AGENDA

REGULAR MEETING OF THE
PLANNING COMMISSION
TUESDAY, DECEMBER 17, 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 December 3, 2019 Planning Commission Meeting
   Recommendation: Approve and file.

7. **NON-PUBLIC HEARINGS**

A.	Project:	Substantial Conformance of Parking Lot Design
	Applicant:	Stone Services
	Location:	300 E. San Antonio, King City, CA. 93930
	Consideration:	CUP 2018-006, Determination of Substantial Conformance – Parking: 300 East San Antonio Drive APN 026-522-023. (Business Name: Mr. Nice Guy)

Recommendations: Staff recommends that Planning Commission adopt the attached Resolution regarding a Finding of Substantial Conformance regarding parking related to CUP 2018-006.

Environmental Determination: Categorically Exempt (Ministerial Action)

8. PUBLIC HEARINGS

A. Project: The project involves amendments to the King City Municipal Code and City of King Historic Corridor Revitalization Plan as follows:

Fences/Walls/Hedges:

- Amends Chapter 17.04 to add new definitions, including definitions for fences located in specific locations (i.e. "side yard fence") and adding definition for a "Vision Clearance Area" which restricts fence heights to three (3') feet within a certain distance from street corners and driveways/alleys.
- Amend Chapters 17.12, 17.14, 17.16, 17.18 to accomplish the following: create more consistent fence standards across all residential zones and establish a maximum height of seven (7') feet in all residential zones.
- Amend Chapter 17.48 to accomplish the following: establish that a "Fence Permit" will be required for fences located in the front yard setback area, establish a list of prohibited fencing materials, and establish standards for decorative features (i.e. trellises and masonry columns), retaining walls, berms, and mounds.

Hotels/Motels:

- Amends Section 17.26.050 to allow hotels and motels to be four (4) stories and fifty (50') in height
- Amends Sections 17.04.260 and 17.04.350 to change the definition of motels/hotels and consolidate redundant definitions.
- Repeals Section 17.48.070 regarding exceptions to height limits and moves this text under Section 17.04.240 (definition for "height of building").

Night Clubs, Cocktail Lounges, Private Parties:

- Amends Section 17.04.135 "Drinking Establishment" definition to include cocktail lounges and night clubs.
- Adopts Section 17.04.395 to define "Private Parties" held at commercial properties where alcohol is served and/or entertainment is provided. Establishes requirement for a Temporary Use Permit for parties meeting the new definition.
- Amends Section 17.26.030 to remove "Cocktail Lounges" and add "Drinking Establishments" as a permitted use subject to obtaining a conditional use permit.
- Amends Sections 17.23.030 and 17.22.030 to remove embedded definition of "Drinking Establishments."
- Amends Chapter 4, Section 4.10 and Table 4.7 of the City of King Historic Corridor Revitalization Plan to include a

consistent definition for "Drinking Establishment" and to remove redundant definition for "Night Club."

Offensive Substances Including Yard Debris:

- Amends Section 13.08.010 to add yard debris as an offensive substance, and to clarify that discharge of offensive substances cannot occur in the public right-of-way OR on private property.
- Amends Section 7.51.102 to include Yard Debris as a nuisance under "Weeds, vegetation, and rubbish."

Sign Language Outside Chapter 17.55 Signs:

- Repeal Section 17.48.060 regarding real estate signs.
- Repeal Section 17.04.450 "Sign" definition.
- Amend Section 17.16.040 to remove subsection (3) regarding signs on accessory buildings.

Applicant: City of King

Location: The regulatory ordinances and resolutions would be applicable city wide

Consideration:

- An Ordinance of the City Council of City of King amending the King City Municipal Code to establish new standards for fences, hedges, walls, atriums, and courtyards.
- An Ordinance of the City Council of City of King amending the King City Municipal Code to amend definition of Hotels/Motels and allow maximum height of four (4) stories and fifty (50').
- An Ordinance of the City Council of City of King amending the King City Municipal Code to create definition of Drinking Establishments (which includes Night Clubs).
- An Ordinance of the City Council of City of King amending the City of King Historic Corridor Revitalization Plan to create definition of Drinking Establishments (which includes Night Clubs).
- An Ordinance of the City Council of City of King amending the King City Municipal Code to extend prohibition of discharge of offensive substances to private property and to include yard debris as an offensive substance.
- An Ordinance of the City Council of City of King amending the King City Municipal Code to remove language related to signs where it exists outside Chapter 17.55 Signs.

Recommendations: Staff recommends the Planning Commission: adopt the following five resolutions 2019-267, 2019-268, 2019-269, 2019-270, 2019-271

Environmental Determination: An environmental determination the Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt

because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated fences/walls, building heights for hotels, drinking establishments, yard debris and real estate signs pursuant to CEQA Guidelines sections 15307 and 15308.

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT –

A. Salinas Valley Cities' Planning Commission Academy

11. WRITTEN CORRESPONDENCE

12. ADJOURN

UPCOMING REGULAR MEETINGS

DECEMBER 2019

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

JANUARY 2020

January 7th	6:00 p.m.	Planning Commission (CANCELED)
January 13th	6:00 p.m.	Airport Advisory Committee
January 14th	6:00 p.m.	City Council
January 20th	6:00 p.m.	Recreation Commission
January 21st	6:00 p.m.	Planning Commission
January 28th	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

HCD: State Department of Housing & Community Development

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

LAFCO: Local Agency Formation Commission

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

LLA: Landscaping and Lighting District

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

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

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

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

HCP: Habitat Conservation Plan

MMTC: Multi-modal Transit Center

MOU: Memorandum of Understanding

MND: Mitigated Negative Declaration

MPO: A metropolitan planning organization is a federally mandated and federally funded transportation policy-making organization, such as AMBAG, that is made up of representatives from local government to help implement transportation projects and projects.

Neg Dec: Negative Declaration (a CEQA statement that a project will not have a significant effect on the environment)

NEPA: National Environmental Policy Act

SLOCOG: San Luis Obispo Council of Government

SOI: Sphere of Influence.

TAMC: The Transportation Agency for Monterey County develops and maintains a multimodal transportation system for Monterey County. TAMC consists of local officials from each Monterey city (12 cities) and five (5) county supervisorial districts, and ex-officio members from six (6) public agencies.

TOT: Transient Occupancy Tax

Variance: A form of relief from zoning development regulations based on physical constraints of a property that prevents development of the same type of buildings allowed on other properties within the same zone and in the same neighborhood

VMT: Vehicle Miles Traveled

Planning Commission Minutes

December 3, 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; City Engineer Octavio Hurtado, 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:** October 15, 2019

Action: Motion made by Commissioner Avalos to approve minutes of October 1, 2019 with the correction. Seconded by Commissioner Mendez. Motion carried 5-0.

7. PUBLIC HEARINGS

None

8. NON- PUBLIC HEARINGS –

A. Project: Mustang Court Homes, Proposed by Peoples' Self-Help Housing

Applicant: Peoples' Self- Help Housing (Sheryl Flores)

Location: APN: 026-071-073-000, Mustang Court, King City, CA. 93930

Consideration: Mustang Court Subdivision Final Tract Map Conformance

Recommendations: Staff recommends the Planning Commission:

adopt a Resolution 1) finds the Mustang Court Subdivision Final Tract Map in substantial conformance with the approved Vesting Tentative Map, and 2) authorizes the Planning Commission Secretary to certify the Final Tract Map in substantial conformance with the approved Vesting Tentative Map Environmental

Determination: Staff has performed a preliminary environmental assessment of

this project and, pursuant to CEQA Guidelines, has determined with certainty that there is no possibility that this project may have a significant effect on the environment. Therefore, the project is categorically exempt from the California Environmental Quality Act ***("CEQA"),*** pursuant to Section 15332 of the CEQA Guidelines for Infill Development Projects.

Community Development Director Doreen Liberto presented this item.

City Engineer Hurtado is present for questions.

Commissioner Saunders made a motion to adopt a Resolution 1) finds the Mustang Court Subdivision Final Tract Map in substantial conformance with the approved Vesting Tentative Map, and 2) authorizes the Planning Commission Secretary to certify the Final Tract Map in substantial conformance with the approved Vesting Tentative Map Environmental Commissioner Uribe seconded. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report – None

11. Director Reports- Staff is working on the Rava project and it will be coming before the Commission next year. This project will be going before the Airport Advisory Committee next week.

A new project was brought in today for a housing project on San Antonio over 300 units. Market Rate.

4 ordinances will be coming before the commission on December 17th.

City Engineer Hurtado updated the Commission on the Round a-bout project after the commission inquired about it. He also updated them on the Wastewater Treatment Plant project.

Community Development Director updated the Commission on the multi-model station.

The City received a grant for the land use element and a survey will be going out.

Joint Planning Commission training on a Saturday in the new year.

Bulb-outs along Broadway will be done with TAMC grants.

A grant was received to do a local road safety plan. Commissioners feel that the new stop signs on Broadway are much safer.

