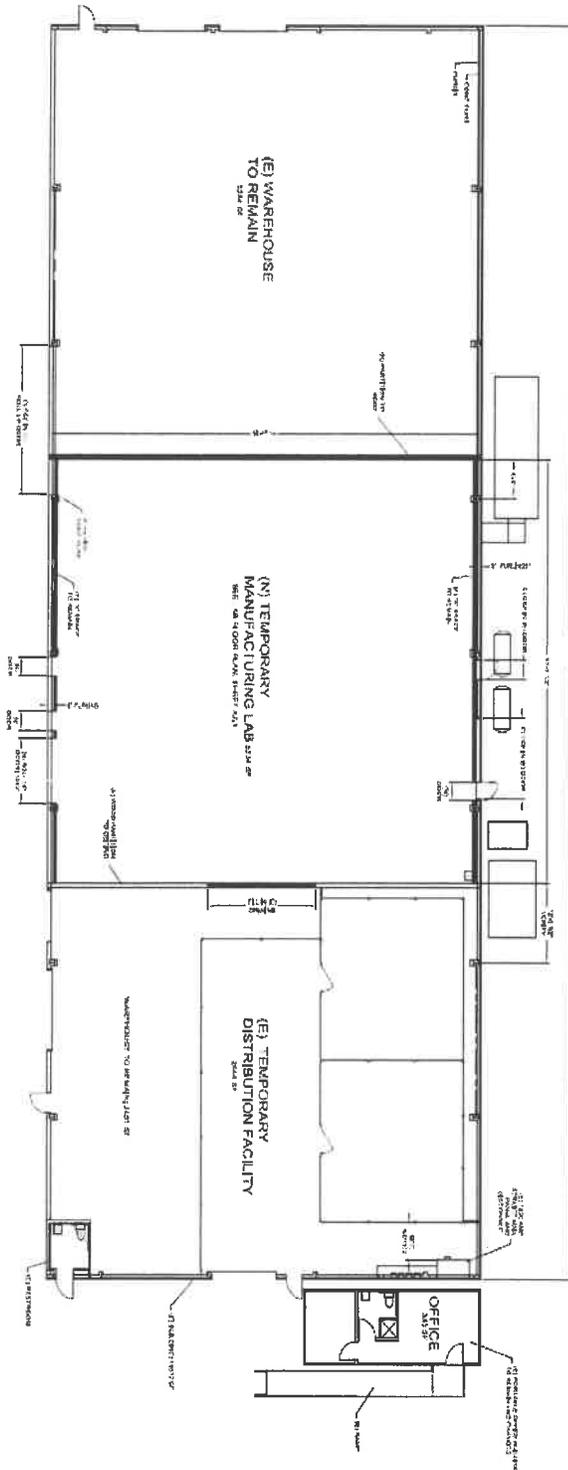
REGULATORY PERMIT APPLICATION



**FIRST FLOOR
 SECURITY PLAN**

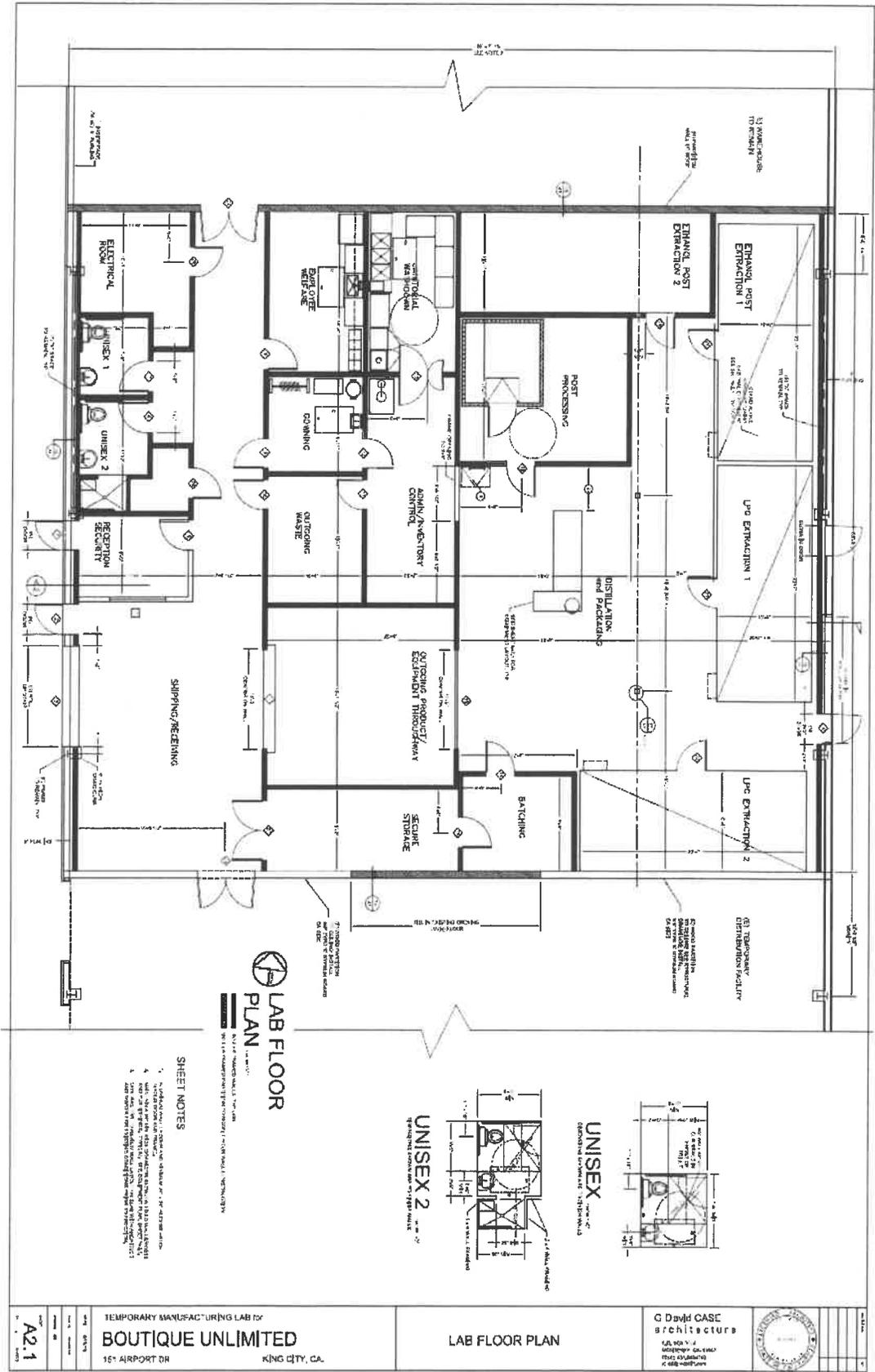
A NEW PROJECT for
BOUTIQUE UNLIMITED
 151 AIRPORT DR KING CITY, CA.

EXHIBIT 5
FLOOR PLAN



FLOOR PLAN
NOTES
1. SEE THE EXHIBIT FOR REMAINING ELEMENTS OF THE EXISTING.
2. SEE THE EXHIBIT FOR REMAINING ELEMENTS.

EXHIBIT 5
FLOOR PLAN MANUFACTURING (Type 7)



(3) TEMPORARY DISTRIBUTION FACILITY

ROOMS WITHIN EXISTING BUILDING TO BE DEMOLISHED AND RECONSTRUCTED TO ACCOMMODATE THIS FACILITY

UNISEX
RESTROOM

UNISEX 2
RESTROOM

LAB FLOOR PLAN

- SHEET NOTES
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 2. ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED.
 3. ALL DOORS ARE 3'0" WIDE UNLESS OTHERWISE NOTED.
 4. ALL WINDOWS ARE 4'0" WIDE UNLESS OTHERWISE NOTED.
 5. ALL CEILING HEIGHTS ARE 10'0" UNLESS OTHERWISE NOTED.
 6. ALL FLOOR FINISHES ARE 4" POLISHED CONCRETE UNLESS OTHERWISE NOTED.
 7. ALL ELECTRICAL SYMBOLS ARE AS SHOWN ON SHEET ELEC.
 8. ALL MECHANICAL SYMBOLS ARE AS SHOWN ON SHEET MECH.
 9. ALL PLUMBING SYMBOLS ARE AS SHOWN ON SHEET PLUMB.
 10. ALL FINISHES ARE AS SHOWN ON SHEET FINISH.

| | | | |
|--|-----------------------|--------------------------------------|--|
| <p>TEMPORARY MANUFACTURING LAB FOR BOUTIQUE UNLIMITED 16 AIRPORT DR KING CITY, CA</p> | <p>LAB FLOOR PLAN</p> | <p>G David CASE architecture</p> | |
| | | | |

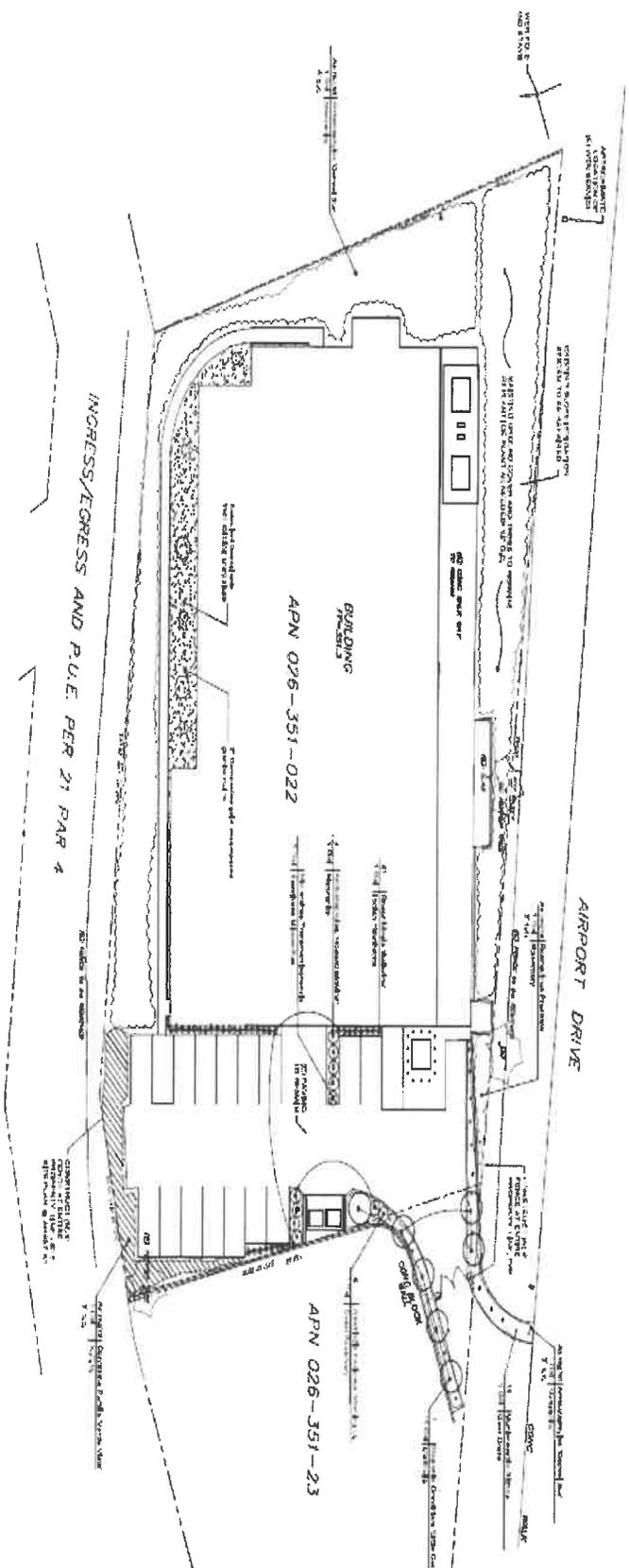
EXHIBIT 6
LANDSCAPE PLAN (ORIGINAL)

Introduction Notes

1. General Notes: refer to the introduction notes on the drawing sheets.
2. Check the notes for any specific notes for this drawing sheet.
3. All dimensions are in feet and inches unless otherwise noted.
4. All notes are in black ink unless otherwise noted.
5. All notes are in black ink unless otherwise noted.

Planting Notes

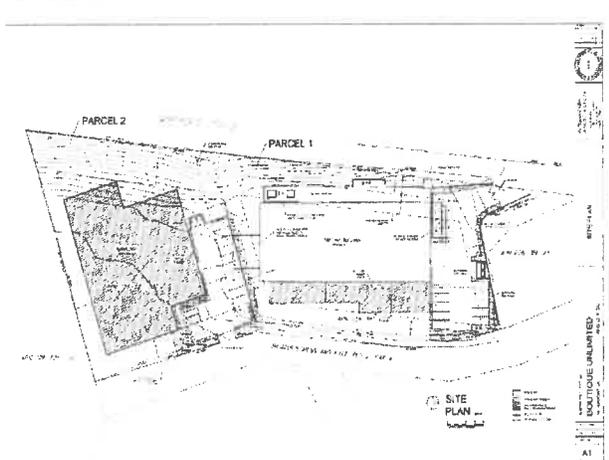
1. All plantings are to be installed in accordance with the specifications on the drawing sheets.
2. All plantings are to be installed in accordance with the specifications on the drawing sheets.
3. All plantings are to be installed in accordance with the specifications on the drawing sheets.
4. All plantings are to be installed in accordance with the specifications on the drawing sheets.
5. All plantings are to be installed in accordance with the specifications on the drawing sheets.



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|--|---|--|----------------------------|
| <p>A NEW PROJECT for BOUTIQUE UNLIMITED 151 AIRPORT DR KING CITY, CA.</p> | <p>PROPOSED LANDSCAPE PLAN</p> | <p>PLA PATTERN LANDSCAPE ARCHITECTURE Mark Wegrich, ASLA CA Lic. No. 3070 524 Pine St., Apt. 2, CA 95003 (831) 685-2609</p> | <p>DATE: 11/11/17</p> |
| | | | <p>SCALE: 1/8" = 1'-0"</p> |

**EXHIBIT No. 7
Case Number: COA 2016-008(d)19
CONDITIONS OF APPROVAL**

NOTICE TO PROJECT APPLICANT



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

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously

required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART A - PROJECT INFORMATION: BOUTIQUE UNLIMITED

1. Assessor's Parcel No(s): 026-351-022
2. Job Address: 151 Airport Drive
3. Street Location: 151 Airport Drive
4. Existing Zoning: M-1 Light Industrial
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: Adjacent to ERBP SP

7. Project Description: The proposed use is located in a portion of an existing 15,952 sf structure, on a 1.08 ac lot (47,192 sf), located on the west side of Airport Drive. The building / site have previously been approved for Cannabis Cultivation and Nursery, Manufacturing, and Distribution. Distribution Operations were authorized in January 2019.

The current proposal is to reconfigure the floor plan for the central portion of the existing structure to facilitate Manufacturing (Type 7) use.

Minor paving revisions to parking area are proposed.
Mechanical equipment (screened) will be added to the roof.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

On **September 27, 2016**, the City Council approved Ordinances 2016-728, 729 and 730, amending Municipal Code Chapter 17.03 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 (“ERBP-SP”) were amended at that time to allow the uses in those specific zoning districts

A Mitigated Negative Declaration (“MND”) was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on **September 27, 2016** at the time that the change to the Zoning Code was approved.

The uses allowed in the ERBP-SP have been amended, allowing Manufacturing Type 7, Transportation, Distribution and Non-Storefront Delivery. The impacts of these uses fall within the previously estimated limits.

A revision to the MND is currently being prepared.

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 California Environmental Quality Act (“CEQA”) review per CEQA Guidelines §15332 (infill development projects).

IMPORTANT: PLEASE READ CAREFULLY

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

In the event you wish to appeal the Planning Commission’s decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed

and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed within fifteen (15) days of the Planning Commission's decision. Please refer to City of King Municipal Code Chapter 2.12.050

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

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

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

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

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

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

GENERAL CONDITIONS:

1. **COA:** All COA associated with CUP Case No. 2016-008 remain in force unless specifically amended herein.
2. **Additional Information:** Additional information regarding the Manufacturing process, including quality control; and, storage and amount of solvent used in the process will be provided to the satisfaction of the Community Development Director and Fire and Police chiefs.