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned by Chair Nuck at 6:24p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King

KING CITY
CALIFORNIA

Item No. 7(A)

REPORT TO THE PLANNING COMMISSION

DATE: **DECEMBER 17, 2019**

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

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

BY: **SCOTT BRUCE, PRINCIPAL PLANNER**

RE: **CUP 2018-006, DETERMINATION OF SUBSTANTIAL CONFORMANCE – PARKING: 300 EAST SAN ANTONIO DRIVE APN 026-522-023. MR. NICE GUY.**

RECOMMENDATION:
Staff recommends the Planning Commission regarding a Finding of Substantial Conformance regarding parking related to CUP 2018-006.

BACKGROUND:
In December 2018 the Planning Commission heard and approved CUP Case No. 2017-006 which was a request to allow Commercial Cannabis uses in an existing structure located at 300 East San Antonio Drive within the ERBP-SP, as generally depicted in **Figure 1,** below. The projected development is on approximately 1.55-acres which currently includes an existing structure of approximately 12,013-sf – the site of Heritage Cabinets. With this approval, Heritage Cabinets will move to the western portion of the structure and Cannabis Uses (Manufacturing ((Volatile), Distribution and Non-Storefront Delivery) will be located in 7,700-sf in the eastern portion of the structure. Existing parking will be expanded, existing landscaping will remain.

The site and the surrounding area are located ERBP-SP on the south side of San Antonio Drive.

- San Antonio Drive is located to the north with industrially zoned office use beyond.
- To the east is a vacant lot with Kasey's Printing beyond
- Industrial Use (Trucking) is located to the south
- To the west is Industrial Use (AG Pumping)

During the December 2018 Hearing the Planning Commission expressed concern over the configuration of the parking as well as the separation between Cabinet and

Cannabis employees and requested that a final parking configuration be provided for review. The original parking configuration is provided, below.

Figure 1: Location

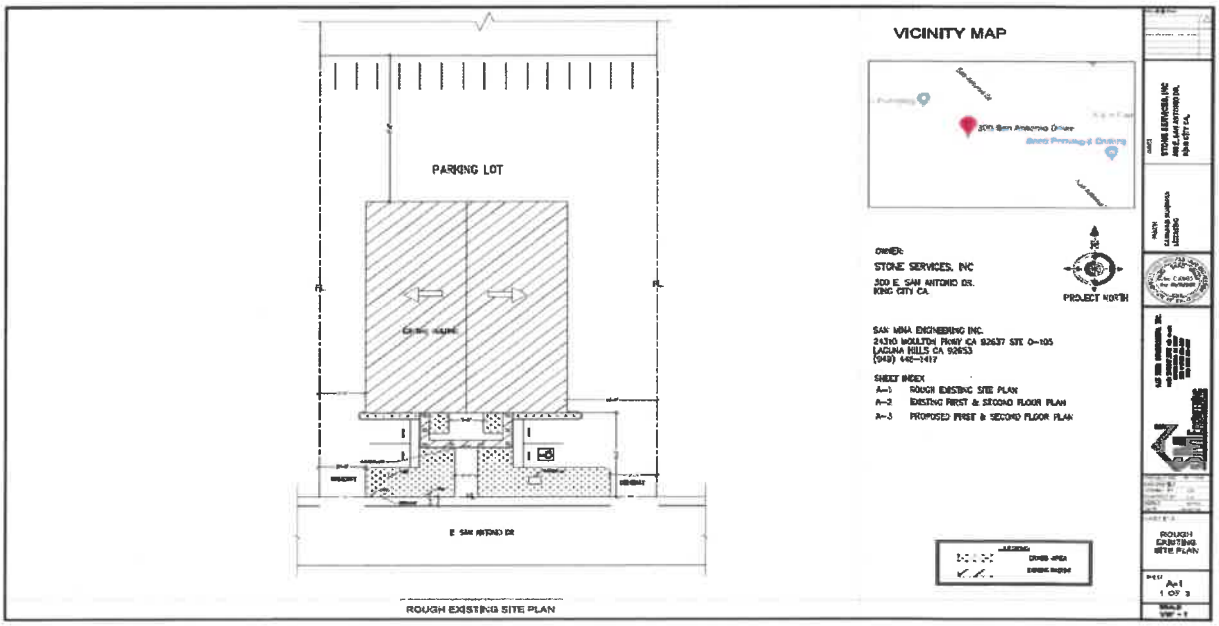


Figure 2: Approved Site Plan

DISCUSSION:

The Applicant has submitted building plans which have been through the first plan check. The interior uses will be as described in the Operations Packet provided to the City in preparation for the CUP Hearing. Uses will remain in their proposed locations.

As part of the Building Permit effort a refined parking concept has been provided. The proposed configuration separates Cabinet workers from Cannabis workers. Cabinet workers will access the site from the south, Cannabis workers will access the site from the north. The two parking areas will be separated by chain link fence.

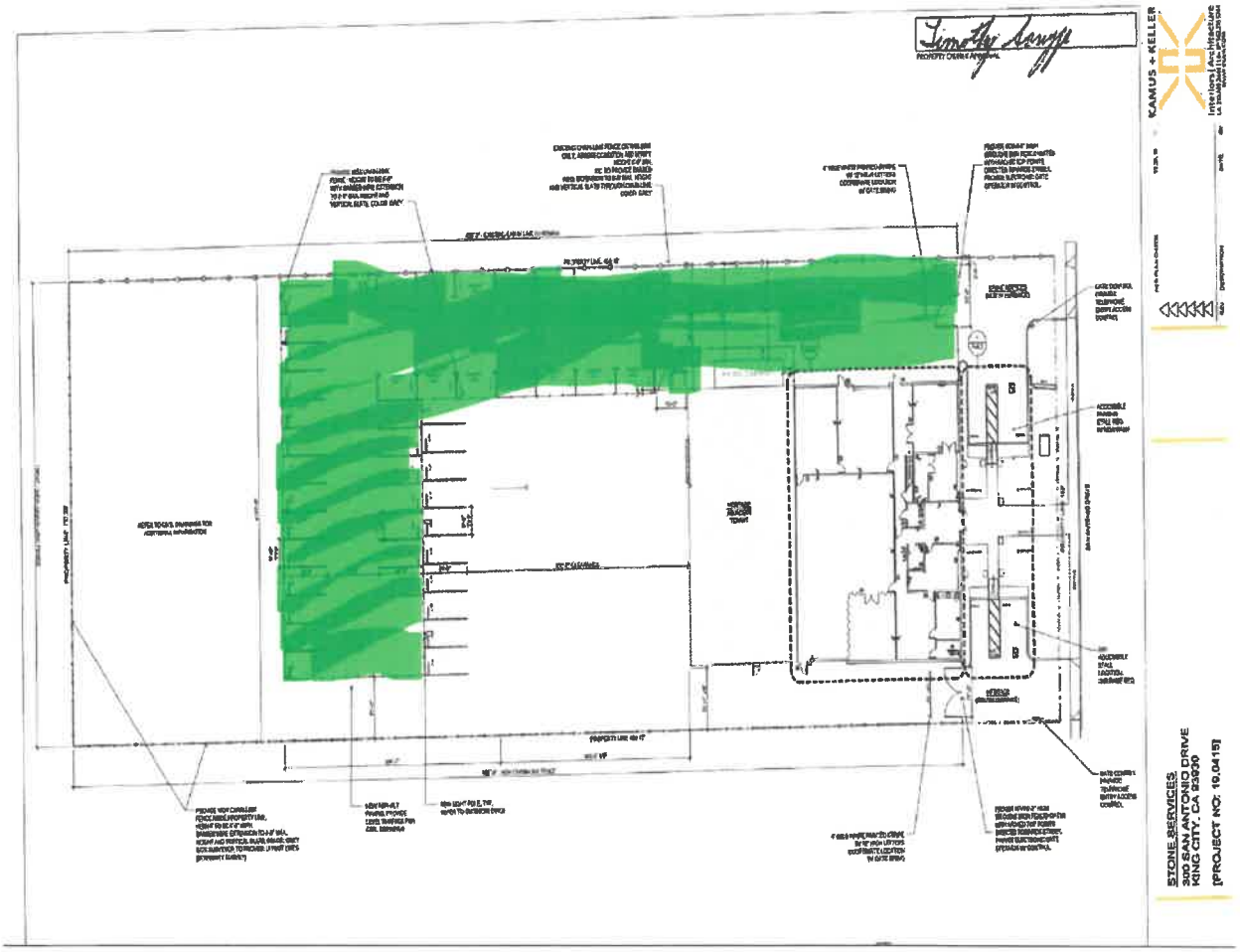


Figure 3: Parking

Included in the graphic above is the signature of the land owner, Timothy Scruggs. Staff has reviewed the proposed layout with HdL, the City's cannabis consultant and finds that there are no state requirements to separate employees in the parking areas.