3. **Construction/Development:** Construction/Development shall conform to Application Package as presented to the satisfaction of the Community Development Director, or designee
4. **Payment of Outstanding Planning Application Fees:** Prior to issuance of building permit/final occupancy/final inspection, the Applicant shall pay any outstanding permit processing fees.
5. **Standard Cultural Resource COA:** The following cultural resource COA are applicable to all approved applications.

Prior to and during construction of each phase or individual construction activity undertaken as part of the project and to mitigate potential impacts to cultural resources, the following steps shall be taken:

Prior to excavation and construction on the project site, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying historic or prehistoric cultural resources or removing artifacts such as, but not limited to, prehistoric ground stone, projectile points, shell middens, or debitage, human remains, historic materials such as, but not limited to, bottles or cans and other cultural materials from the project site.

Responsibility: Project Applicant, Prime Construction Contractor, Subcontractors

Timing: Prior to excavation and construction

Funding: Project Applicant

Prior to any demolition, excavation, or construction, the Applicant shall identify a qualified archaeologist to be on call if any cultural resources are identified, or if required by the City when project excavation of four (4') feet or great is needed. The City shall approve the selected archaeologist **prior to issuance of the any permit that includes soil disturbance**. When excavation of greater than four (4') feet is anticipated, a Tribal Monitor may be required.

Responsibility: Project Applicant, City

Timing: Prior to any demolition, excavation or construction.

Funding: Project Applicant

Prior to soil disturbing activities to search for surface evidence of historic or prehistoric cultural resources, a project survey has not been conducted as part of the project application process, the archaeologist shall conduct a pedestrian survey of the project site. The archaeologist shall be authorized to perform spot check monitoring of subsurface construction for potential cultural resources, and analyze and evaluate artifacts or resources that may be uncovered. The qualified archaeologist shall also have the authority to temporarily halt excavation and construction activities in the immediate vicinity (within a 50-meter radius, or approximately 164-feet) of a find if significant or potentially significant cultural

resources are exposed and/or adversely affected by construction operations.

Responsibility: Project Archaeologist, City

Timing: Prior to soil disturbing activities to search for surface evidence of historic or prehistoric cultural resources.

Funding: Project Applicant

In the event of a find, reasonable time shall be allowed for the qualified archaeologist to conduct additional subsurface testing, analysis, and reporting, if warranted. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find (within a 50-meter radius, or approximately 164-feet, or within a larger area as determined by the qualified archaeologist). However, activities may continue in other areas of the project site if so, determined by the qualified archaeologist.

If any find is determined to be significant by the qualified archaeologist, representatives of the project developer or construction contractor and the City, and the qualified archaeologist, shall meet to determine the appropriate course of action.

Responsibility: Project Archaeologist, Project Applicant, Construction Contractor, City

Timing: Prior to any work within a 50-meter radius, or approximately 164-feet, of the find

Funding: Project Applicant

All cultural materials recovered as part of the testing or monitoring program shall be subject to scientific analysis, professional museum curation, and reporting prepared according to current professional standards. A copy of the report and analysis shall be provided to the California Historical Resources Information System Northwest Information Center for recordation.

Responsibility: Project Archaeologist, City

Timing: After Report and Analyses is completed

Funding: Project Applicant

In accordance with *State CEQA Guidelines*, Section 15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the project site during development, the following steps shall be taken:

There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the Monterey County coroner is contacted to determine that no investigation of the cause of death is required. Possible indications of burials could include a layer of shells placed over the burial.

If the coroner determines the remains to be Native American, then the coroner shall

contact the Native American Heritage Commission ("Commission") within twenty-four (24) hours. The Commission shall identify the person or persons it believes to be the most likely descendent ("MLD") from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98.

Responsibility: Project Contract, Project Applicant, City

Timing: In Event of Discovery or Recognition of any Human Remains

Funding: Project Applicant

The Applicant or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if the:

- a) Commission is unable to identify an MLD or the MLD failed to make a recommendation within forty-eight (48) hours after being notified by the Commission;
- b) Descendent identified fails to make a recommendation; or
- c) Landowner or their authorized representative rejects the recommendation of the descendent, and the mediation by the Commission fails to provide measures acceptable to the landowner.

Responsibility: Project Applicant, NAHC, MLD, City

Timing: After Discovery of Human Remains

Funding: Project Applicant

PART C – SPECIFIC CONDITIONS AND REQUIREMENTS

COMMUNITY DEVELOPMENT DEPARTMENT :

6. **Allowed Use:** Level 2 (CA Type 7) Manufacturing in the central portion of the structure. Cultivation, Nursery and Distribution are also approved for this structure.
7. **Interior Renovation and Exterior:** This amendment is limited to Manufacturing (CA Type 7) use in the central portion of the structure. The floor area of this proposed use is approximately 5,280 sf. Distribution will remain in the southern portion of the structure with the northern third of the building to remain vacant. No exterior changes to the structure are associated with this Amendment.

The building shall be painted with colors previously approved by the Architectural Review Committee within one year of Authorization to Operate

(Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray). Authorization will not be renewed prior to building being painted.

Prior to painting, the Building Official shall review for damage to the existing 'skin'. Repair shall be to satisfaction of Building Official.

Roof mounted mechanical equipment shall be screened and/or painted per the requirements of Section 17.30.050 of the Municipal Code.

8. **Parking: Prior to Authorization to Operate**, parking area to south of building to be repaved and striped, paved area to west to be resealed. Loading dock and area to north of building to be addressed with next Phase of development (northern portion of structure).
9. **Landscaping:** Amendment along entry drive. Paved area to west of structure will remain. Landscaping to be installed between parking area at southern property boundary
10. **Lighting:** No amendment.
11. **Signage:** No amendment.
12. **Fencing:** No amendment.

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

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

- 1 **Scope of Work Description:** The scope of work shall conform with that found in the CUP/Regulatory Permit Package
- 2 **Sprinklers:** The building will be sprinkled per approval of Fire Marshall.

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:** The scope of work shall conform with that found in the CUP/Regulatory Permit Package.
- 2 **Sidewalk:** Has been installed.
- 3 **Driveway Approach Revisions:** Improvements have been completed to satisfaction of City Engineer.
- 4 **Irrigation:** Must be provided with Landscaping Plans per Section 15.50 of Municipal Code. Must be installed prior to Operations Authorization.
- 5 **Sanitary Sewer:** Has been installed.

OPERATIONS PERMIT:

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

- A. Operations Authorization:** A Conditioned Permit for Manufacturing is in place. Prior to Authorization to Operate all Conditions of Approval shall be fulfilled. Authorization to Operate shall be approved by the City Manager and will be in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit.
- B. Security Cameras:** The previous camera location plan shall be revised to the satisfaction of the Chief of Police and the City's consultant.
- C. Solvents:** The Applicant has indicated that Butane, CO2 and Ethanol will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be to the satisfaction of the City of King Fire and Police Departments and Fire Marshall (Art Black) in compliance with Municipal Code Section 17.03.270 (a) and (b).
- D. Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- E. Odor Control:** Odor Control shall be in compliance with Section 17.03.210 (i) of the Municipal Code.
- F. Air Quality:** Venting of Solvents, CO2 and/or Ethanol/Alcohol shall be in compliance with Monterey County Air Resources Board Standards. Evidence of MBARD approval is required, **prior to Operations**.
- G. Employee Background Checks:** No Amendment
- H. Hours of Operation and Employees:** The Applicant anticipates two (2) shifts per day with the maximum number of employees in any shift being ten (10).
- I. Work Permits and Fees:** No Amendment
- J. Indemnification Agreement:** A signed Indemnification Agreement for this Manufacturing Operation shall be in place **prior to Issuance of the Regulatory Permit**. Such agreement shall be approved by the City Attorney and conform to the requirements of Municipal Code Section 17.03.160. Said agreement shall prevail over Hold Harmless and Indemnification Clause attached hereto.
- K. Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Municipal Code Section 17.03.180.

HOLD HARMLESS CLAUSE:

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 (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. 2019-265

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-008(d)19
(BOUTIQUE UNLIMITED-151 AIRPORT DRIVE)**

WHEREAS, the Applicant has been discussing the proposed Amendment with Staff for a period of months; and

WHEREAS, on **April 29, 2019** and **June 19, 2019** memos of items to be addressed prior to a potential hearing were provided; and

WHEREAS, on **August 25, 2019**, Boutique Unlimited submitted a formal application to allow amendment to the floorplan of an existing structure located at 151 Airport Drive. The amendment was to allow Manufacturing (Type 7) uses, previously permitted by the Planning Commission ("Commission") on **October 17, 2017**. Staff has been in regular communication with the Applicant, providing additional information that details items that must be revised and/or clarified prior to hearing. Staff and the Applicant remain in regular contact with the Applicant providing additional information as requested; and

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the M-1 Zoning District with the approval of a Conditional Use Permit ("CUP")(Ordinance 2016-729 September 27, 2016); and

WHEREAS, the proposed project conforms to the requirements of Municipal Code Chapter 17.03; and

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

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

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 1, 2019**; and

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

WHEREAS, the Commission makes the followings Findings of Facts:

1. The purpose of the proposed use (Manufacturing Type 7) is in accordance with the description, process and standards provided in the Application Package as reviewed by Staff and presented at the Public Hearing. Manufacturing Type 7 was approved for this site by the Planning Commission on October 17, 2017.
2. The proposed use is consistent with the General Plan Land Use Designation ("LI") Light Industrial and the Uses and Standards of the Light Manufacturing ("M-1") Zoning District.
3. The proposed use will be contained within the central portion of an existing structure that includes 15,592 sf of floor area on one floor. Approximately 5,280 sf of floor area will be used for this Manufacturing purpose.
4. The entire lot is fenced as required by previous approvals.
5. The entry area and right of way have been improved in accordance with the City Engineer's requirements.
6. Sanitary sewer has been located per City Engineer's requirements.
7. All processes and interior construction/building improvements, security / operating procedures will be in conformance with the CUP/Regulatory Permit Application Package, as submitted and / or as conditioned (See COA's Exhibit 1: Attached) and with City of King Municipal 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 and approves Conditional Use Permit Case No. CUP 2016-008 (d) 19.

This resolution was passed and adopted this **1st day of October 2019** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

ERICA SONNE DEPUTY CITY CLERK / PLANNING COMMISSION SECRETARY



Item No. 7 (B)

REPORT TO THE PLANNING COMMISSION

DATE: MAY 16, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO BLANCK, COMMUNITY DEVELOPMENT DIRECTOR;

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP 2016-008, MEDICAL CANNABIS CULTIVATION (CA TYPE 3A): 151 AIRPORT DRIVE, CITY OF KING

RECOMMENDATION:

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

BACKGROUND:

In September 2016 the City Council approved amendment to the City's Zoning Code and to the East Ranch Business Park (ERBP) Specific Plan, authorizing expansion of land uses related to Medical Cannabis. As a result of that action Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing are allowed in the M-1, M-2 and M-3 Districts and in the ERBP. Since that time, Staff has been in regular discussion with potential Medical Cannabis applicants. In March 2017, to the Commission heard and approved a request for Medical Cannabis *Manufacturing* at 190 East San Antonio Drive. This application is a the first for Medical Cannabis *Cultivation*.

The process to approve a Medical Cannabis operation is complex. It includes:

- Conditional Use Permit (CUP)
- Medical Cannabis License
- Building Permit
- Business License

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

Additionally, 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 2016-008 is a request to allow Medical Cannabis Cultivation in an existing structure located at 151 Airport Drive, being in the M-1 Zoning District, outside of the East Ranch Business Park.

The applicant has prepared a comprehensive information package that informs the CUP discussion and will be used during Permit Application Review. Information in this report is excerpted from that Package. The package itself is being made available electronically because of its size. A "paper copy" can be made available upon request and will be available at the Hearing. **See Exhibit 15.**

DISCUSSION:

Overview:

The proposed use is located in an existing 15,952 sf structure, on a 1.08 ac lot (47,192 sf), located on the west side of Airport Drive. The building has been vacant for approximately one year. A second floor is proposed (15,572 sf) as well as an addition to the west side of the structure. The addition has a footprint of approximately 4,800 sf. With a second floor the total area of the new construction is slightly over 9,500 sf. It should be noted that the existing building height is 33 feet – maximum height per the zoning code for the M-1 District is 30 feet. The existing roof will remain.

The parcel to the north is vacant and also owned by Zayrich Properties, LLC projected to be a future cultivation site.

- Airport Road bounds the subject parcel on the east
- The parcel to the south is developed and the structure is vacant.
- An access and utility easement (serving the parcels to the north) bounds the subject parcel on the west. The parcels beyond it are also in the M-1 Zoning District with the East Ranch beyond them

The proposed use is to allow Medical Cannabis Cultivation, compliant with future State License 3A (indoor, artificial light). While total allowed plant canopy space under a future 3A license is limited to 22,000 sf, additional allowed activities include: harvesting, drying, curing and trimming of cannabis.

Cannabis will be harvested and then stored and dried in a locked room. When dry, Cannabis will then be cured in food grade containers. When cured, Cannabis will be packaged as product ready for sale. All materials will be stored in locked rooms with specific security protocols.

CUP Information:

Architecture:

The existing structure is a metal structure with the building entry facing south, accessed from Airport Road. It sits below Airport Road: Airport Road rises as it moves north in relation to the building pad. The north base of the structure is approximately 12' feet below Airport road at that point. The existing structure covers 33.8 % of the site, and the building as proposed will cover 43.4% of the site. Total impervious area will be reduced from 40,195 sf (85%) to 32,608 sf (69%). The parking area will not change but landscaping will expand and the loading dock in the rear (north) will be removed.

See Exhibit 2 for photos of the existing structure and graphics showing proposed changes. The existing materials will not change. The colors to be used are Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray. These colors will be consistent with those of the surrounding area.

Floor Plan and Interior Uses:

The applicant proposes to add a second floor to interior of the structure (roof line will not change) and to expand the structure to the west. Note that the current height of the structure is 33' at the peak of the ridgeline. The current floor area (15,572) will be expanded to 40,652 sf with the changes as proposed. Approximately 600 sf of the space will be administrative / office space with the remainder including various types of grow spaces, cutting and trimming space, warehousing, fertilizer storage, restrooms and similar. **See Exhibit 4.**

Landscape:

The primary landscaped area is on the west side and north sides of the structure. The bank to the east side of the structure (below Airport Drive) is currently landscaped and will be augmented with new planting to match existing per landscaping plan page 52. New landscaping will be installed at the entry drive and to the west and north.

Landscaping covers 30% of the lot (approximately 14,384sf) Proposed landscaping includes Carmel and Howard McMinn Manzanita, Comprosmia "Verde Vista", Evergreen Miscanthus, Deer Grass, Indian Hawthorne, Rosemary, Coast Rosemary and Magnolia trees. **See Exhibit 7.** The Applicant will be required to utilize recycled water if made available to the site in the future when the City upgrades its wastewater treatment plant.

Parking, Paving:

No new access, parking or paving is proposed. The existing parking surface is asphalt and is located along the southern side of the building. One access drive is present to the south side of the structure. **See Exhibit 7.** Paving will be removed to the west of and north of the structure, a sidewalk will be added to the west side, wrapping around and providing access to the north side.

Signage:

Signage will be limited to an address / street number for identification by emergency response personnel and deliveries, located at the south entry to the building.

See Exhibit 10

Security:

Fencing: The facility will be surrounded on three sides by a non-climbing chain link fence with small square visibility with woven slats for screening and barbed wire tops, not to exceed 8' in height. Gate and fencing at the access drive facing Airport Drive will consist will be screened similarly. **See Exhibit 9.** The parking / loading area will be gated.

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

Cameras: Security cameras will be mounted on all exterior doors, and will view all perimeter fencing and entry gates. At least 8 exterior motion sensor / night vision cameras will be placed with at least 11 interior motion / night vision cameras. Camera quantity and location will be to the satisfaction of the City of King and its consultant. The 24/7 surveillance will be accessible by the City of King Police Department through real time live access feed. **See Document, Section H, Exhibit 10.**

Fertilizer and Storage:

The only pesticides to be applied will be those pesticides on an approved chemicals list as supplied by the State Compliance Board and / or Department of Agriculture and be in compliance with the requirements of the Monterey County Department of Environmental Health.

Solid Waste: Daily plant waste will be about 120 lbs (approximately 8 cubic feet after grinding). Cannabis waste will be ground with a minimum 51% other organic material and includes stems and stalk which do not have a psychoactive profile. The entire plant and the waste material will contain less than 1% cannabinoids. are removed. Dumpsters will be located to the south side of the structure in a concrete block enclosure with locked gates.

Conversation with Waste Management indicate that, currently, there are no State of California regulations for solid waste. **See Document, Section J, Site Plan Section R, and Exhibit 10.**

Water: The Mitigated Negative Declaration (MND) that resulted from the Initial Study prepared during evaluation of the Zone Change estimated water use at 2,640 gallons per day (gpd). Water use as indicated by the Applicant for this project will be 3,888 gpd. However, approximately 2,527 gpd will be provided through reclamation from dehumidification leaving net use of 1,361 gpd, significantly below the estimate from the MND. A drip irrigation method for water / fertilizer will be used. **See Document Page 35.**

Power. The Applicant estimates 2,550 Amps as the 80% power allocation for lighting and air conditioning (3,200 Amps as the 100% power allocation. A 4,000 Amp service upgrade is required for this license. 1,000 watt lights (High Pressure Sodium) will be located every 22 sf. Two cooling towers and pumps are proposed to be placed on existing concrete at the northeast corner of the structure. Towers will be 12' 4" in height. Internal temperature for grow rooms will range between 70 and 78 degrees.

Regulatory Permit Related Information:

Boutique Unlimited proposes to grow, dry, trim and package Cannabis grown for shipment to Manufacturers – most of them outside the City of King. Those manufacturers will prepare oils, topicals and may prepare food products. The Applicant proposes a "Mother Room" – propagation of new plants will be internal.

Shipping and Transport: Cannabis bud will be transported from the facility in unmarked vehicles. Transactions will be recorded on a manifest with details regarding the driver, vehicle, weight and / or count of all products. Delivery vehicles will be loaded inside the structure with cars traps and security personnel present. Cameras will be placed to record shipping from the facility. **See Document, Section G.**

Odor Control: The Odor Control Program will operate in conformance with the requirements of Municipal Code Section 17.03.210 (i) including an exhaust filtration system and an air filtration system that creates negative air pressure between the interior and exterior building area. Filtered intake air will be passively brought into all cultivation rooms and supplied with a backdraft damper when the exhaust system is powered off. **See Document, Section I.**

Security, Interior: There will be 1 or 2 armed guards on site at all times. Access to enter the facility and various portions of the facility will be controlled by key-card access. All visitors will be required to fill out a questionnaire and sign in at the administrative office. Visitors will be accompanied by Boutique Unlimited personnel at all times during their visit. Persons under the age of 18 will not be allowed on site. employee and guest access and records all visits and access to secure areas by identity. Persons under the age of 18 are not allowed on-site. **See Document, Section H.**

Employee Vetting: No person under 18 years of age will be employed on this site. The employee vetting process is being finalized at this time. A third party will receive fingerprints and provide the City of King Police Department with background review. The Department will verify and the employee will sign, under oath, an agreement that verifies the accuracy of the background check and that delineates the responsibilities of and expectations for the employee. All employees will be hired under a 90 day probation period. **See Document, Section C**

Employee Training: Initial and on-going training in preventing contamination, grow techniques (including approved pesticide application) and inventory security / control. OSHA and personal protective equipment requirements, documentation, testing, hazard response, chemical handling, labeling documentation and emergency procedures. **See Document, Section J.**

Quality Control: All material will be batch tested by a local laboratory for pesticides, fungus, pests, molds and contaminants. If a product were to be called into question the remaining inventory will be quarantined and all customers notified. All material will be returned. **See Document, Section C.**

Public Information Program: A Public Information program will be available electronically and in print in conformance with 17.03.290.(c). The program will provide information on the effects of drug use and provide resources available. The applicant will also provide one (1) to (2) workshops per year. It should be noted that the City is considering a change to Section 17.03.290(c) of the Zoning Code to eliminate the education program. In the event of a Code Change Boutique Unlimited will comply. **See Document, Appendix B.**

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

ENVIRONMENTAL COMPLIANCE:

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

A Mitigated Negative declaration (MND) was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on September 27, 2016 at the time that the change to the Zoning Code was approved.

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

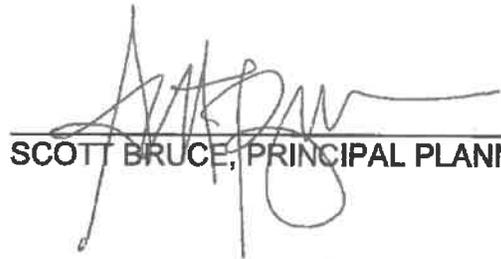
ALTERNATIVES:

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

ATTACHMENTS:

1. Site Location
2. Photos of Existing Structure
3. Elevations
4. Floor Plan
5. Examples of Interior Cultivation
6. Watering / Fertilizer System
7. Site Plan / Parking / Access
8. Landscape Materials
9. Fencing
10. Lighting and Signage
11. Camera Locations
12. Waste Disposal
13. Conditions of Approval
14. Resolution 2017 – 176
15. Electronic Version of Application Document

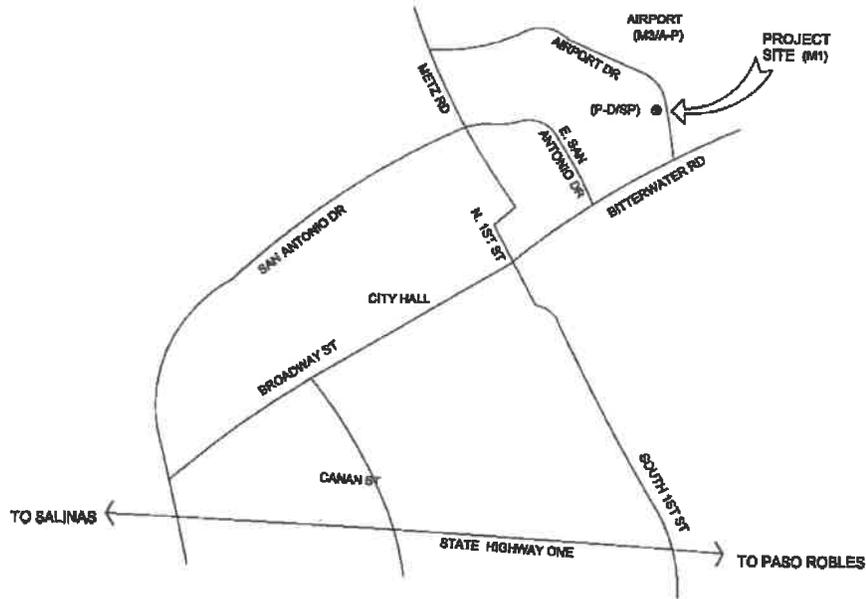
Submitted by:



SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:

DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR



**VICINITY
MAP**
NO SCALE

() ZONING DISTRICT

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



AERIAL VIEW 2

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

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

Photo Essay



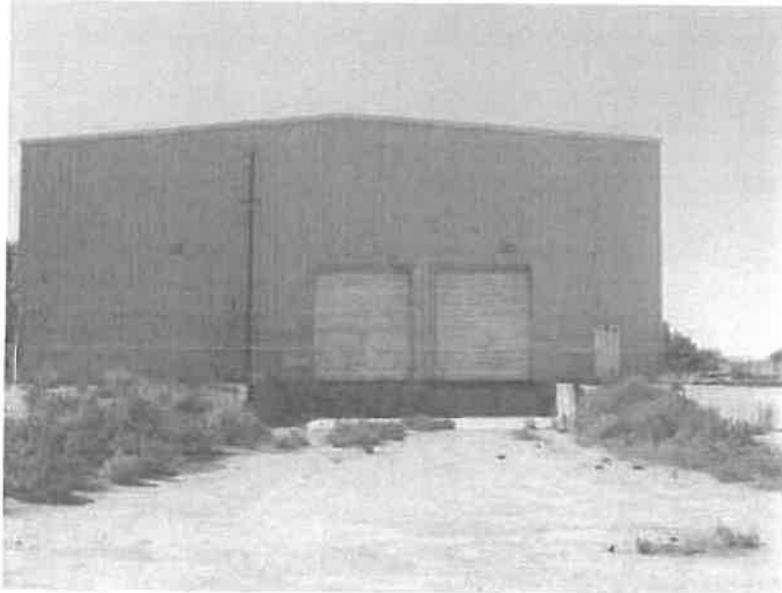
View of entry gate into project looking north down Airport Drive



View of rear (north elevation) of building looking south on Airport Drive Frontage

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

Photo Essay



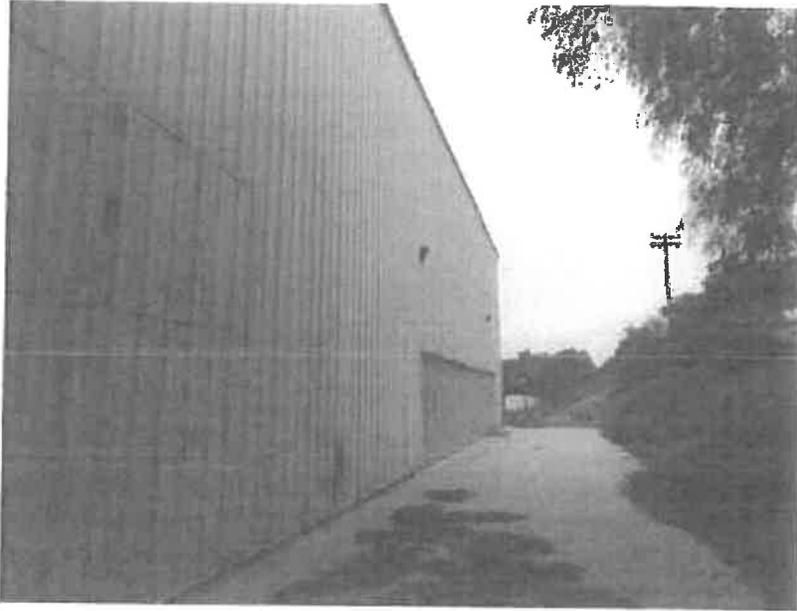
Looking south toward existing loading area at northwest corner



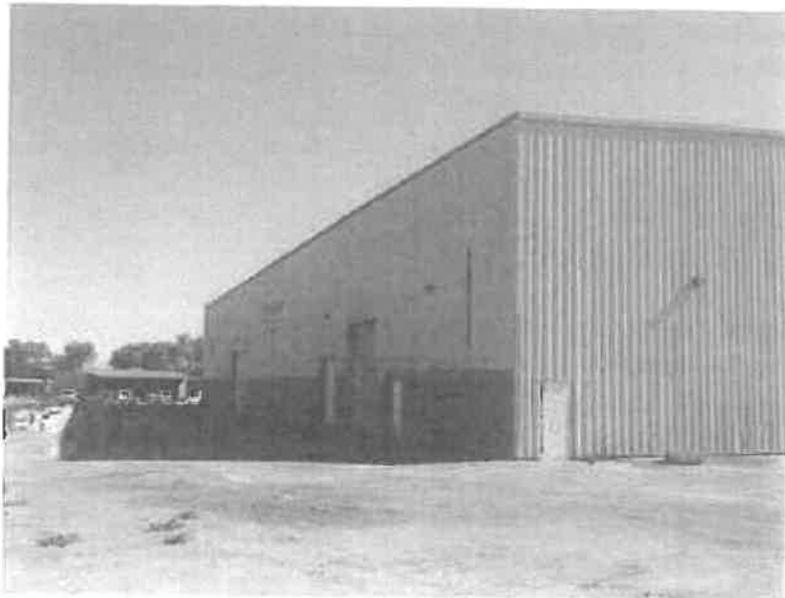
View looking at front (west facing) of building