A floor to ceiling demising wall has been constructed in the building – there will be no internal access points between Cabinets and Cannabis. Also, the man and rollup doors on the southern side of the building in the Cannabis Area will be sealed.

ENVIRONMENTAL COMPLIANCE:
King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. The Municipal Code was amended in June and August of 2017 to allow Manufacturing Level 2 (CA Type 7 and Distribution (CA Type 11.) The Municipal Code was amended in August 2018 to allow Non-Storefront Delivery (CA Type 10).

At the CUP Hearing of December 2018, The Planning Commission found that the proposed use and its impacts were consistent with the evaluation and findings of the previously approved MND with no potentially significant impacts. It was therefore found exempt from additional CEQA review per CEQA Guidelines §15332 (infill development projects).

The current action is a Ministerial Action and is therefore exempt from further environmental review per CEQA Guidelines §21080.

ALTERNATIVES:
1. Adopt the attached Resolution finding that the parking is in Substantial Conformance to the original approval.
2. Find the parking is not in Substantial Conformance to the original approval. If the Planning Commission wishes to take this action, the item needs to be continued, directing Staff to return with a Resolution of Denial.
3. Provide alternative direction to Staff.

EXHIBITS:
1. Location
2. Photos
3. Site Plan
4. Original Parking Concept
5. Proposed Parking Layout
6. Floor Plan
7. Staff Report CUP 2018-006
8. Approved Conditions of Approval CUP 2018-006
9. Resolution No. 2019 – 272