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

Photo Essay



View of east side of building looking over existing concrete walkway



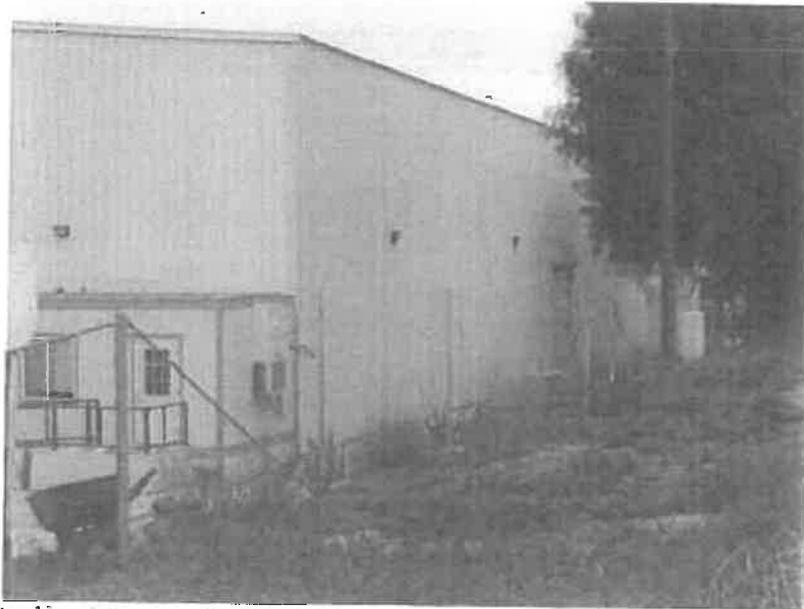
View looking down west face of building

**Boutique Unlimited
151 Airport Drive
King City, Ca.**

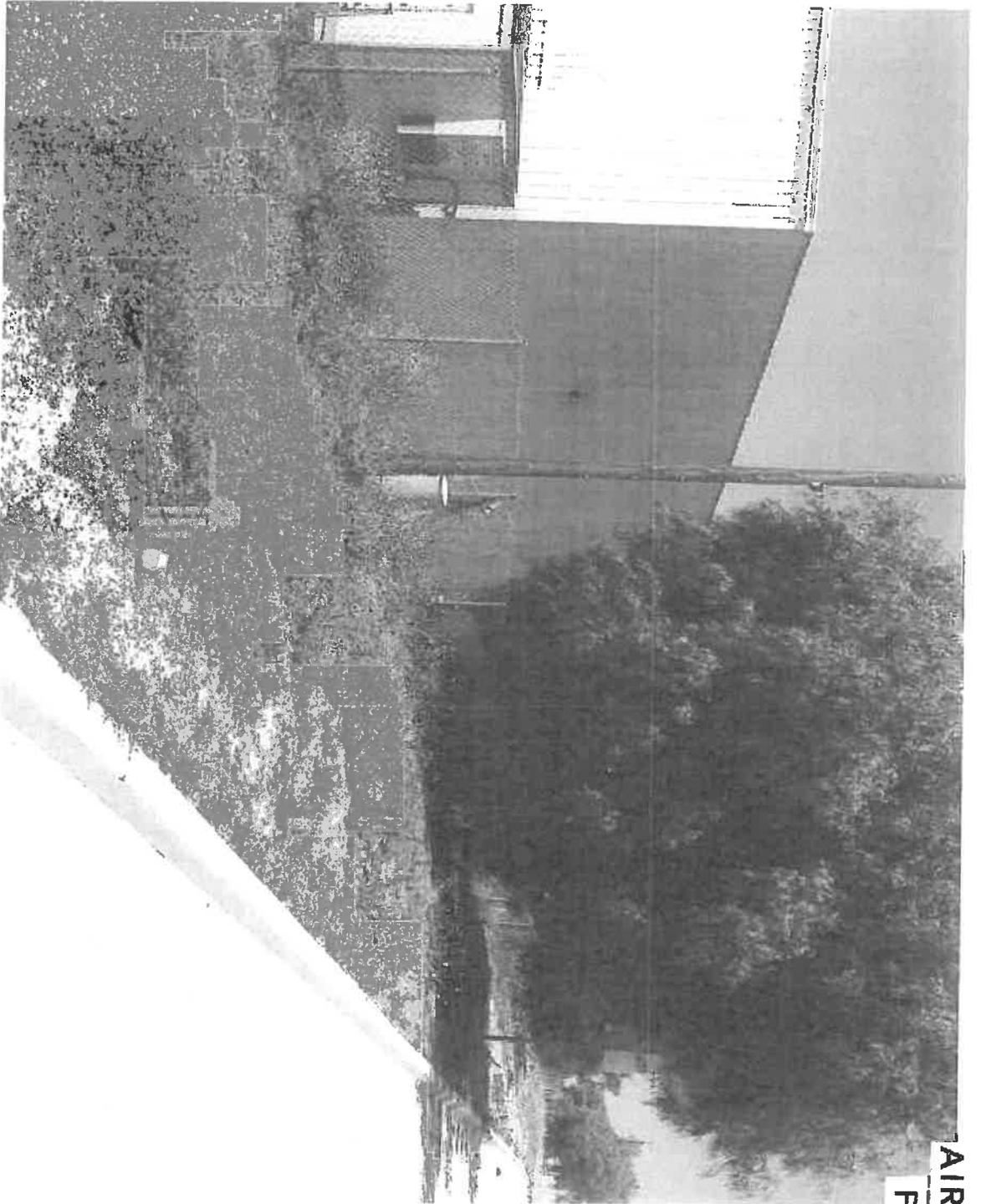
Photo Essay



Hill side to west of building up to Airport Drive



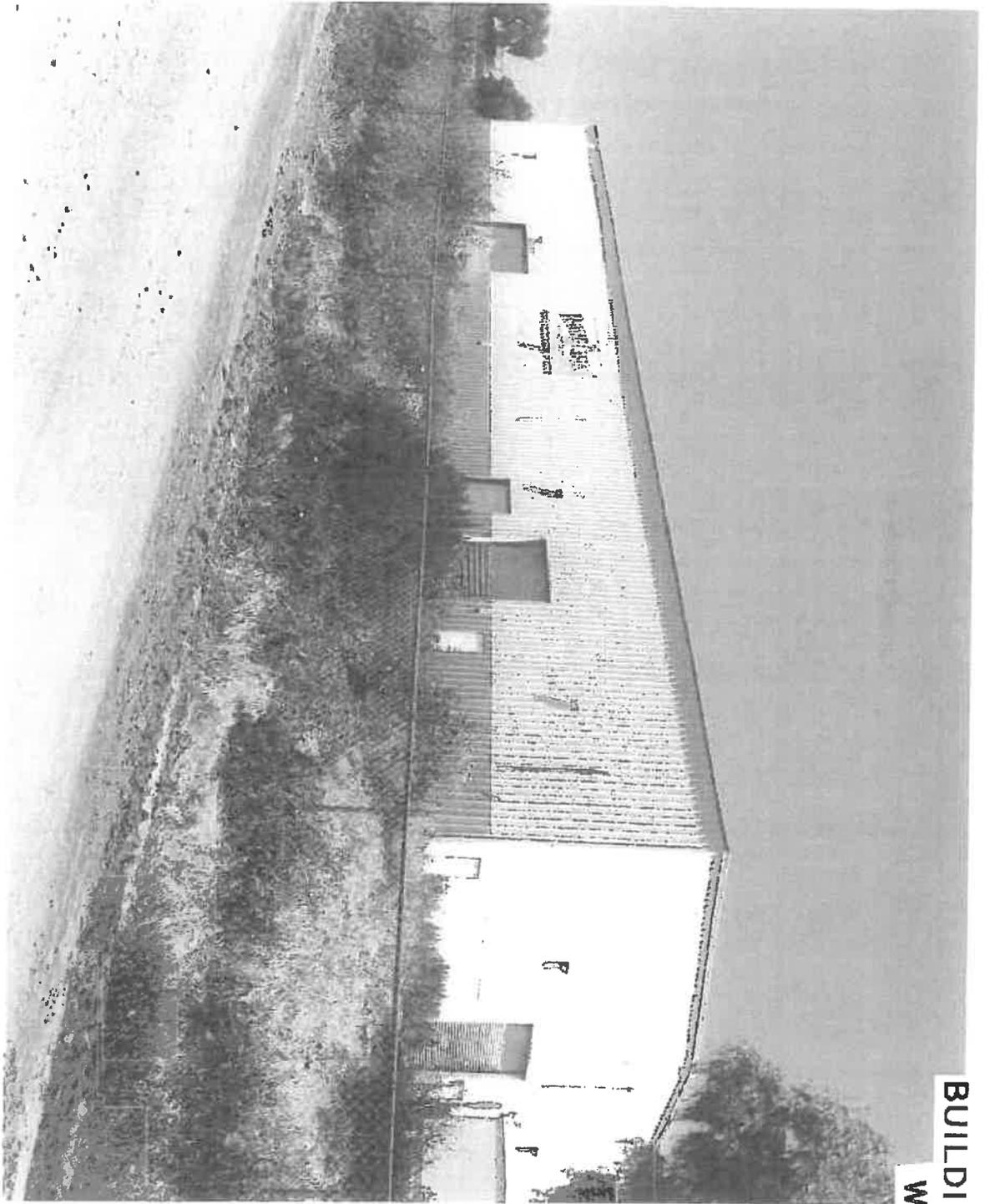
Looking down west side of building from entry drive



AIRPORT DRIVE
FRONTAGE

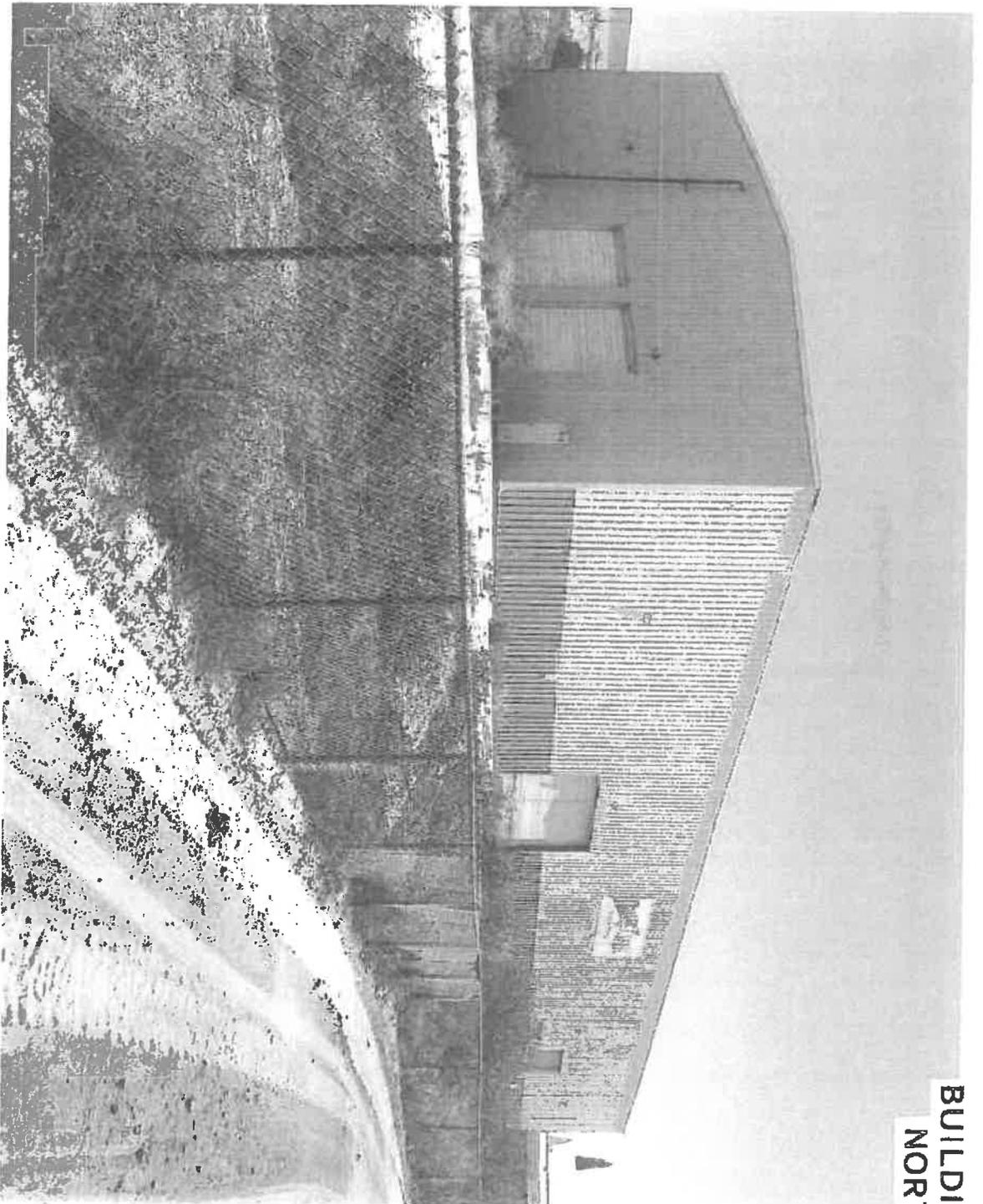
**BUILDING FROM
AIRPORT DRIVE**

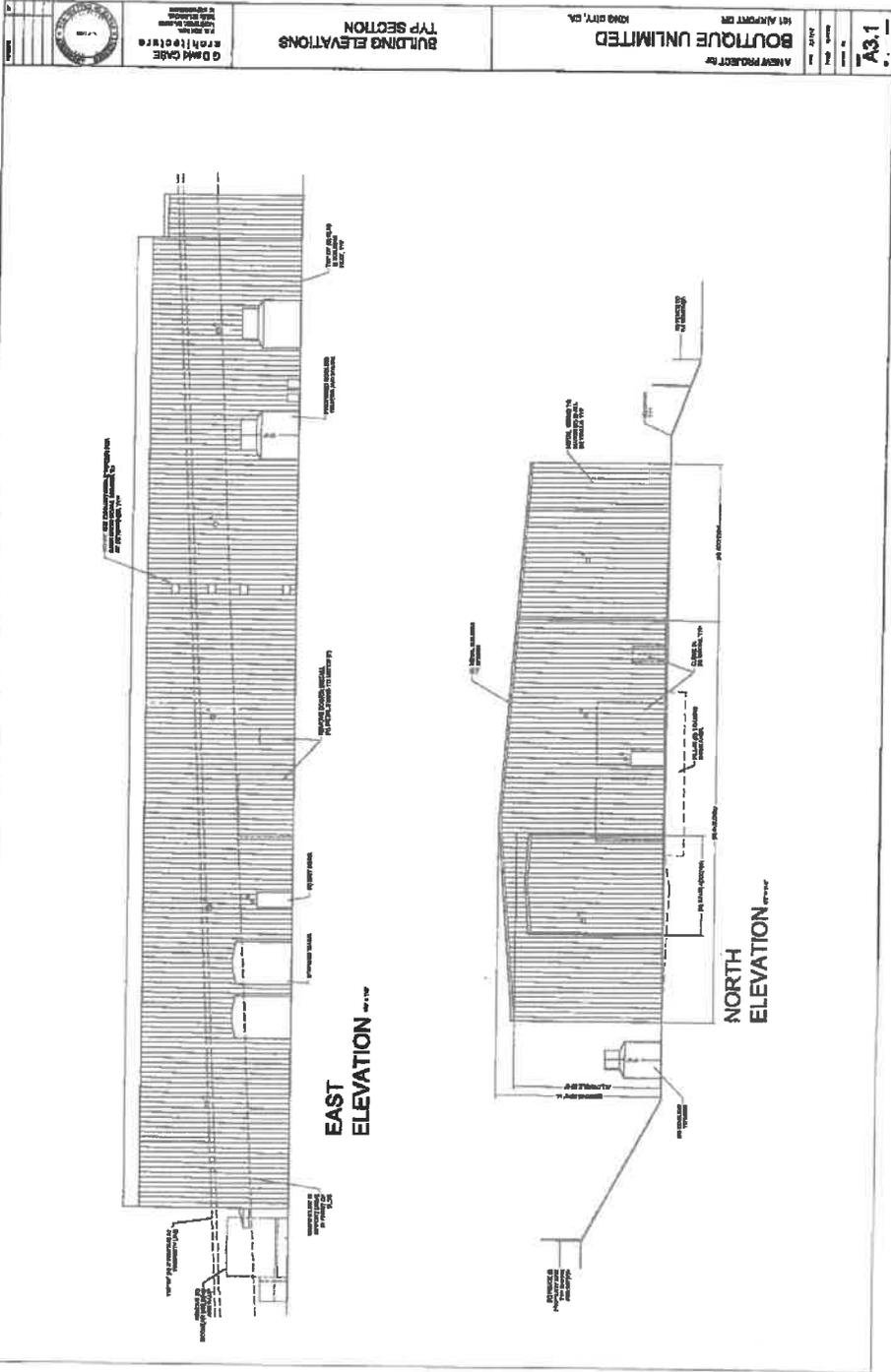


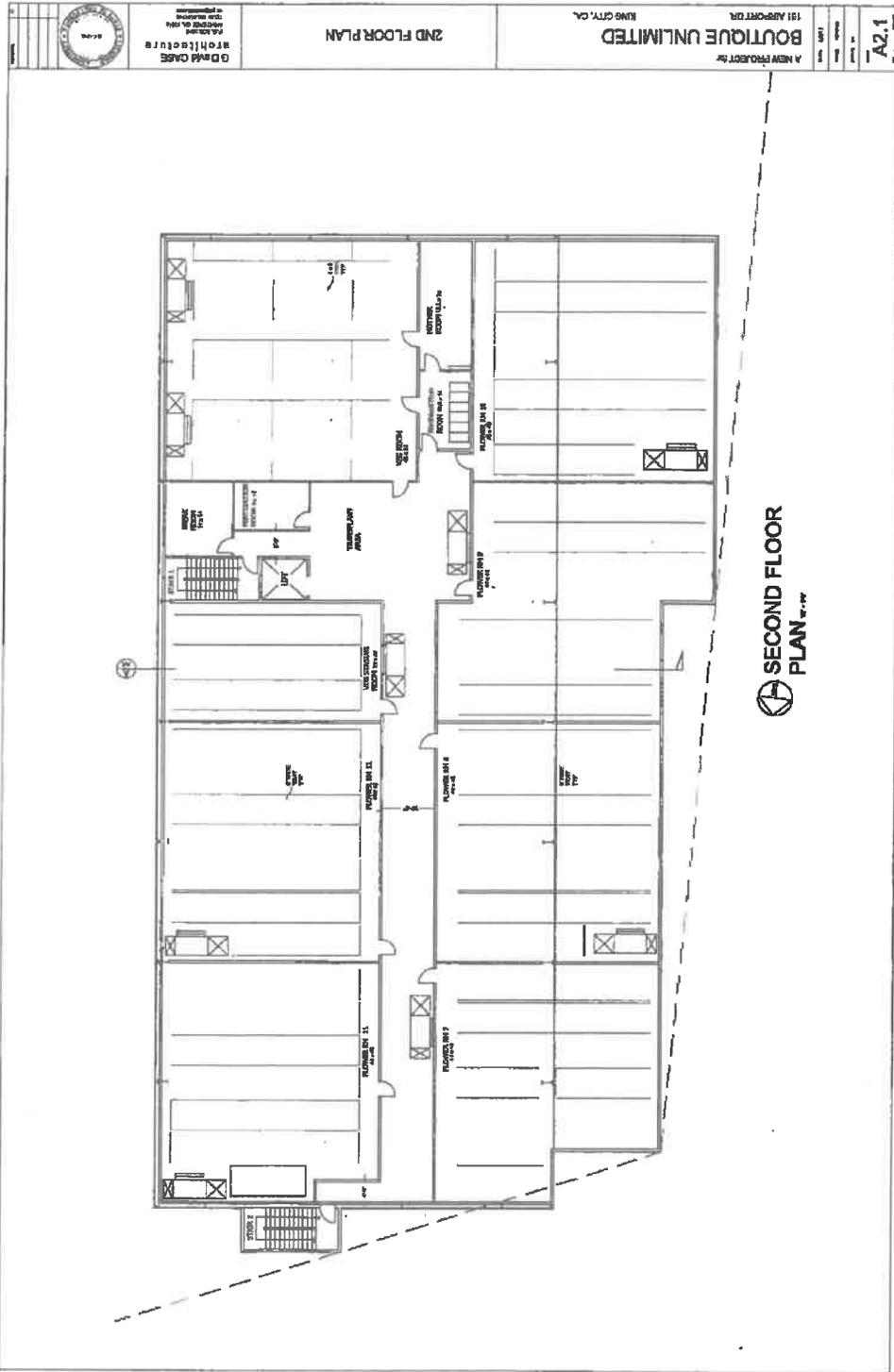


**BUILDING FROM
WEST**

**BUILDING FROM
NORTH WEST**







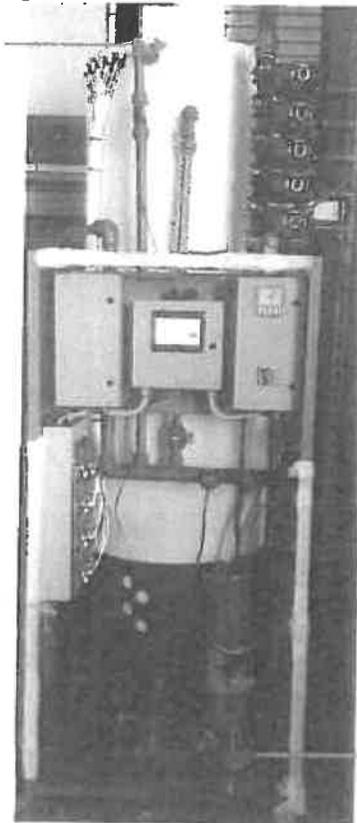
SECOND FLOOR
PLAN

| | | | |
|--|-----------------------|---|----------------------------------|
|  <p>O'Dell Gans Professional Engineer No. 12345 State of California</p> | 2ND FLOOR PLAN | A NEW PROJECT FOR BOUTIQUE UNLIMITED KING CITY, CA | 151 AIRPORT DR. KING CITY, CA |
| | SHEET NO. A2.1 | | |

Boutique Unlimited - Building 1

Fertigation Plan

Water supplied from RO storage tank via float switch



Fertigation tank is integrated to the water treatment (RO) system. Treated water will be stored in a tank that has capacity to meet the demand of the entire facility in the event that RO system needs to be maintenance.