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

Submitted by: _____
SCOTT BRUCE, PRINCIPAL PLANNER

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

CUP 2018 – 006

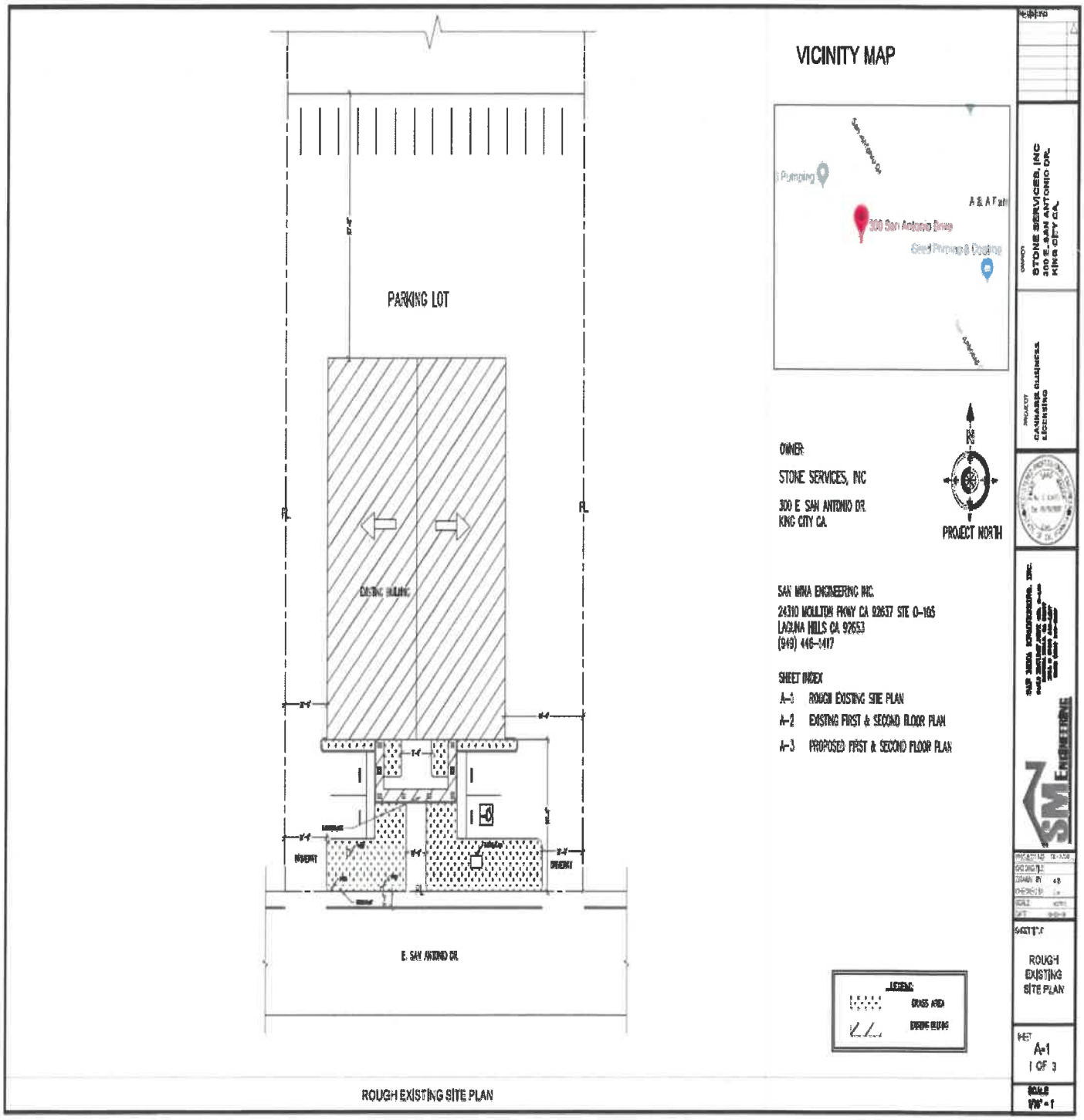
EXHIBIT 1: LOCATION

CUP 2018 – 006

EXHIBIT 2: PHOTOS

CUP 2018 – 006

EXHIBIT 3: SITE PLAN



CUP 2018 – 006

EXHIBIT 4: PARKING CONCEPT

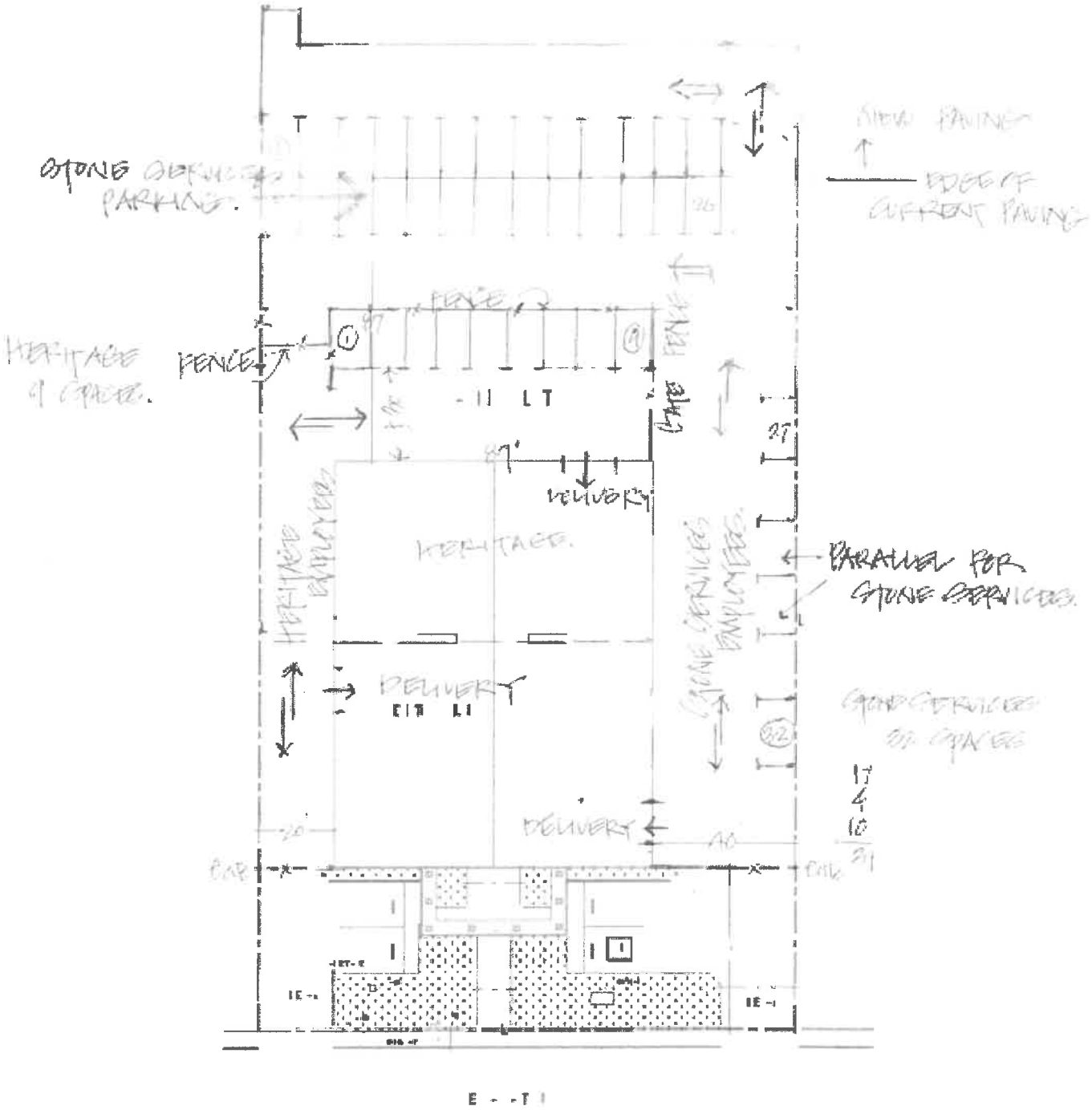
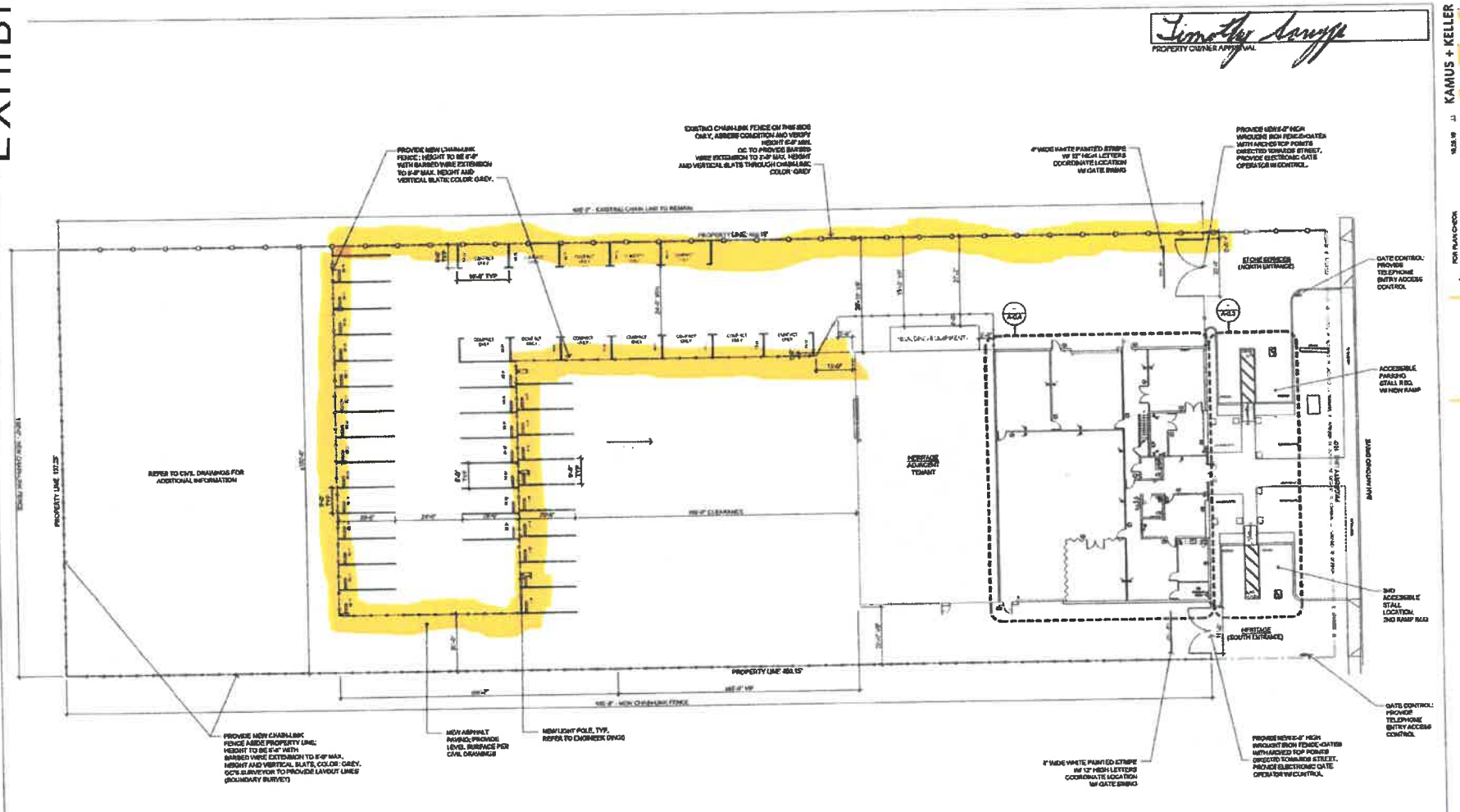


EXHIBIT 5



NOTES:

1. NO USES OF LAND, BUILDING, OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THE APPROVED SITE PLAN SHALL BE PERMITTED.
2. OC TO PROVIDE ALL NEW EXTERIOR SCOPE INDICATED.
3. SECURITY CAMERAS SHALL BE INSTALLED IN QUANTITY AND LOCATION PER THE APPLICATION PACKAGE AS APPROVED BY THE CITY OF KING POLICE PERSONNEL. SHALL HAVE ACCESS TO THE SYSTEM FOR REAL TIME REVIEW. ONE CAMERA THAT IS PART OF THE CITY'S CITYWIDE SYSTEM SHALL BE INSTALLED AT THE DRIVEWAY ACCESS TO THE STREET.
4. SECURITY SYSTEMS SHALL BE IN CONFORMANCE WITH THOSE PRESENTED IN THE APPLICATION PACKAGE, TO THE SATISFACTION OF THE CHIEF OF POLICE AND THE CITY'S CONSULTANT. A CAMERA COMPATIBLE WITH THE CITY-WIDE SURVEILLANCE SYSTEM SHALL BE LOCATED AT THE PRIMARY ENTRY TO THE SITE.

6 SITE PLAN & EGRESS PATH OF TRAVEL
SCALE: 1/16"=1'-0"

KAMUS + KELLER
Interiors | Architecture
LA JOLLA, CALIFORNIA 92037
WWW.KKARCH.COM

REV	DESCRIPTION	DATE	BY
	FOR PLAN CHECK	10.25.19	JT

STONE SERVICES
300 SAN ANTONIO DRIVE
KING CITY, CA 93930
[PROJECT NO: 19.0415]

SHEET TITLE: SITE PLAN
SHEET NO: A-0.2

CUP 2018 – 006

EXHIBIT 6: FLOOR PLAN

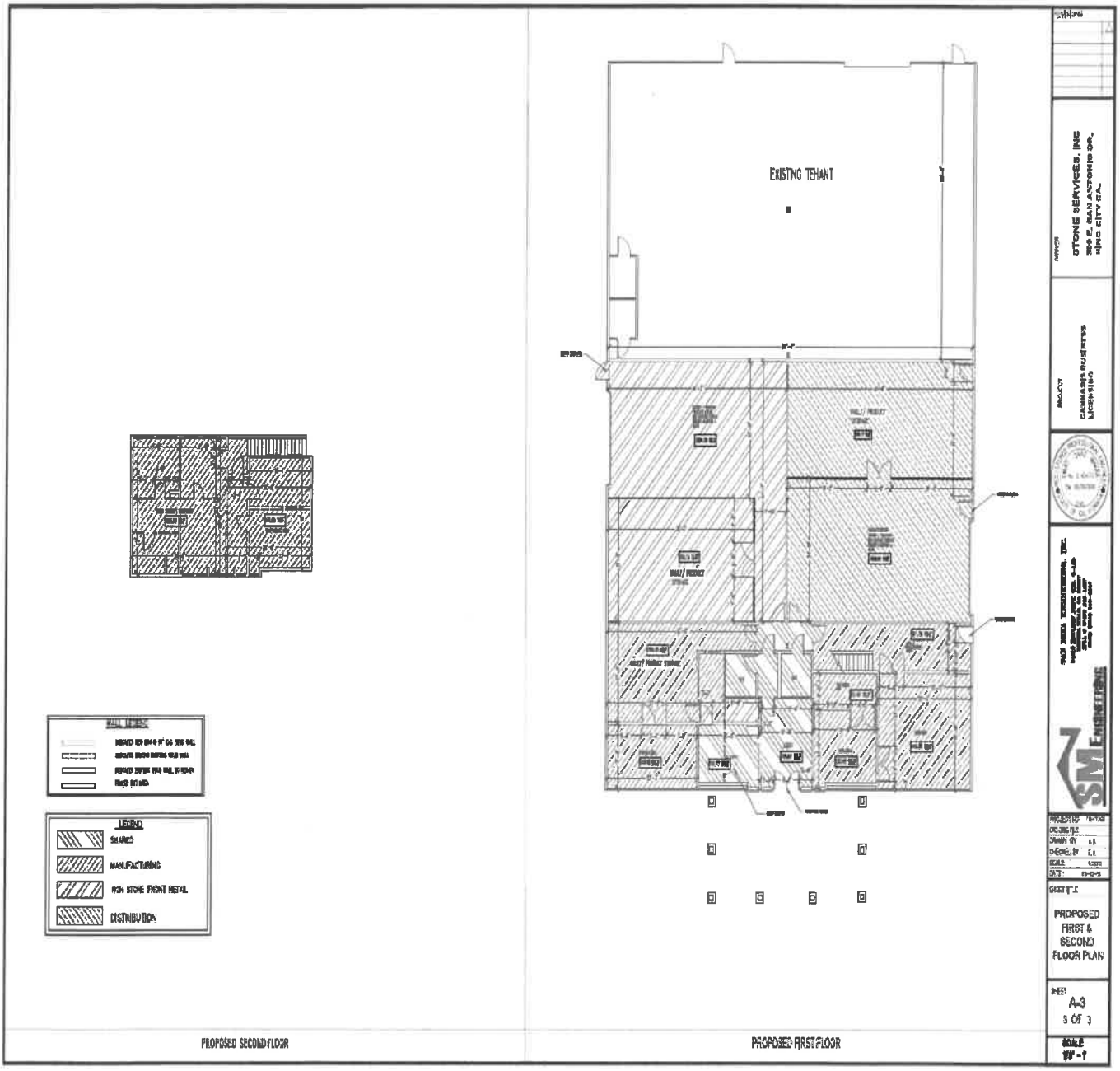


EXHIBIT 7

KING CITY
CALIFORNIA

Item No. 7(A)

REPORT TO THE PLANNING COMMISSION

DATE: **DECEMBER 18, 2018**

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

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

BY: **SCOTT BRUCE, PRINCIPAL PLANNER**

RE: **CUP 2018-006, MEDICAL CANNABIS MANUFACTURING LEVEL 2 (CA TYPE 7), DISTRIBUTION (CA TYPE 11), NON-STOREFRONT DELIVERY (CA TYPE 10): 300 EAST SAN ANTONIO DRIVE APN 026-522-023. MR. NICE GUY.**

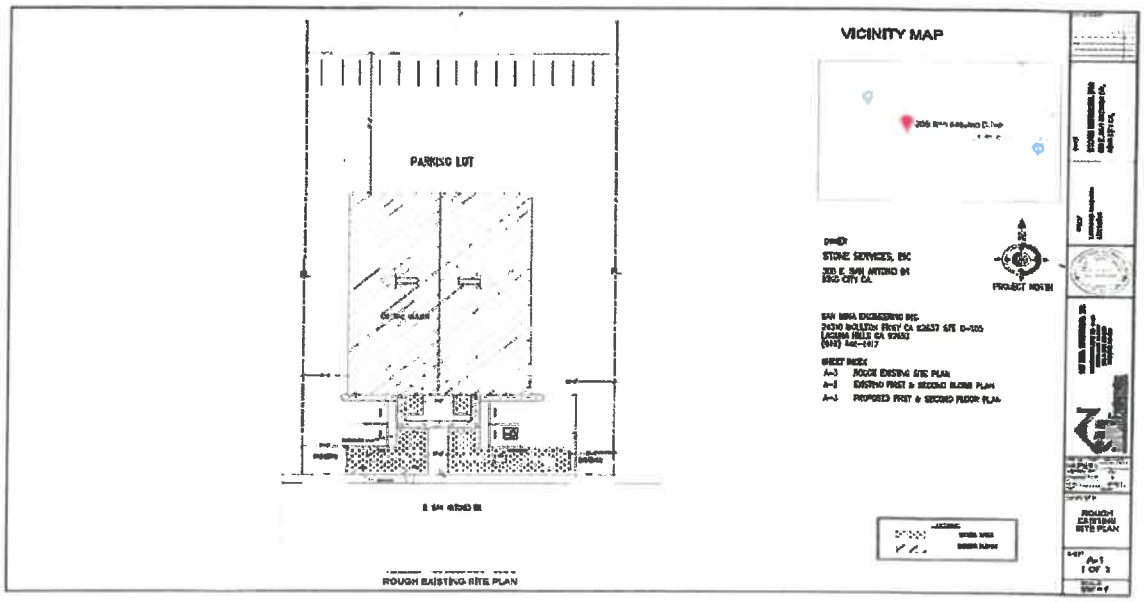
RECOMMENDATION:
Staff recommends the Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit Case No. 2018-006.

BACKGROUND:
In September 2016 the City Council (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 are allowed in the Light Industrial (M-1), M-2 and M-3 Districts and in the ERBP-SP. Since that time, the Code has been amended twice (June and August 2017) and a number of Permits have been approved through the Conditional Use Permit CUP and Operations Permits processes. This current application is for use of an existing structure for Commercial Cannabis Uses on a lot at 300 East San Antonio Drive. The space is the site of Heritage Cabinets.

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

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

CUP Case No. 2017-006 is a request to allow Commercial Cannabis uses in an existing structure located at 300 East San Antonio Drive within the ERBP-SP as generally depicted in the attached diagram, below. The projected development is on approximately 1.55-acres which currently includes an existing structure of approximately 12,013-sf – the site of Heritage Cabinets. Heritage Cabinets will move to the western portion of the structure and Cannabis Uses (Manufacturing (Volatile), Distribution and Non-Storefront Delivery) will be located in 7,700-sf in the eastern portion of the structure. Existing parking will be added to, landscaping will remain.



DISCUSSION:

Overview:

As noted above, the existing structure is located on a 1.55-acre site. The site and the surrounding area are located ERBP-SP on the south side of San Antonio Drive.

- San Antonio Drive is located to the north with industrially zoned office use beyond.
- To the east is a vacant lot with Kasey's Printing beyond
- Industrial Use (Trucking) is located to the south
- To the west is Industrial Use (AG Pumping)

The site contains an existing structure, with parking and landscaping and is generally flat. No required right-of-way improvements are anticipated. Two points of access will be from San Antonio Drive. No additions to the structure will occur.

CUP Information:

Site:

Building setbacks and existing paving and drainage will remain. New parking is will be added to the south. Access will be via two existing driveways on the east and west sides of the structure. Both will be gated. The addition of impervious surface and any related drainage issues will be reviewed and addressed by City Engineer.

Architecture:

The existing structure is metal with metal roof. No changes to the exterior are proposed.

Floor Plan and Interior Uses:

The eastern portion (toward San Antonio Drive) of the existing structure is two story. The uses in this area will be Cannabis Level 2 (CA Type 7) Manufacturing, Distribution (CA Type 11) and Non-Storefront Delivery (CA Type 10). Extraction and Distillation will occur in the northwest corner of the building, packaging in the southeast, product storage and Distribution in the southwest / rear and Non-Storefront Deliveries and storage in the northeast / rear. Administrative uses will be on the second floor toward the street. Visitor entry will be per the existing lobby area facing San Antonio Drive.

Three man-doors are located on the northwest side of the structure with one roll up door. One-man door is located on the southeast side of the structure with one roll up door.

Heritage Cabinets will move to the southwest portion of the structure, a demising wall without penetrations will separate the two. Two man-doors and one roll up door are located on the southwestern face of the building.

SEE EXHIBIT 4.

Landscape:
Parking and landscaping were present as part of the previous operations. Parking will be expanded to the south to accommodate the added employees and will be to the satisfaction of the City Engineer. There are no plans for landscaping alterations / additions although some freshening may occur.

Grading:
The site is generally flat and was previously developed. No significant grading will occur, only that related to new parking areas. Drainage and SWPPP (as required) will be to satisfaction of City Engineer prior to issuance of Building Permits.

Access, Parking, Paving:
The two existing points of access will remain, both to be gated for security. Heritage Cabinet employees will enter at northern gate, Cannabis employees will enter at the southern gate. Staff is currently reviewing the parking concept with HdL. Our information at this time is that the state of California does not require employee separation. However, the City may require separation to ensure separation of groups / product security.

Staff requests discussion and input from the Planning Commission regarding the issue, please **See Exhibit 5** for a concept that illustrates one proposed method of separation. The Applicant has indicated that fencing in the parking lot to separate employees is acceptable.

In any event, additional paved area will be added to west side of the existing lot. 20 – 25 full time individuals per shift (2 shifts) are anticipated for Cannabis Use, 9 employees are employed at the Cabinet Shop.

Signage:
Signage is currently limited to address. Any additional signage will conform to the King City Municipal Code including Section 17.03 which addresses signs related to Cannabis Operations.

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

Security:

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

Exterior Lighting: The parking area and building exterior will be illuminated with LED powered lighting placed to eliminate shadows and / or dark areas. Lights will include building mounted and poles. Lighting will be designed to present spread

beyond the property boundaries and / or into the night sky. Poles will not exceed thirty (30) feet in height.

Cameras: Security cameras with motion sensors and night vision will be mounted on all exterior doors, perimeter fencing and entry gates. Interior motion / night vision cameras will be placed per the Application Package concept. The 24/7 surveillance will be accessible by the City of King Police Department through real time live access feed. A City of King camera will be placed by applicant at the primary entrance from San Antonio Drive. The document also proposes internal security camera locations which will reviewed and approved by HdL.
Because of the potential security concern in the parking lot, additional cameras will be required to monitor any employee interaction. HdL will be asked to review.