Fertigation tank will be topped off with the amount of water for the intended zone, precisely dosed and mixed with desired recipe, and delivered to the zone. Plants will be monitored for moisture and volume of solution delivered to minimize runoff.

Fertilizer/Nutrient Solution is mixed and delivered to desired zone. Each nutrient "recipe" is dependent on growth stage of plants in the zone being fed.

Pump being used is VFD and will properly pressurize piping on supply.

To ALL ZONES with plant growth

BOUTIQUE UNLIMITED
151 Airport Road
Plant Photos



Arctostaphylos 'Carmel Sur' - Manzanita



Arctostaphylos 'Howard McMinn' - Manzanita



Coprosma 'Verde Vista' - No Common Name

BOUTIQUE UNLIMITED
151 Airport Road
Plant Photos



Miscanthus Transmorrisonensis - Evergreen Miscanthus



Muhlenbergia Rigens - Deer Grass

BOUTIQUE UNLIMITED
151 Airport Road
Plant Photos



Rhaphiolepis Indica 'Ballarina' - Indian Hawthorne



Rosmarinus Prōstata - Rosemary

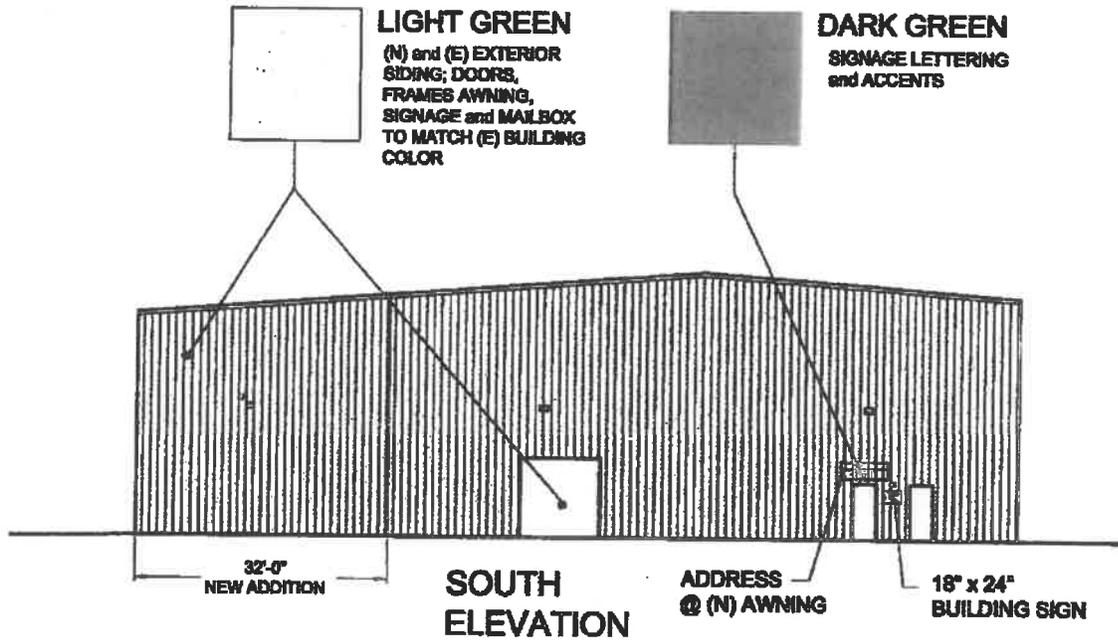


Westringia Fruticosa 'Morning Light' - Coast Rosemary

BOUTIQUE UNLIMITED
151 Airport Road
Plant Photos



Magnolia G. 'Little Gem' - Magnolia



BUILDING COLORS and SIGN PROGRAM

SIGN PROGRAM CONSISTS OF 1) NEW BUILDING SIGN AFFIXED TO BUILDING AT ENTRY; 2) ADDRESS AT NEW AWNING; AND 3) REPAINTED ADDRESS AT EXISTING MAILBOX ON AIRPORT DRIVE. NO ADDITIONAL SIGNAGE WILL BE ADDED WITHOUT PRIOR APPROVAL FROM CITY.

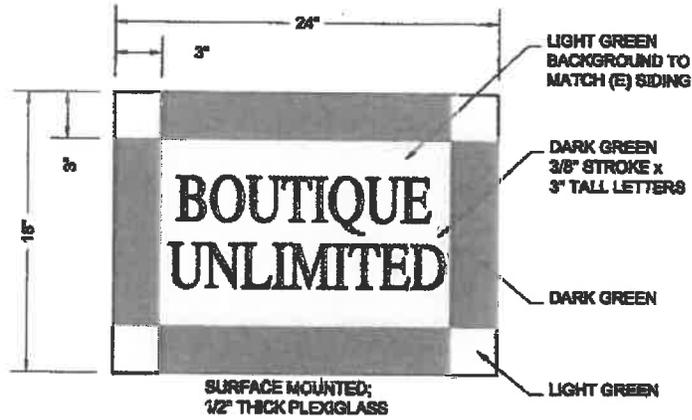
A NEW PROJECT for
BOUTIQUE UNLIMITED
151 AIRPORT DR KING CITY, CA.

PG 1 of 2

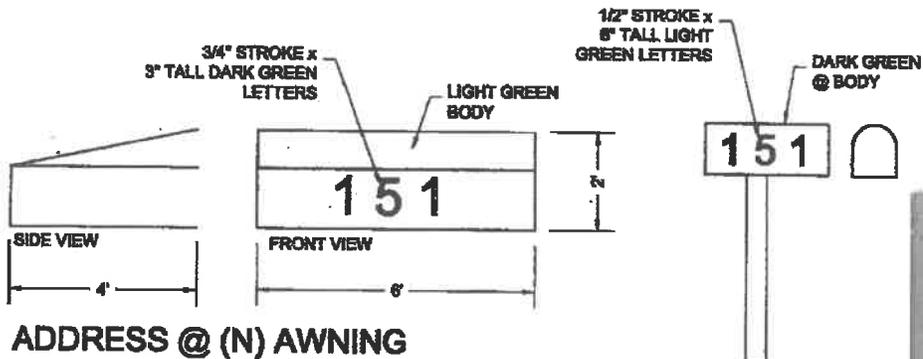
Color: Sherwin Williams

Light Green - SW6162, Ancient Marble

Dark Green - SW706, Attitude Gray



MAIN ENTRY

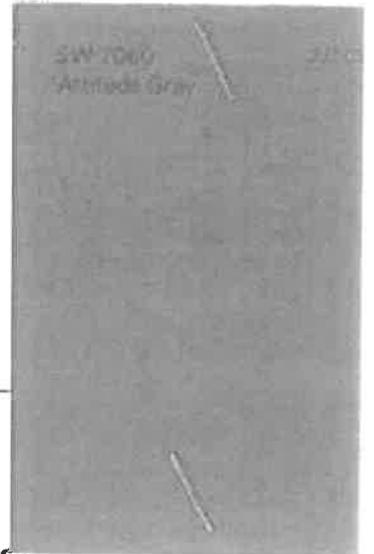


ADDRESS @ (N) AWNING

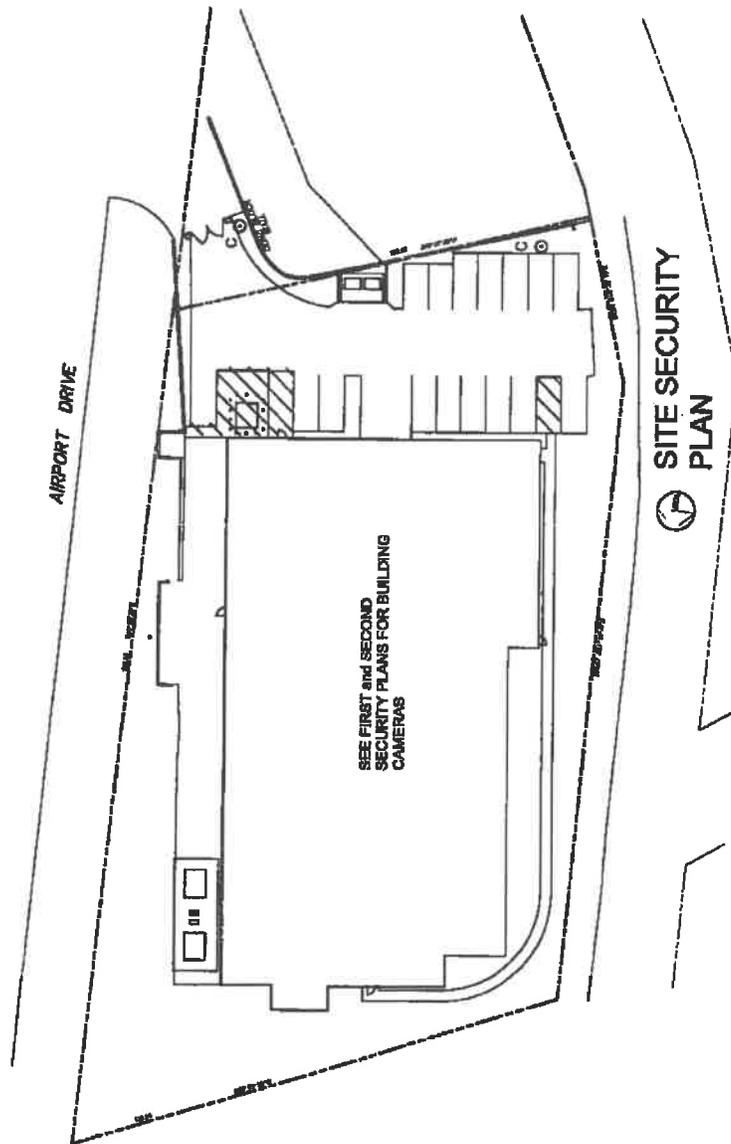
ADDRESS @ (E) MAILBOX

BUILDING SIGN PROGRAM

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

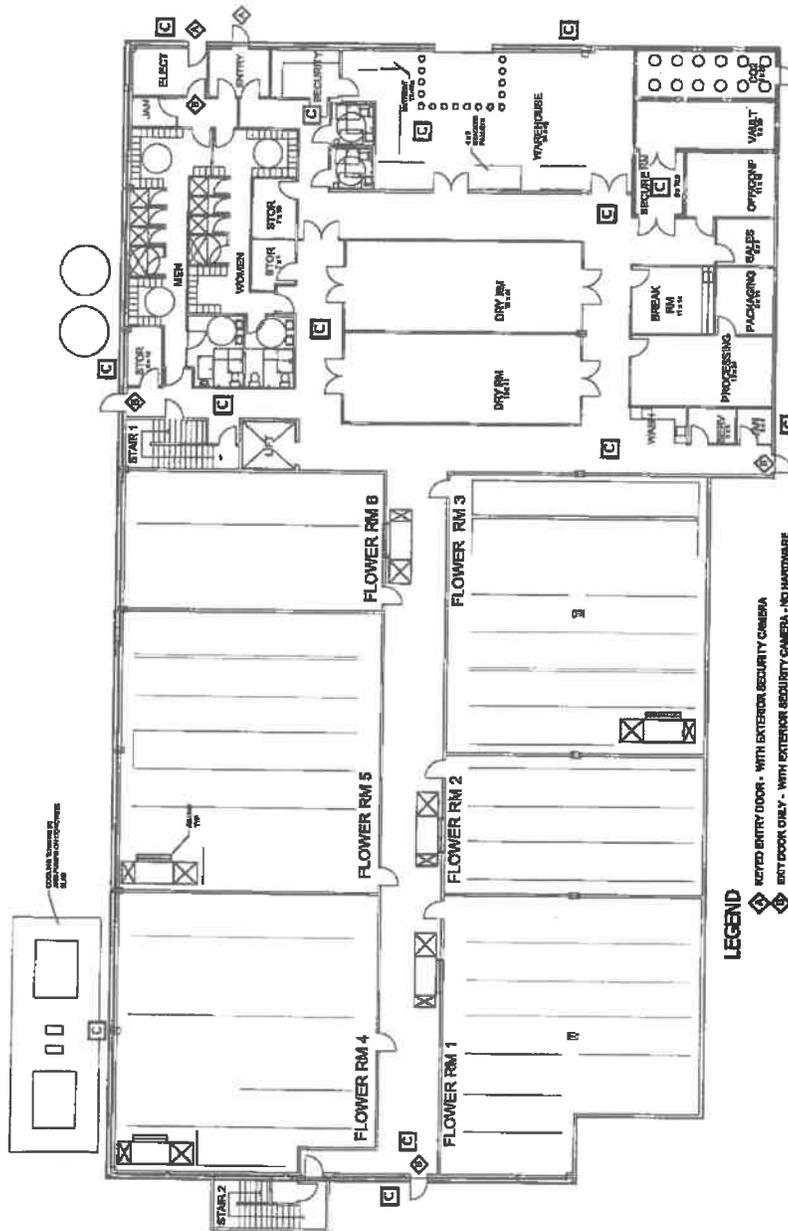


PG 2 of 2



LEGEND
● POLE MTD SECURITY CAMERA
⊙ POLE MTD LED FIXTURE (18')

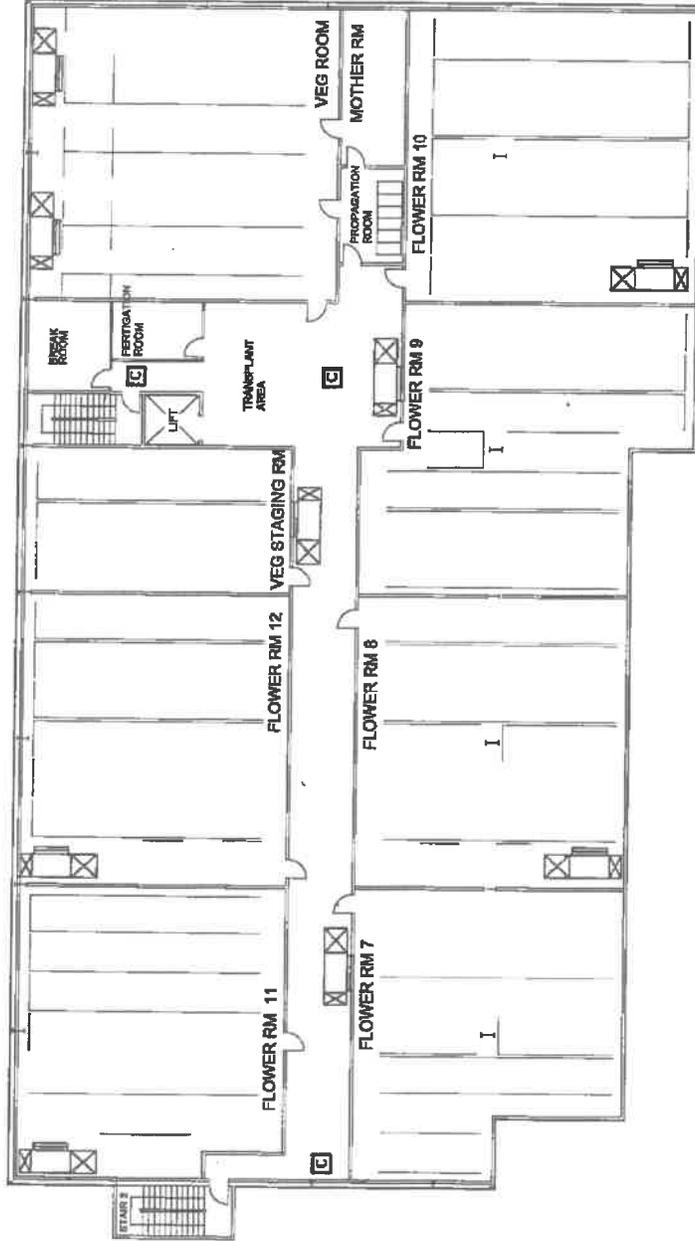
A NEW PROJECT for
BOUTIQUE UNLIMITED
151 AIRPORT DR
KING CITY, CA.