Solid Waste: This is a manufacturing and delivery facility. Plant material will be delivered to be used in extraction. Three types of solid waste will be produced; General, Non-Hazardous Cannabis Waste and, Hazardous Waste.

General waste will be disposed in a dumpster location to the rear of the building. This dumpster may be used jointly with Heritage Cabinets. Non-Hazardous Cannabis Waste will be stored in sealed containers in an internal storage room and removed by a designated hauler. Hazardous Waste will be stored in containers specific to the type of waste to be removed, in an internal storage room and removed by Waste Management when contacted by the Applicant.

Maximum daily waste has not yet been estimated. A six-yard dumpster (approximately 6'8"W, 6'6"L, 5'4" H) can accept approximately 450 lbs. per day or 3,150 lbs. per week.

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

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

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

Water (Landscaped Area): The site has existing landscaping along San Antonio Drive, no additional landscaping is proposed. CA Code of Regulations, Title 23, Div. 7, Chapter 2.7, Section 490.1 discusses the requirements for a landscaping plan. Chapter 15.50 of the City's Municipal Code implements the state's Model Landscape Ordinance.

Section 490.1 indicates that a landscaping plan with water budget and similar is required for projects that include over 2,500sf of new landscaping or rehabilitation. This project does not propose rehabilitation.

On-site plumbing to access future recycled water (purple pipe), in San Antonio Drive, for use in landscaping, will be discussed at the hearing and is recommended. A connection is required for all new landscaping.

Power: The building may be occupied 24 hours a day, year 'round. Light and air conditioning / heating requirements are consistent with standard industrial / business park use. LED lighting is being used, providing reduction in power use.

The Applicant indicates that operations require less than 540 amps (90% of a 600 amp breaker). Manufacturing is estimated at a minimum of 472 amps. Total power usage is estimated at 150,000 kWh per year.

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

Regulatory Permit Related Information:
The item before the Commission is the consideration of a Conditional Use Permit to allow Cannabis Manufacturing Level 2 (CA Type 7), Distribution (CA Type 11) and Non-Storefront Delivery (CA Type 10). 7,700 sf of the existing structure will be renovated to accommodate these uses. The western portion of the structure (4313 sf) will be retained for cabinet uses.

Employee Traffic:
The applicant has indicated that maximum employee count (one shift) will be 25 persons. Operating hours are 6AM to 10PM.

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

Shipping and Transport: Raw plant material to be delivered (mix of bud and shake) has not been estimated at this time.

Outbound transport will vary based on sales of product (transdermal patches, lozenges, tinctures, ointments). quantity of product to be delivered and the number of trips to deliver it have not been estimated.

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

Manufacturing:
Although the Applicant is applying for a Type 7 (volatiles) license, not all process will require chemicals and can be accomplished through mechanical means. However, butane, propane and similar. The chemicals to be held on site will be located in a limited access floor mounted storage unit, located beneath the stairway leading to the second floor. Piping to the manufacturing equipment has not yet been determined.

A complete description of the Manufacturing process has been provided in Section G of the Application.

Chemicals will include:

- Isopropanol 99.9% (IPA99)
- Inland 19 Ultra
- CDA 12A, 200 Proof
- Ethyl Alcohol 200 proof
- A-200
- Activated Carbon

The Applicant has provided safety data sheets as part of the application.

Volumes of each chemical to be stored on site have not yet been determined. KC Municipal Code Section 17.03.270 indicates that the maximum amount of volatile chemical and / or compressed gasses to be allowed on site is to be determined by the Fire Chief and / or Chief of Police. Art Black, Fire Marshall and the City's Building Official will review and approve the construction plans prior to approval. Those plans will quantify amount to be stored, location of storage, method of delivery (internal system and to the structure) and method of disposal.

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

Waste Disposal:
The Applicant indicates that three separate types of waste must be managed. These include:

- General Waste: Collected once or twice weekly by Waste Management
- Cannabis Waste: Stored in Waste Storage Room, removed by a contractor
- Hazardous Waste: Kept in designated containers in separate Waste Storage Room, removed by Waste Management.

Systems for removal must be approved by HdL prior to final Operations Authorization.

Security : The rolling gates for access from San Antonio Drive are security code controlled and access limited to employees and delivery. Access points into the structure are limited. Access points for Cannabis and Cabinet are separated – a demising wall separates the two uses a inside the structure.

The visitor entry is at the front of the structure. of the parking lot. Shipping and Delivery vans are loaded and unloaded inside the structure. The remaining doors are alarmed emergency exits. The emergency exits open only from the inside using push bars that activate a battery powered alarm.

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

A security plan (Appendix D) has been provided. It covers a range of topics including camera locations, security training, inventory reconciliation, internal product movement, delivery overview, intrusion detection system and similar. HdL will review and approve of the Security Program and Systems prior to issuance of Authorization to Operate.

At least one armed guard will be on site at all times.

Employee Vetting: No person under 21 years of age will be employed on this site. The King City verification process will be followed where the applicant will be fingerprinted at King City Police Department and City Staff will coordinate with a third party reviewed (HdL / Intelifi) who provide the City with background review. The employee will sign, under oath, an agreement that verifies the accuracy of the background check and that delineates the responsibilities of and expectations for the employee.

Employee Training: All managers and supervisors will be trained in basic cGMP principles, and on how to administer cGMP practices for training, production, documentation and product tracking in their areas. Training will also include secure facility protocols to ensure against theft and diversion.

Employees will be trained in safety practices and manufacturing protocols.

Quality Control: All of the source materials are to be tested for pesticides, fungus, pests, molds, and other contaminants throughout processing using a Quality Assurance system that meets cGMP standards for good manufacturing practices and processes to guard against adulteration. The Applicant will source from only the most responsible cultivators to ensure that cannabis material is clean and pure.

A product recall is indicated when a manufactured product is found to fall outside of our product specifications or standards or could represent a hazard to the consumer. Recall procedure is initiated when it is determined that a product or batch has been mislabeled, contaminated or adulterated in any capacity. The General Manager will issue the recall, the POS Track and Trace System will identify the customers who received the identified product.

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

ENVIRONMENTAL COMPLIANCE:
King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan. The Municipal Code was amended in June and August of 2017 to allow Manufacturing Level 2 (CA Type 7 and Distribution (CA Type 11.) The Municipal Code was amended in August 2018 to allow Non-Storefront Delivery (CA Type 10).

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

ALTERNATIVES:

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

EXHIBITS:

1. Location
2. Site Photos
3. Site Plan
4. Floor Plan
5. Parking Concept
6. Resolution No. 2017 – 245
7. Conditions of Approval

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

Submitted by: _____
SCOTT BRUCE, PRINCIPAL PLANNER

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

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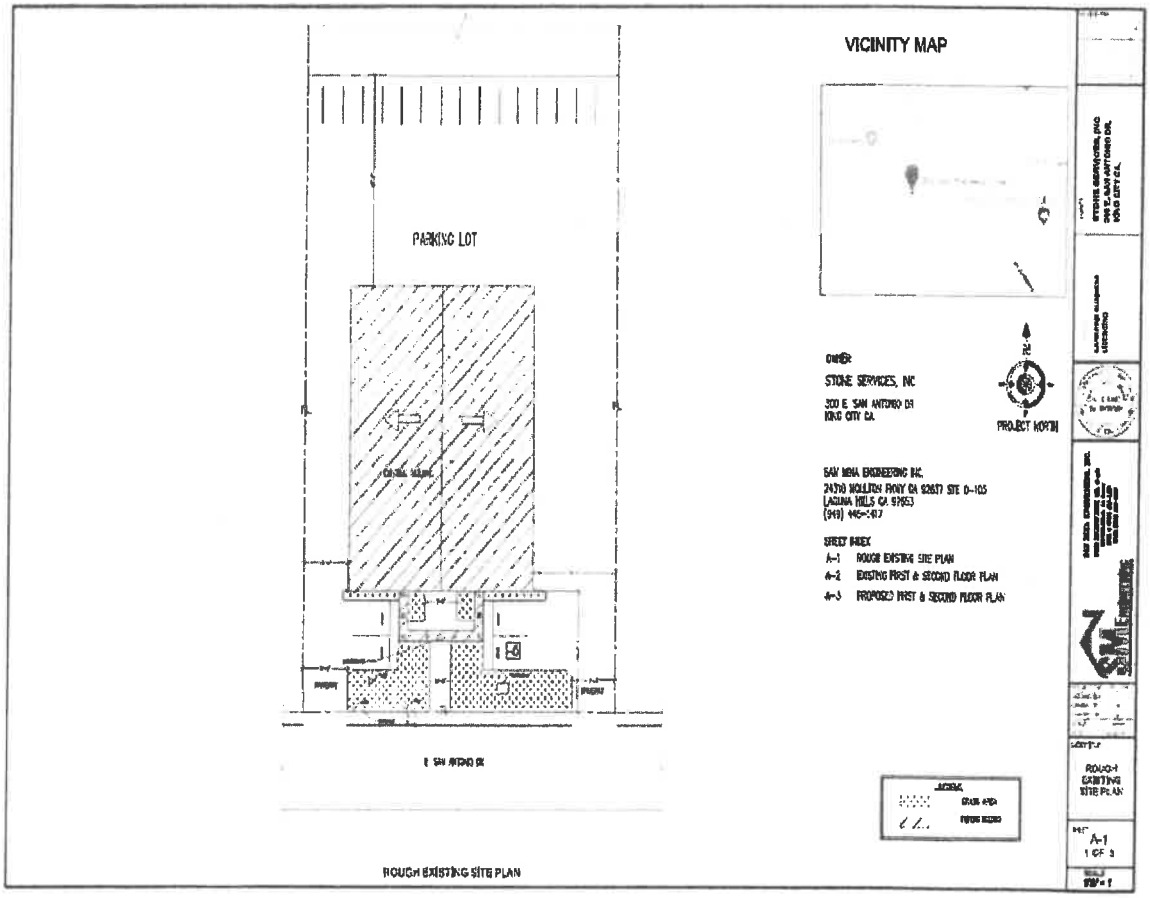
EXHIBIT No. 7

Case Number: COA 2018 – 006
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.