**FIRST FLOOR
SECURITY PLAN**

- LEGEND**
- ◆ KEYS ENTRY DOOR - WITH EXTERIOR SECURITY CAMERA
 - ◆ EXIT DOOR ONLY - WITH EXTERIOR SECURITY CAMERA - NO HARDWARE AT EXTENSION OF DOOR
 - ◆ SECURITY CAMERA LOCATION

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



**SECOND FLOOR
SECURITY PLAN**

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

EXHIBIT No. 13

**Case Number: COA 2016 - 008
CONDITIONS OF APPROVAL**

GENERAL CONDITIONS:

(Applicant should contact Scott Bruce, if there are questions on the following conditions of approval "COA").

- 1 **Project Description:** Conditional Use Permit ("CUP") Case No. 2016-008 to allow Medical Cannabis Cultivation located at 151 Airport Drive The property is located in the M-1 (Light Manufacturing) District; the proposed use is allowed in the M-1 District with an approved Conditional Use Permit.
- 2 **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire. It is the applicant's responsibility to request an Extension of Time, **before the one (1) year expiration date so the approval does not become null and void.**
- 3 **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT :

1. **Allowed Use:** Medical Cannabis Cultivation (CA Type 3A) use is allowed.
2. **Interior Renovation and Exterior:** The proposed use will be contained within the existing structure and a footprint expansion of approximately 4,800 sf. A second floor will be added within the entire structure – maximum height will remain at 33 feet (existing structure height). Interior renovation will conform to plans as presented and will include a maximum of 40,652 sf. Maximum plant canopy for plants at all stages is 22,000 sf. Although the footprint will increase by approximately 4,800 sf the total impervious surface of the site will decrease by approximately 7,500 sf.

Exterior building changes are limited to the new addition (to the west and stairwell to north) and repainting. The modular office to the south will be removed as will the loading dock to the north. Colors will be as presented (Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray). 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.
3. **Parking:** Parking will conform to the Plan and Application Package as Submitted. No new parking area will be installed. Parking improvements will be limited to restriping, as needed.
4. **Landscaping:** Landscaping will conform to plans and Application Package as submitted. Irrigation Plans shall be presented to and approved by Building Official prior to Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.
5. **Lighting:** Security Lighting is proposed to be mounted on the structure and on two poles in the parking area not to exceed 30 feet in height. A lighting plan must be approved before installation. All new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky.
6. **Signage:** No signage has been requested at this time with the exception of property address. Any additional signage shall conform to the requirements of Section 17.03 of the City of King Zoning Code. Additional signage may be approved by the Community Development Department and may be submitted to the Planning Commission at the Director's discretion.

7. **Fencing:** New fencing to the west, north and east will be eight (8') in height and will be "no climb" chain link with vertical slats woven into the chain link. A "no climb" fence will be placed on the existing block wall to the south and southwest, height will be eight (8) feet from adjacent grade. Screening material will be reviewed by Staff with a determination of condition / requirement for replacement of damaged areas to be presented to Planning Commission every three (3) years.

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

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package
- 2 **Sprinklers:** Building is currently sprinkled with sprinklers to remain and be fully operational. Expansion area will be sprinkled.

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package.
- 2 **Sidewalk:** Sidewalk (to match existing) will be extended along the entire Airport Road frontage.
- 3 **Driveway Approach Revisions:** Sidewalk to be at 2% maximum cross fall per ADA requirements.
- 4 **Irrigation:** The Applicant will be required to utilize recycled water if made available to the site in the future when the City upgrades its wastewater treatment plant.
- 5 **Sanitary Sewer:** The site is currently served by septic system. At this time the Applicant plans to install a lift station to move effluent to the City sanitary sewer line in Airport Drive. An alternative is to lay new line in the existing easement to the west – to the City sanitary sewer line in San Antonio Drive. City Engineer must approve plans for sewer and sewer must be installed prior to occupancy.

All interior runoff from irrigation and cleaning shall be directed to city sanitary sewer system.

REGULATORY PERMIT:

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

- A. **Regulatory Permit:** The Regulatory shall be approved by the City Manager and is in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit.
- B. **Security Cameras:** Security cameras shall be installed in quantity and location per the Regulatory Application. City of King Police personnel shall have access to the system for real time review. One camera that is part of the City's City wide system shall be installed at the driveway access to the street.
- C. **CO2:** CO2 storage (if any) shall be in compliance with Section 17.03.270 (b)
- D. **Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- E. **Odor Control:** Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (j) of the City of King Zoning Code. At the beginning of operations City Staff shall inspect for odor not less than once monthly for a period of no less than three months. In the event that compliance has not been achieved, mechanical equipment and the City Code will be reviewed. In the event that compliance is not achieved, Staff shall make a recommendation to City Council per

Section 17.03.240 of the City Zoning Code. Odor caused by outdoor dumpsters will be addressed in a similar manner.

- F. Air Quality:** Venting of CO₂ and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.
- G. Employee Background Checks:** Employees shall be vetted (background checks) to the satisfaction of the City of King Chief of Police and in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Zoning Code. A third party perform the check, that Party suggested by City's Consultant (HdL) and accepted by Applicant and City of King. Results will be provided to Applicant, HdL and City of King Police Chief. Police Chief to verify.
- H. 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 48 persons will be employed, a maximum of 16 per shift. On-site parking will be sufficient to cover overlap periods.
- I. 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.
- J. 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.
- K. Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.
- L. Youth Education Information:** Youth Education Information consistent with the Regulatory Permit Application Package Section Q and Section 17.03.290 (c). The program shall be in place prior to issuance of a Regulatory Permit. In the event that Section 17.03.290 is revised prior to issuance of Regulatory Permit the Program shall comply with the revised Code Section.

HOLD HARMLESS AND INDEMNIFICATION CLAUSE:

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

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

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

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

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

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

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

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

Conditional Use Condition Agreement:

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

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

Applicant Signature: _____ Date: _____

RESOLUTION NO. 2017-176**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING,
APPROVING CONDITIONAL USE PERMIT CASE NO. CUP 2016-008**

WHEREAS, on **December 22, 2016**, Boutique Unlimited submitted an application to allow Cultivation of Medical Cannabis in an existing structure located at 151 Airport Drive

WHEREAS, on **January 11, 2017** a memo of additional items to be addressed was provided, discussions occurred and a formal Letter of Incompleteness was provided on **January 30, 2017**. Electronic confirmation of information sufficient to set a hearing date was provided **March 23, 2017** with a formal Letter of Completeness sent to the applicant on **May 5, 2017**.

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the M-1 District with the approval of a Conditional Use Permit (Ordinance 2016-729 September 27, 2016);

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

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

WHEREAS, the project has been evaluated in relation to the previously prepared MND, no potentially significant impacts have been identified and the Project is Categorically Exempt under CEQA §15332 (Infill Development),

WHEREAS, the Commission has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **May 16, 2017**;

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

WHEREAS, the Commission makes the followings Findings of Facts:

1. The purpose of the proposed use (cultivate Cannabis for Medical purposes) is in accordance with the description, process and standards provided in the Application Package as reviewed by Staff and presented at the Public Hearing.
2. The proposed use is consistent with the General Plan Land Use Designation (LI) Light Industrial and the Uses and Standards of the Light Manufacturing (M-1) Zoning District.
3. The proposed use will be primarily contained within an existing structure that includes 15,592 sf of floor area on one floor. An additional 4,800 sf of footprint will added and a second floor will be included. Total floor area will be 40,652 sf. No more than 22,000 sf of plant canopy is permitted.
4. The entire lot will be fenced – existing fencing will be improved and / or replaced and new screening will be installed.
5. The existing lot is accessed at one point of entry. The southern portion of the lot is paved for parking. Total impervious area will decrease by approximately 7,500 sf. the eastern and northern portions of the lot are gravel. No vehicle access to the structure / deliveries will occur in these graveled areas. No new paving or laying of gravel will occur.
6. Existing landscaping will be removed and new landscaping will be installed per the Application Package.
7. All processes and interior construction / building improvements, security / operating procedures will be in conformance with the CUP / Regulatory Permit Application Package, as submitted and / or as conditioned (See COA's Exhibit 1: Attached) and with City of King Zoning Code section 17.03.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopts a finding of a Class 32 Categorical Exemption per CEQA Guidelines Section 15332 and approves Conditional Use Permit Case No. CUP 2016-008.

This resolution was passed and adopted this **16th day of May 2016** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST:

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



Item No. 7(C)

REPORT TO THE PLANNING COMMISSION

DATE: DECEMBER 19, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

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

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CUP AMENDMENT 2016-008(b)17, CANNABIS DISTRIBUTION (CA TYPE 11); 151 AIRPORT DRIVE, CITY OF KING

RECOMMENDATION:

Staff recommends that the Planning Commission: 1) review the request for a Conditional Use Permit, 2) receive public comment, and 3) adopt the attached Resolution approving Conditional Use Permit Case No. 2016-008(b)17.

BACKGROUND:

In September 2016, the City Council (Council) approved amendment to the City's Zoning Code and to the East Ranch Business Park (ERBPSP), authorizing expansion of land uses related to Medical Cannabis. As a result of that action Indoor Cultivation under artificial or mixed light, Medical Cannabis Nurseries, Manufacturing and Testing were allowed in the M-1, M-2 and M-3 Districts and in the ERBPSP. In August 2017, the City Council approved changes to the Zoning Code to allow Manufacturing Level 2 (CA Type 7) and Distribution / Transportation (CA Type 11). On May 16, 2017, the Planning Commission approved CUP 2016-008 to allow Cannabis Cultivation (CA Type 3A) on this site. On June 30, 2017, an Operations Permit was approved by the City Manager. Occupancy and Operations may not occur until all the Conditions of Approval (CUP and Operations Permit Approval) have been met.

In October 2017, the CUP Case No. 2016-008(a)17 Amendment added Manufacturing Level 2 (volatiles) (CA Type 7) to the allowed use(s) on this site.

DISCUSSION:**Overview:**

The proposed additional use is to be located in a portion of an existing 15,952 sf structure on a 1.08 ac lot (47,192 sf), which is located on the west side of Airport Drive. The building

has been vacant for approximately one year. A second floor (15,572 sf) as well as an addition to the west side of the structure were proposed and approved with the original CUP. The addition has a footprint of approximately 4,800 sf. With a second floor the total area of the new construction is slightly over 9,500 sf. It should be noted that the existing building height is 33 feet – maximum height per the zoning code for the M-1 District is 30 feet. The existing roof will remain.

- The parcel to the north is vacant and also owned by Zayrich Properties, LLC – an Application is in process for cultivation and manufacturing.
- Airport Road bounds the subject parcel on the east.
- The parcel to the south is developed and the structure is vacant.
- Access and utility easement (serving the parcels to the north) bounds the subject parcel on the west. The parcels beyond it are also in the M-1 Zoning District with the East Ranch beyond them



In the October 17, 2017 Amendment, the Applicant proposed to replace approximately 1,900 sf of Cultivation Area (1,356 sf of canopy) with Level 2 Manufacturing, located in the northwest corner of the building on the 1st floor. **See Exhibit 2**

As noted above, currently approved uses are Commercial Cannabis Cultivation, compliant with future State License 3A (indoor, artificial light) and Level 2 Manufacturing compliant with future State License 7. The use requested by this Amendment is Distribution compliant with future State License 11.

The Current Amendment Is limited to new Distribution Use in the area, or portion of the area previously designated as Flower Rooms 2,3 and 5 on the previous Floor Plan. A maximum of 6,000 sf will be used for office and product storage. No revisions to exterior or site will occur. Please See Exhibit 2.

CUP Information: (Baseline Information, from CUP 2016-008 and 008(a)). This Amendment occurs completely within the previously approved structure, does not increase floor area and does not impact the exterior or the site.

Architecture:

The existing structure is a metal structure with the building entry facing south, accessed from Airport Road. It sits below Airport Road: Airport Road rises as it moves north in relation to the building pad. The north base of the structure is approximately 12' feet below Airport road at that point. The existing structure covers 33.8 % of the site, and the building as proposed will cover 43.4% of the site. Total impervious area will be reduced from 40,195 sf (65%) to 32,608 sf (69%). The parking area will not change but landscaping will expand and the loading dock in the rear (north) will be removed.

See Exhibit 1 for photos of the existing structure. The existing materials will not change. The colors to be used are Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray. These colors will be consistent with those of the surrounding area.

Floor Plan and Interior Uses:

The Applicant proposes to add a second floor to interior of the structure (roof line will not change) and to expand the structure to the west. Note that the current height of the structure is 33' at the peak of the ridgeline. The current floor area (15,572) will be expanded to 40,652 sf with the changes as proposed. Approximately 600 sf of the space will be administrative / office space with the remainder including various types of grow spaces, cutting and trimming space, warehousing, fertilizer storage, restrooms and similar. See Exhibit 4.

Landscape:

The primary landscaped area is on the west side and north sides of the structure. The bank to the east side of the structure (below Airport Drive) is currently landscaped and will be augmented with new planting to match existing per landscaping plan. New landscaping will be installed at the entry drive and to the west and north.

Landscaping covers 30% of the lot (approximately 14,384sf) Proposed landscaping includes Carmel and Howard McMinn Manzanita, Comprosmia "Verde Vista", Evergreen Miscanthus, Deer Grass, Indian Hawthorne, Rosemary, Coast Rosemary and Magnolia trees. See Exhibit 7. The Applicant will be required to utilize recycled water if made available to the site in the future when the City upgrades its wastewater treatment plant.

Parking, Paving:

No new access, parking or paving is proposed. The existing parking surface is asphalt and is located along the southern side of the building. One access drive is present to the south side of the structure. Paving will be removed to the west of and north of the structure, a sidewalk will be added to the west side, wrapping around and providing access to the north side.

Signage:

Signage will be limited to an address / street number for identification by emergency response personnel and deliveries, located at the south entry to the building.

Security:

Fencing: The facility will be surrounded on three sides by a non-climbing chain link fence with small square visibility with woven slats for screening and barbed wire tops, not to exceed 8' in height. Gate and fencing at the access drive facing Airport Drive will consist will be screened similarly. The parking / loading area will be gated.

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

Cameras: Security cameras will be mounted on all exterior doors, and will view all perimeter fencing and entry gates. At least 8 exterior motion sensor / night vision cameras will be placed with at least 11 interior motion / night vision cameras. Camera quantity and location will be to the satisfaction of the City of King and its consultant. The 24/7 surveillance will be accessible by the City of King Police Department through real time live access feed. **See Document, Section H, Exhibit 10.**

Fertilizer and Storage:

The only pesticides to be applied will be those pesticides on an approved chemicals list as supplied by the State Compliance Board and / or Department of Agriculture and be in compliance with the requirements of the Monterey County Department of Environmental Health.

Solvents:

N-Butane, Liquid CO₂ and Ethanol (Ethyl Alcohol) will be used in manufacturing procedures. All solvents will be stored in a locked and seismically secure location. Butane and CO₂ will each have independent storage locations. Ethanol will be stored in a locked

medical cabinet inside of the manufacturing lab. Final quantities, deliveries and safety components must be approved by Fire and Police.