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PART A - PROJECT INFORMATION: MD BIODESIGN.

1.	Assessor's Parcel No(s):	026-522-023
2.	Job Address:	300 E San Antonio Drive
3.	Street Location:	300 E San Antonio Drive
4.	Existing Zoning:	East Ranch Business Park Specific Plan
5.	Planned Land Use:	General Plan: LI (Light Industrial);
6.	Plan Area:	East Ranch Business Park Specific Plan
7.	Project Description:	. CUP Case No. 2017-006 is a request to allow Commercial Cannabis uses in an existing structure located at 300 East San Antonio Drive within the ERBP-SP as generally depicted in the attached diagram, below. The projected development is on approximately 1.55-acres which currently includes an existing structure of approximately 12,013-sf – the site of Heritage Cabinets. Heritage Cabinets will move to the western portion of the structure and Cannabis Uses (Manufacturing (Volatile), Distribution and Non-Storefront Delivery) will be located in 7,700-sf in the eastern portion of the structure. Existing parking will be added to, landscaping will remain.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

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

A Mitigated Negative declaration (MND) was also prepared to evaluate potential and cumulative impacts of the proposed use types. It was approved on September 27, 2016 at the time that the change to the Zoning Code was approved. In August 2017 Ordinances 2017- 745 and 746 amended the Municipal Code to allow Manufacturing Level 2 (CA Type 2) and Distribution (CA Type 11). Ordinances 763 and 764 amended the Municipal Code to allow Non-Storefront Delivery.

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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

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

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

COMMUNITY DEVELOPMENT DEPARTMENT:

1. **Allowed Use:** Manufacturing (CA Type 7), Distribution (CA Type 11), Non-Storefront Delivery (CA Type ~~10~~ 9

2. **Interior Renovation and Exterior:** The existing structure is approximately 12,013-sf in size, accessed from San Antonio Drive. There will be no expansion of the structure and no external changes. The existing Heritage Cabinets shop will move to the western portion of the structure . Cannabis uses will be located in the central and eastern portion of the structure.

3. **Parking:** Parking will conform to the Plan and Application Package as Submitted. New parking and paving area will be installed. Separation between cabinet and cannabis employees in parking area shall be to satisfaction of Community Development Director or designee. Parking and drainage shall be to satisfaction of City Engineer.

4. **Landscaping:** No landscaping improvement are proposed at this time. Future landscape improvements will be in conformance with Municipal Code Chapter 15.50, to be reviewed and approved by Planning Commission during separate Architectural Review. Landscape / Irrigation Plans shall be presented to and approved by City Engineer prior to Building Permit approval and Landscape Installation. The landscaping shall be maintained in a healthy condition in perpetuity.

5. **Lighting:** Security Lighting shall be per Application package. Poles in the parking area are 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. Any signage shall conform to the requirements of Section 17.03 of the City of King Zoning Code. Additional signage may be approved by the Community Development Department and may be submitted to the Planning Commission at the Director's discretion.

7. **Fencing:** New fencing along San Antonio Drive shall be wrought iron and eight (8) feet in height. All other perimeter fences shall be "no climb" chain link, six (6') foot in height with barbed wire, to a maximum of eight (8) feet with vertical slats woven into the chain link.

8. **Odor:** Odor management measures shall be as per the project application and shall at all times conform to the most recent version of Municipal Code Section 17.03.210(i). Charcoal filters shall be replaced every three months or less. If a complaint is filed with the City Manager's Office, it shall be addressed per the most recent version of the Municipal Code.

9. **Waste Disposal:** Waste disposal procedures shall be in accordance with Application Package.

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

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

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

2 **Sprinklers:** Building will be improved with sprinklers.

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

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

2 **Sidewalk:** Right of Way improvements (if any) shall be to satisfaction of City Engineer.

3 **Driveway Approach Revisions:** Sidewalk to be at 2% maximum cross fall across driveways per ADA requirements.

4 **Recycled Water Connection:** If, in the future, irrigation for the landscaped area is improved or installed, a connection shall be available at the sidewalk, sufficient to access and utilize the City's recycled "Purple Pipe" system at such time as it made available. "Purple Pipe" will be located in the San Antonio Way.

5 **Parking, and Paving:** All parking spaces and access to spaces will be paved.. All paving to be to satisfaction of City Engineer.

6 **Grading and Drainage:** Grading and drainage will be to satisfaction of City Engineer and Regional Water Quality Control Board.

OPERATIONS PERMIT:

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

A. **Operations Permit:** The Conditioned Operations Permit and / or Authorization to Operate shall be approved by the City Manager will be in force for the period of one year. It shall be renewed annually. No Operations shall occur without a current permit.

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B. **Security Cameras:** Security cameras shall be installed in quantity and location per the Application Package as approved by HdL. City of King Police personnel shall have access to the system for real time review. One camera that is part of the City's City-wide system shall be installed at the driveway access to the street.

C. **Security Systems:** Security systems shall be in conformance with those presented in the Application Package, to the satisfaction of the Chief of Police and the City's Consultant. A camera compatible with the City-wide surveillance system shall be located at the primary entry to the site.

D. **Solvents:** The Applicant has indicated that CO2, Ethanol and volatiles will be used in the extraction process. Volume, storage techniques, deliveries and safety pre-cautions must be to the satisfaction of the City of King Fire Marshall and Police Departments in compliance with Section 17.03.270 (a) and (b).

E. **Solid Waste:** Solid waste disposal shall be in compliance with County of Monterey Health Department and Waste Management, Inc. requirements. Procedures shall conform to those outlined in the Application Package.

F. **Odor Control:** Odor shall be controlled at all times per the Application Package Section I and the most current version of Section 17.03.210 (i) of the City of King Zoning Code. If an odor related complaint is received by the City Manager's Office, it will be addressed per the direction of the Municipal Code. City Zoning Code. Odor caused by outdoor dumpsters will be addressed in a similar manner.

G. **Air Quality:** Venting shall be in compliance with Monterey County Air Resources Board Standards.

H. **Employee Background Checks:** Employees shall be vetted (background checks) through the standardized King City process, in compliance with the Regulatory Application Package and Section 17.03.210 (k) of the City's Zoning Code. After the Applicant is fingerprinted at the Police Department, Staff will send the Applicant additional information, to be submitted to a third party HdL / Intelifi who will then perform the check. Results will be provided to Applicant and City of King.

I. **Hours of Operation and Employees:** The Applicant has indicated that the facility will be potentially be in operation between 6 AM and 10PM. Maximum employees on one shift has been indicated to be 25. Heritage Cabinets employs 9 persons. Onsite parking will be sufficient to cover overlap periods. No persons under the age of 21 will be allowed on site.

J. **Work Permits and Fees:** Work Permits shall be issued in conformance with Section 17.03.070 (a). Fees shall be as set by the City Council.

K. **Indemnification Agreement:** A signed Indemnification Agreement shall be in place prior to Issuance of the Regulatory Permit. Such agreement shall be approved by the City Attorney and conform to the requirements of Section 17.03.160. Said agreement shall prevail over Hold Harmless and Indemnification Clause attached hereto.

L. **Record Keeping:** Financial and Product Record shall comply with the Regulatory Application Package and the requirements of Section 17.03.180.