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

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

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

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

LPG Storage and Handling:

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

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

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

Ethanol Storage and Handling:

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

CO2 Storage and Handling:

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

Solid Waste:

Cultivation: Daily plant waste will be about 120 lbs. (approximately 8 cubic feet after grinding). Cannabis waste will be ground with a minimum 51% other organic material and includes stems and stalk which do not have a psychoactive profile. The entire plant and the waste material will contain less than 1% cannabinoids. are removed. Dumpsters will be located to the south side of the structure in a concrete block enclosure with locked gates.

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

Conversation with Waste Management indicate that, currently, there are no State of California regulations for solid waste. **See Document, Section J, Site Plan Section R.**

Water: The Mitigated Negative Declaration (MND) that resulted from the Initial Study prepared during evaluation of the Zone Change estimated water use at 2,640 gallons per day (gpd). Water use as indicated by the Applicant for this project will be 3,888 gpd. However, approximately 2,527 gpd will be provided through reclamation from dehumidification leaving net use of 1,361 gpd, significantly below the estimate from the MND. A drip irrigation method for water / fertilizer will be used.

The October Amendment reduced the amount of water being used by reducing area in Cultivation and replacing it with Manufacturing. This Amendment will further reduce water use – up to 6,000 sf of cultivation area will now be used for cultivation.

Power. The Applicant estimates 2,550 Amps as the 80% power allocation for lighting and air conditioning (3,200 Amps as the 100% power allocation. A 4,000 Amp service upgrade is required for this license. 1,000 watt lights (High Pressure Sodium) will be located every 22 sf. Two cooling towers and pumps are proposed to be placed on existing concrete at the northeast corner of the structure. Towers will be 12' 4" in height. Internal temperature for grow rooms will range between 70 and 78 degrees.

The October Amendment reduced the amount of water being used by reducing area in Cultivation and replacing it with Manufacturing. This Amendment will further reduce power use – up to 6,000 sf of cultivation area will now be used for cultivation.

Regulatory Permit Related Information:

Boutique Unlimited proposes to grow, dry, trim and package Cannabis grown for shipment to Manufacturers – most of them outside the City of King. Those manufacturers will prepare oils, topicals and may prepare food products. The Applicant proposes a “Mother Room” – propagation of new plants will be internal.

The October Amendment added Manufacturing Use. Oils for creams, tinctures, topicals and vapor products will be produced. Some cannabis material from outside cultivators may be processed at this location. This Distribution Amendment converts area to include storage and office space for distribution use.

Shipping and Transport: Cannabis bud and Manufactured products will be transported from the facility in unmarked vehicles *owned by the Applicant. Note that Distribution will be limited primarily to distribution of Cannabis Product rather than Plants themselves.*

Oils from others for use in the Manufacturing Process may be included. 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. ***One Distribution Related trip in and out per day is anticipated. See Document, Section G.***

Odor Control: The Odor Control Program will operate in conformance with the requirements of Municipal Code Section 17.03.210 (i) including an exhaust filtration system and an air filtration system that creates negative air pressure between the interior and exterior building area. Filtered intake air will be passively brought into all Cultivation ***and Manufacturing*** rooms and supplied with a backdraft damper when the exhaust system is powered off. ***This Amendment should have minimal if any impact on odor. See Document, Section I.***

Security, Interior: There will be 1 or 2 armed guards on site at all times. Access to enter the facility and various portions of the facility, including the Manufacturing area, will be controlled by key-card access. All visitors will be required to fill out a questionnaire and sign in at the administrative office. Visitors will be accompanied by Boutique Unlimited personnel at all times during their visit. Persons under the age of 21 will not be allowed on site. Security personnel will monitor employee and guest access and record all visits and access to secure areas by identity. **See Document, Section H.**

Employee Vetting: No person under 21 years of age will be employed on this site. The employee vetting process is being finalized at this time. A third party will receive fingerprints and provide the City of King Police Department with background review. The Department will verify and the employee will sign, under oath, an agreement that verifies the accuracy of the background check and that delineates the responsibilities of and expectations for the employee. All employees will be hired under a 90-day probation period. **See Document, Section C**

This Amendment does not affect the Employee Vetting process.

Employee Training: Initial and on-going training in preventing contamination, grow techniques (including approved pesticide application) and inventory security / control. OSHA and personal protective equipment requirements, documentation, testing, hazard response, chemical handling, labeling documentation and emergency procedures. **See Document, Section J.**

Quality Control: All material will be batch tested by a local laboratory for pesticides, fungus, pests, molds and contaminants. If a product were to be called into question the remaining inventory will be quarantined and all customers notified. All material will be returned.

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

Items that are part of the distribution effort will have been tested previously.

See Document, Section C.

Compliance with Evolving State and Local Regulations: The Applicant's operating procedures will comply with state and local regulations. The Applicant engages a team of Lawyers, community relations staff and industry advisors to assist with governance, compliance, legal adherence and updates to laws and regulations. **See Document, Section C** In addition, the City requires that an Indemnification Agreement be executed (draft completed, in process). **See Document, Section N.**

ENVIRONMENTAL COMPLIANCE:

On September 27, 2016, the City Council approved Ordinances Nos. 2016-728, 2016-729 and 2016-730, amending Municipal Code 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 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 adopted on September 27, 2016 at the time that the change to the Zoning Code was approved.

Staff review of the proposed use and its impacts indicates that the use as proposed is consistent with the evaluation and findings of the previously approved MND with no potentially significant impacts. It is therefore exempt from additional CEQA review, per CEQA Guidelines §15332 (Class 32-infill development projects).

ALTERNATIVES:

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

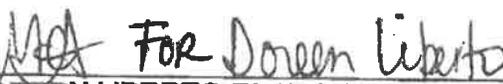
ATTACHMENTS:

1. Site Location and Photo
2. Floor Plan
3. Landscape
4. Camera Locations, Security Lighting
5. Signage
6. Conditions of Approval
7. Resolution No. 2017-204

Submitted by:

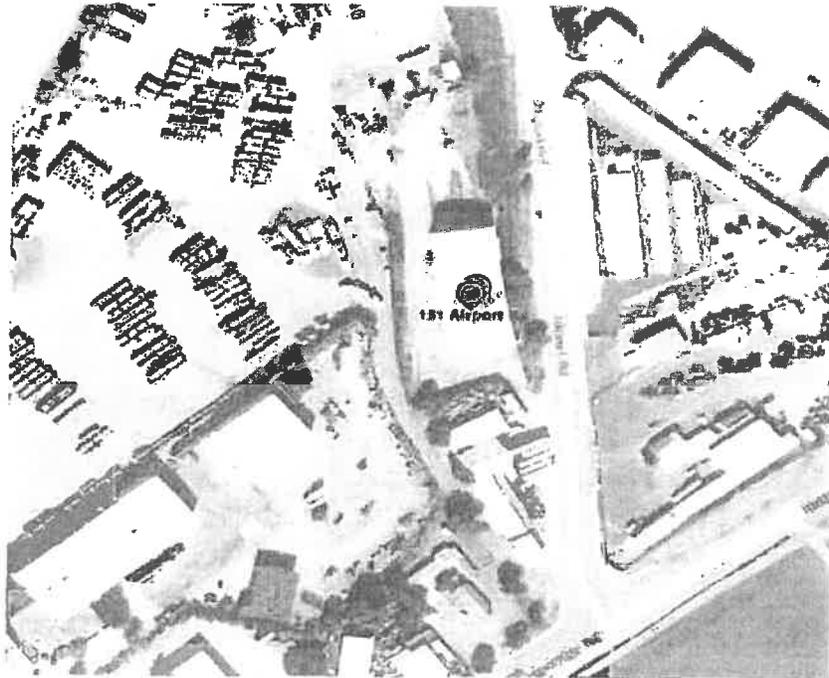

SCOTT BRUCE, PRINCIPAL PLANNER

Approved by:


DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT
DIRECTOR

COA 2016-008(b)17

EXHIBIT 1



View looking at front (west facing) of building

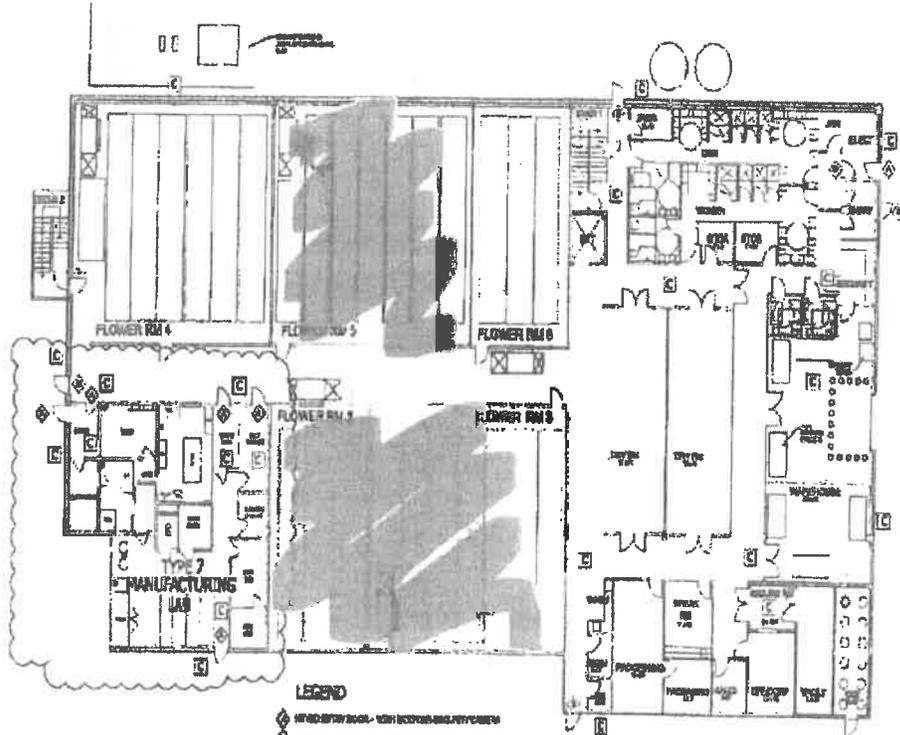
COA 2016-008(b)17

EXHIBIT 2

BOUTIQUE UNLIMITED, INC.

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REGULATORY PERMIT APPLICATION



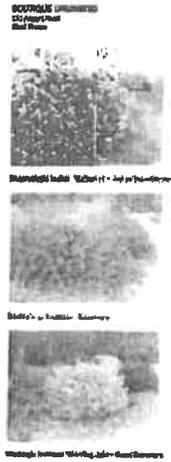
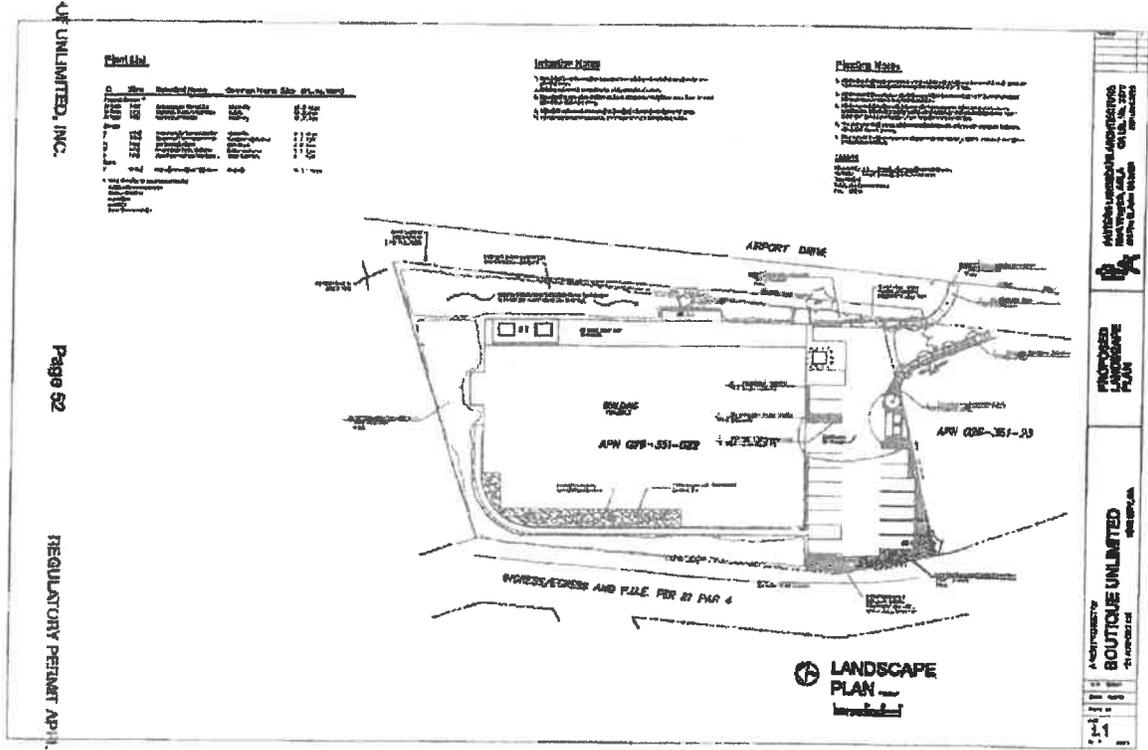
- LEGEND
- ◆ NEW ENTRY POINT - NEW SECURITY EMBELLISHMENT
 - ◆ NEW ENTRY POINT - NEW SECURITY EMBELLISHMENT - ID SECURITY HARDWARE
 - SECURITY EMBELLISHMENT

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

 **FIRST FLOOR
SECURITY PLAN**

COA 2016-008(b)17

EXHIBIT 3



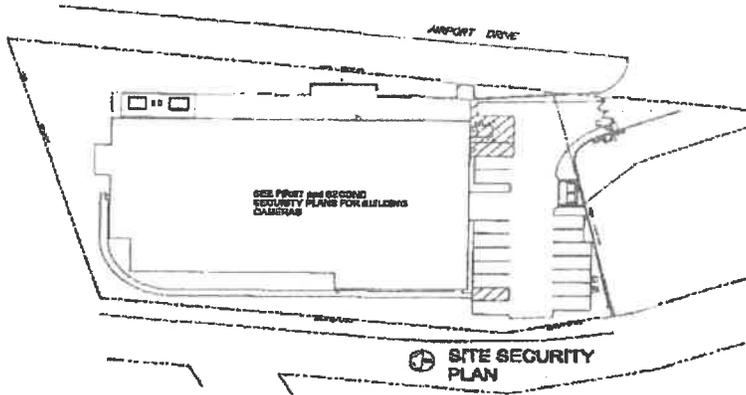
COA 2016-008(b)17

EXHIBIT 4

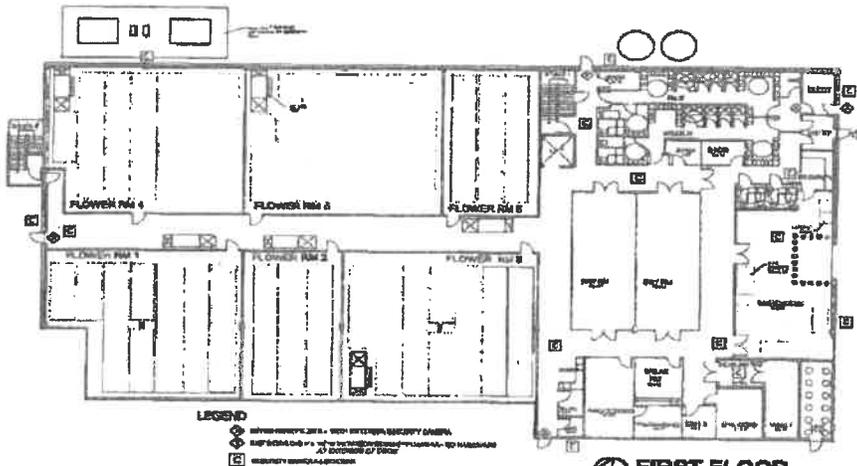
REDACTED, INC.

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REGULATORY PERMIT APPLICATION



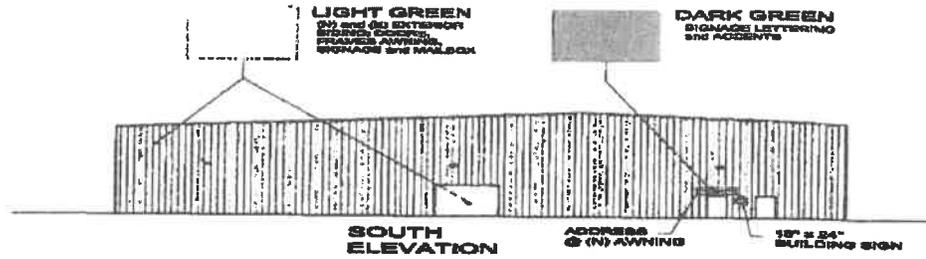
A NEW PROJECT for
BOUTIQUE UNLIMITED
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A NEW PROJECT for
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COA 2016-008(b)17

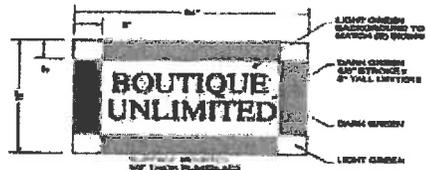
EXHIBIT 5



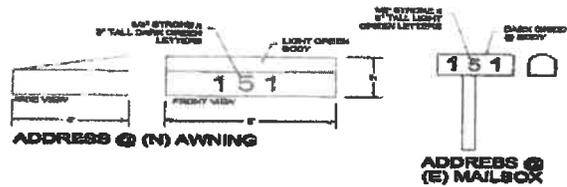
BUILDING COLORS and SIGN PROGRAM

SIGN PROGRAM CONSISTS OF 1) NEW BUILDING SIGN AFFIXED TO BUILDING AT ENTRY; 2) ADDRESS AT NEW AWNING; AND 3) REPAIRED ADDRESS AT EXISTING MAILBOX ON AIRPORT DRIVE. NO ADDITIONAL SIGNAGE WILL BE ADDED WITHOUT PRIOR APPROVAL FROM CITY.

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



MAIN ENTRY



BUILDING SIGN PROGRAM

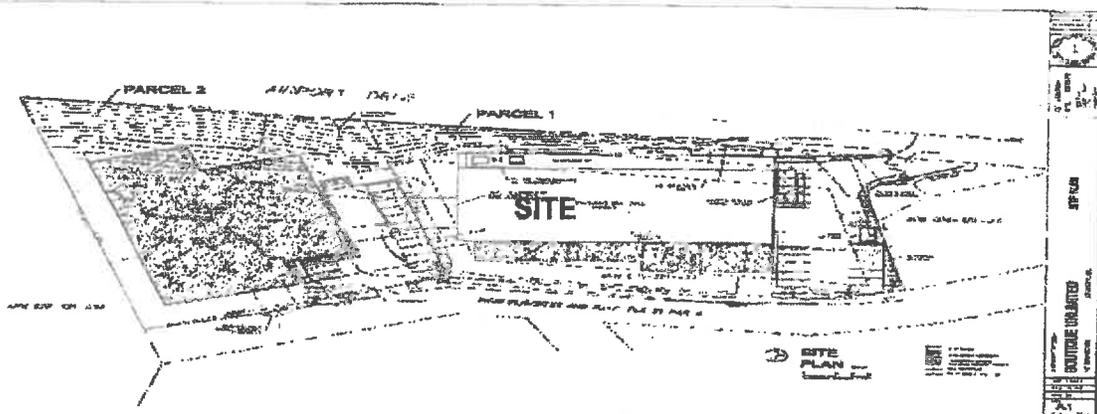
A NEW PROJECT for
BOUTIQUE UNLIMITED
 181 AIRPORT DR KING CITY, CA.



EXHIBIT No. 6

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

NOTICE TO PROJECT APPLICANT

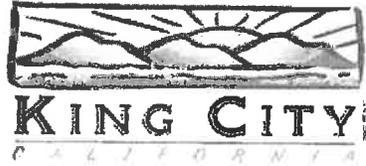


In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date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

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

PART A - PROJECT INFORMATION: BOUTIQUE UNLIMITED

1. Assessor's Parcel No(s): 026-351-022
2. Job Address: 151 Airport Drive
3. Street Location: 151 Airport Drive
4. Existing Zoning: M-1 Light Industrial
5. Planned Land Use: General Plan: LI (Light Industrial);
6. Plan Area: Adjacent to ERBP SP



7 Project Description:

The proposed use is located in a portion of an existing 15,952 sf structure, on a 1.08 ac lot (47,192 sf), located on the west side of Airport Drive. The building has been vacant for approximately one year. A second floor (15,572 sf) as well as an addition to the west side of the structure were proposed and approved with the original CUP. The addition has a footprint of approximately 4,800 sf. With a second floor the total area of the new construction is slightly over 9,500 sf. It should be noted that the existing building height is 33 feet – maximum height per the zoning code for the M-1 District is 30 feet. The existing roof will remain.

The Applicant proposes to replace approximately 6,000 sf of Cultivation Area with Level 2 Manufacturing, located in the central portion of the building on the 1st floor.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

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

A Mitigated Negative declaration (MND) was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on September 27, 2016 at the time that the change to the Zoning Code was approved.

(Ordinances 2017- 745 and 746 August 22, 2017 allowed Manufacturing (Type 7) and Distribution (Type 11) uses).

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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



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

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

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

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

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

GENERAL CONDITIONS:

1. All Conditions of Approval associated with CUP 2016-008 and 2016-008(a)17 remain in force unless specifically amended herein.
2. Additional Information regarding the Distribution process, including product tracking, transfer and storage will be provided to the satisfaction of the Community Development Director and Fire and Police chiefs.
3. Construction / Development shall conform to Application Package as presented, to the satisfaction of the Community Development Director or designee

PART C – SPECIFIC CONDITIONS AND REQUIREMENTS

COMMUNITY DEVELOPMENT DEPARTMENT :

1. **Allowed Use:** Distribution (CA Type 11) Manufacturing in addition to Cannabis Cultivation (CA Type 3A) and Level 2 Manufacturing as previously approved.
2. **Interior Renovation and Exterior:** This amendment is limited to a new use in the previous Flower Rooms 2,3 and 5 in the central portion of the previously approved structure. No more than 6,000 sf of floor area will be now be used for Type 11 Distribution, including storage and office. The Distribution space will be physically separated from the remainder of the facility. No direct entry from outside the structure is permitted. No exterior changes are associated with this Amendment.



3. **Parking:** No amendment..
4. **Landscaping:** No amendment.
5. **Lighting:** No amendment.
6. **Signage:** No amendment.
7. **Fencing:** No amendment.

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

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package
- 2 **Sprinklers:** No Amendment

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

- 1 **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package.
- 2 **Sidewalk:** No amendment
- 3 **Driveway Approach Revisions:** No amendment.
- 4 **Irrigation:** No amendment
- 5 **Sanitary Sewer:** No amendment. Connection to City of King Sanitary Sewer system shall be demonstrated to satisfaction of City Engineer prior to site operations.

REGULATORY PERMIT:

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

- A. **Regulatory Permit:** The Regulatory shall be approved by the City Manager and is in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit.
- B. **Security Cameras:** The previous camera location plan shall be revised to the satisfaction of the Chief of Police and the City's consultant.
- C. **Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- D. **Odor Control:** No Amendment
- E. **Air Quality:** No Amendment. Venting of Solvents, CO2 and / or Ethanol / Alcohol from the structure shall be in compliance with Monterey County Air Resources Board Standards.
- F. **Employee Background Checks:** No Amendment
- G. **Hours of Operation and Employees:** Hours of operation of the structure will remain 24 hours a day, 7 days a week. The maximum number of total employees (48) has not changed nor has the maximum number per shift (16).



H. Work Permits and Fees: No Amendment

- I. Indemnification Agreement:** A signed Indemnification Agreement for this Distribution Operation shall be in place prior to issuance of the Regulatory Permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Municipal Code Section 17.03.160. Said agreement shall prevail over Hold Harmless and Indemnification Clause attached hereto.
- J. Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Municipal Code Section 17.03.180.
- K. Transport and Shipping:** Trips per day are estimated at one in and one out. Activity shall be monitored by Community Development Department, amendment to the CUP may be required at the discretion of the Director / designee if there is, in the Director's / designee's opinion, significant deviation from this estimate. Vehicle loading / unloading shall occur inside the structure as described in the Application Package.



HOLD HARMLESS AND INDEMNIFICATION CLAUSE:

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

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

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

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

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

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

City shall have and retain the right to have the City attorney defend the City and its staff in connection with such proceeding. City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where the applicant has already retained



counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, any and all City Attorney, Staff and consultants' actual and reasonable fees and costs arising from their support of the defense shall be paid by the applicant.

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

Conditional Use Condition Agreement:

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

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

Applicant Signature: _____

Date: _____

RESOLUTION NO. 2017- 204

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

WHEREAS, on **October 23, 2017**, **Boutique Unlimited** submitted an application to amend a previously approved Conditional Use Permit (**CUP 2016-008, May 16, 2017 and CUP 2016-008(a)17, October 17, 2017**) to add Distribution (CA Type 11) in an existing structure located at 151 Airport Drive

WHEREAS, on **December 13, 2017** a formal Letter of Completeness was sent to the applicant.

WHEREAS, the proposed use is consistent with the General Plan and is allowed in the M-1 District with the approval of a Conditional Use Permit (**Ordinances 2016-728 and 729, September 27, 2016 2017-745 and 746, August 22, 2017**).

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

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

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

WHEREAS, the Commission has reviewed the staff report, accepted public testimony, and considered all other relevant information during the duly noticed public hearing on **December 19, 2017**;

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

WHEREAS, the Commission makes the followings Findings of Facts:

1. The purpose of the proposed use (Cannabis 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 (LI) Light Industrial and the Uses and Standards of the Light Manufacturing (M-1) Zoning District.
3. The proposed use will be replace a maximum of 6,000 square feet of previously approved Cultivation with Distribution, all contained within the previously approved floor area . No new floor area is added.
4. The entire lot will remain fenced – existing fencing will be improved and / or replaced and new screening will be installed.
5. The existing lot will remain accessed at one point of entry. The southern portion of the lot is paved for parking. Total impervious area will decrease by approximately 7,500 sf. the eastern and northern portions of the lot are gravel. No vehicle access to the structure / deliveries will occur in these graveled areas. No new paving or laying of gravel will occur.
6. Existing landscaping will be removed and new landscaping will be installed per the previously approved CUP 2016-008 and 2016-008(a)17 Application Packages.

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

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopts a finding of a Class 32 Categorical Exemption per CEQA Guidelines Section 15332 and approves Conditional Use Permit Case No. CUP 2016-008(a)17

This resolution was passed and adopted this **19th day of December, 2017** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DAVID NUCK, CHAIRPERSON

ATTEST: _____

ERICA SONNE DEPUTY CITY CLERK

EXHIBIT No. 13

Case Number: COA 2016 - 008
CONDITIONS OF APPROVAL

GENERAL CONDITIONS:

(Applicant should contact Scott Bruce, if there are questions on the following conditions of approval "COA").

1. **Project Description:** Conditional Use Permit ("**CUP**") Case No. 2016-008 to allow Medical Cannabis Cultivation located at 151 Airport Drive The property is located in the M-1 (Light Manufacturing) District; the proposed use is allowed in the M-1 District with an approved Conditional Use Permit.
2. **Approval Period:** The approval period for this permit shall be in accordance with the approved drawings and sketches and shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire. It is the applicant's responsibility to request an Extension of Time, **before the one (1) year expiration date so the approval does not become null and void.**
3. **City Noise Ordinance:** The Project shall comply with the City of King Noise Ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT :

1. **Allowed Use:** Medical Cannabis Cultivation (CA Type 3A) use is allowed.
2. **Interior Renovation and Exterior:** The proposed use will be contained within the existing structure and a footprint expansion of approximately 4,800 sf. A second floor will be added within the entire structure – maximum height will remain at 33 feet (existing structure height). Interior renovation will conform to plans as presented and will include a maximum of 40,652 sf. Maximum plant canopy for plants at all stages is 22,000 sf. Although the footprint will increase by approximately 4,800 sf the total impervious surface of the site will decrease by approximately 7,500 sf.

Exterior building changes are limited to the new addition (to the west and stairwell to north) and repainting. The modular office to the south will be removed as will the loading dock to the north. Colors will be as presented (Sherwin Williams: Light Green – SW6162 Ancient Marble and Dark Green – SW7060 Attitude Gray). 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.
3. **Parking:** Parking will conform to the Plan and Application Package as Submitted. No new parking area will be installed. Parking improvements will be limited to restriping, as needed.
4. **Landscaping:** Landscaping will conform to plans and Application Package as submitted. Irrigation Plans shall be presented to and approved by Building Official prior to Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.
5. **Lighting:** Security Lighting is proposed to be mounted on the structure and on two poles in the parking area not to exceed 30 feet in height. A lighting plan must be approved before installation. All new outdoor lighting associated with the use shall be hooded and directed so as not to shine on public roads, onto surrounding properties or into the night sky.
6. **Signage:** No signage has been requested at this time with the exception of property address. Any additional signage shall conform to the requirements of Section 17.03 of the City of King Zoning Code. Additional signage may be approved by the Community Development Department and may be submitted to the Planning Commission at the Director's discretion.

7. **Fencing:** New fencing to the west, north and east will be eight (8') in height and will be "no climb" chain link with vertical slats woven into the chain link. A "no climb" fence will be placed on the existing block wall to the south and southwest, height will be eight (8) feet from adjacent grade. Screening material will be reviewed by Staff with a determination of condition / requirement for replacement of damaged areas to be presented to Planning Commission every three (3) years.

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

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

1. **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package
2. **Sprinklers:** Building is currently sprinkled with sprinklers to remain and be fully operational. Expansion area will be sprinkled.

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

1. **Scope of Work Description:** Scope of work shall conform with that found in the CUP / Regulatory Permit Package.
2. **Sidewalk:** Sidewalk (to match existing) will be extended along the entire Airport Road frontage.
3. **Driveway Approach Revisions:** Sidewalk to be at 2% maximum cross fall per ADA requirements.
4. **Irrigation:** The Applicant will be required to utilize recycled water if made available to the site in the future when the City upgrades its wastewater treatment plant.
5. **Sanitary Sewer:** The site is currently served by septic system. At this time the Applicant plans to install a lift station to move effluent to the City sanitary sewer line in Airport Drive. An alternative is to lay new line in the existing easement to the west – to the City sanitary sewer line in San Antonio Drive. City Engineer must approve plans for sewer and sewer must be installed prior to occupancy.

All interior runoff from irrigation and cleaning shall be directed to city sanitary sewer system.

REGULATORY PERMIT:

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

- A. **Regulatory Permit:** The Regulatory shall be approved by the City Manager and is in force for the period of one year. It shall be renewed annually. No operations shall occur without a current permit.
- B. **Security Cameras:** Security cameras shall be installed in quantity and location per the Regulatory Application. City of King Police personnel shall have access to the system for real time review. One camera that is part of the City's City wide system shall be installed at the driveway access to the street.
- C. **CO2:** CO2 storage (if any) shall be in compliance with Section 17.03.270 (b)
- D. **Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements.
- E. **Odor Control:** Odor shall be controlled per the Regulatory Application Section I and Section 17.03.210 (i) of the City of King Zoning Code. At the beginning of operations City Staff shall inspect for odor not less than once monthly for a period of no less than three months. In the event that compliance has not been achieved, mechanical equipment and the City Code will be

reviewed. In the event that compliance is not achieved, Staff shall make a recommendation to City Council per Section 17.03.240 of the City Zoning Code. Odor caused by outdoor dumpsters will be addressed in a similar manner.

- F. **Air Quality:** Venting of CO₂ and / or Ethanol / Alcohol shall be in compliance with Monterey County Air Resources Board Standards.
- G. **Employee Background Checks:** Employees shall be vetted (background checks) to the satisfaction of the City of King Chief of Police and in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Zoning Code. A third party perform the check, that Party suggested by City's Consultant (HdL) and accepted by Applicant and City of King. Results will be provided to Applicant, HdL and City of King Police Chief. Police Chief to verify.
- H. **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 48 persons will be employed, a maximum of 16 per shift. On-site parking will be sufficient to cover overlap periods.
- I. **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.
- J. **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.
- K. **Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.
- L. **Youth Education Information:** Youth Education Information consistent with the Regulatory Permit Application Package Section Q and Section 17.03.290 (c). The program shall be in place prior to Issuance of a Regulatory Permit. In the event that Section 17.03.290 is revised prior to issuance of Regulatory Permit the Program shall comply with the revised Code Section.

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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:

Josh Rieck

Date: 6/28/2017

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