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HOLD HARMLESS AND INDEMNIFICATION CLAUSE:

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

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

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

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

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

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

a. *The counsel selected by applicant to so defend City, which approval shall not be unreasonably withheld, delayed or conditioned;*

b. *All significant decisions concerning the manner in which the defense is conducted, which approval shall not be unreasonably withheld, delayed or conditioned; and*

c. *Any and all settlements.*

d. *Any motions or court documents filed on behalf of the city.*

City shall have and retain the right to have the City attorney defend the City and its staff in connection with such proceeding. City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with the applicant in the defense of the proceeding. If City

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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: 12/18/18

RESOLUTION NO. 2019-272

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, FINDING OF SUBSTANTIAL CONFORMANCE CUP 2018-006

WHEREAS, on **October 29, 2018,** Stone Services, Inc submitted an application to allow Medical Cannabis Manufacturing (CA Type 7), Distribution (CA Type 11), Non-Storefront Delivery (CA Type 10) in an existing structure located at 300 East San Antonio Drive in the East Ranch Business Park Specific Plan (ERBPSP);

WHEREAS, on **November 28, 2018** notice of Public Hearing was provided by the City in the Rustler

WHEREAS, the proposed use is allowed with the approval of a Conditional Use Permit in the ERBP (Ordinances 2017-746, August 22, 2017 and 2018-764, July 10, 2018).

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

WHEREAS, the Project was found as Categorically Exempt under CEQA §15332 (Infill Projects), and there are no applicable exceptions to the Categorical Exemption per CEQA Guidelines §15300.2;

WHEREAS, the Commission reviewed the staff report, accepted public testimony, made comment and considered all other relevant information and approved the Conditional Use Permit during the duly noticed public hearing of **December 18, 2018;**

WHEREAS the project accommodates Cabinet Shop and Cannabis Uses in one structure;

WHEREAS, the Commission directed that a final design for parking that separates Cabinet and Cannabis employees be presented prior to the construction of parking lot improvements;

WHEREAS, the Applicant has presented a design concept that substantially addresses the Commission's concerns;

WHEREAS, the Commission makes the followings findings of facts:

1. The approved uses (Manufacture, Distribution, Non-Storefront Dispensary) do not change by this action and will be considered for Authorization in accordance with the description, process and standards provided in the original Application Package;
2. The approved uses are consistent with the General Plan Land Use Designation (LI) Light Industrial and the Uses and Standards of the (ERBP SP) – East Ranch Business Park Specific Plan.
3. This action does not impact the floor plan or footprint of the building as previously approved;
4. The entire lot will be fenced as previously approved: Existing fencing will be improved, and / or replaced and new screening will be installed. An eight (8) foot high wrought iron fence will be installed along the San Antonio Drive frontage.
5. The existing lot will continue to be accessed at two points of entry. No new access points will be established. Heritage Cabinet Employees will enter the site from the south, Cannabis Employees will enter the site from the north. The parking lot will be extended to the west;
6. Parking will satisfactorily separate Cabinet Employees from Cannabis Employees. The parking areas will be constructed as presented to the Commission;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King determines that the parking design as presented Substantially Conforms to the Commission's previous direction and satisfactorily addresses the Commission's concerns. As a Ministerial Action the Commission finds that CEQA Guidelines §21080 apply;

This resolution was passed and adopted this **17th day of December 2019** by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

DAVID NUCK, CHAIRPERSON

ATTEST:_____

ERICA SONNE DEPUTY CITY CLERK / PLANNING COMMISSION SECRETARY

KING CITY
CALIFORNIA

Item No. 8 (A)

PLANNING COMMISSION

DATE: **DECEMBER 17, 2019**

TO: **HONORABLE CHAIRPERSON NUCK AND MEMBERS OF THE PLANNING COMMISSION**

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

RE: **CONSIDERATION OF ORDINANCES UPDATES**

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolutions No. 2019-267, 2019-268, 2019-269, 2019-270 and 2019-271.

BACKGROUND:

In response to recent long-range planning efforts, code enforcement actions, and upcoming potential development projects, the City Staff is recommending a variety of ordinance updates. The proposed updates are summarized as follows:

- **Fences:** Establish new standards for fences, hedges, walls, atriums, and courtyards to increase safety in the public right-of-way and improve streetscape aesthetics.

- **Hotel/Motel Building Height:** Amend definition of Hotels/Motels and allow maximum height of four (4) stories and fifty (50').

- **Drinking Establishments:** Create definition of "Drinking Establishments" (which includes Night Clubs) and establish new related standards.

- **Yard Debris:** Extend prohibition of discharge of offensive substances to private property and designate yard debris as an offensive substance.

- **Sign Language:** Remove language related to signs where it exists outside Chapter 17.55 Signs.

DISCUSSION:

Resolution 2019-267 – Fences/Walls/Hedges:

The City is working to create safer streets for pedestrians, bicyclists, and motorists. This code update introduces "vision clearance areas" at street corners, driveways and alleys. The purpose of a vision clearance area is to limit the height of fences, which will reduce blind spots along roads and maximize visibility.

The Citizen Advisory Code Enforcement Committee also met in July of 2019 and recommended that the standards for fence height requirements be amended. The purpose is to allow slightly taller fences in single-family front yards to reduce the number of non-conforming fences so the City can better target enforcement on those fences with the most serious violations. The current height limit is also problematic because most prefabricated fences come in 4 feet heights.

In addition, the update increases consistency among residential fence standards, and establishes a list of prohibited fencing materials.

The proposed code update is detailed below:

- Amends Chapter 17.04 to add new definitions, including definitions for fences located in specific locations (i.e. "side yard fence") and adding definition for a "Vision Clearance Area" which restricts fence heights to three (3') feet within a certain distance from street corners and driveways/alleys.

- Amend Chapters 17.12, 17.14, 17.16, 17.18 to accomplish the following: create more consistent fence standards across all residential zones, and establish a maximum height of seven (7') feet in all residential zones.

- Amend Chapter 17.48 to accomplish the following: establish that a "Fence Permit" will be required for fences up to four (4') feet located in the front yard setback area, establish a list of prohibited fencing materials, and establish standards for decorative features (e.g., trellises and masonry columns), retaining walls, berms, and mounds.

Resolution 2019-268 – Hotels/Motels:

This amendment addresses two (2) issues related to hotels/motels: 1. Provides a consistent definition of hotel/motel, and 2. Increases the height from thirty (30) feet and two (2) stories to four (4) stories and fifty (50') in the HS zoning district for hotel/motel. In recent months development groups have expressed interest in hotel construction along Highway 101. The City is in escrow with a hotel developer for sale of property at 1023 Broadway Street. However, the developer has indicated

that allowance for four stories will be necessary in order to attract a flagship hotel with one of the major brands. The primary reason for the current limit of two stories was the potential impact on the City's Fire ISO rating due to the absence of a ladder apparatus. The City Council recently approved a development impact fee on any buildings higher than 2-story, which will help fund the differential cost required to add a ladder attachment when the Fire Department replaces its next engine. Therefore, a strategy is in place to mitigate the cause for this restriction. Staff is currently assessing where else in the City three-story buildings may be appropriate. At this time, it is recommended to limit them only to hotels. This code update would allow hotels and motels to be four (4) stories tall within the Highway Service (H-S) zoning district. H-S zoning exists along Broadway Street (west of Lorenzo Ave.), the southern section of South 1st Street, and south of Highway 101 in the Broadway Circle area. *(See zoning map attached as **Exhibit 7**.)*

The update also creates consistency among definitions for hotels and motels.

The proposed code update is detailed below:

- Amends Section 17.26.050 to allow hotels and motels to be four (4) stories and fifty (50') in height.

- Amends Sections 17.04.260 and 17.04.350 to change the definition of motels/hotels and consolidate redundant definitions.

- Repeals Section 17.48.070 regarding exceptions to height limits and moves this text under Section 17.04.240 (definition for "height of building").

Resolution 2019-269 – Night Clubs, Cocktail Lounges, Private Parties:

This amendment creates consistency among definitions for different types of establishments serving alcohol by establishing a new category: "Drinking Establishment." The City of King Historic Corridor Revitalization Plan will also be revised to be made consistent with the Municipal Code.

There have also been neighborhood impacts related to private parties held at commercial establishments, especially when they extend late into the night and alcohol is being served. In response, this update will help mitigate these impacts by requiring private parties held on commercial property to obtain a Temporary Use Permit. Since the City is attempting to attract more restaurant activity in the downtown, it was also staff's objective to create a separate use category to alleviate current disincentives for restaurants to provide live entertainment.

The proposed code update is detailed below:

- Amends Section 17.04.135 "Drinking Establishment" definition to include cocktail lounges and night clubs.

- Adopts Section 17.04.395 to define "Private Parties" held at commercial properties where alcohol is served and/or entertainment is provided. Establishes requirement for a Temporary Use Permit for parties meeting the new definition.

- Amends Section 17.26.030 to remove "Cocktail Lounges" and add "Drinking Establishments" as a permitted use subject to obtaining a conditional use permit.

- Amends Sections 17.23.030 and 17.22.030 to remove embedded definition of "Drinking Establishments."

- Amends Chapter 4, Section 4.10 and Table 4.7 of the City of King Historic Corridor Revitalization Plan to include a consistent definition for "Drinking Establishment".

Resolution 2019-270 – Offensive Substances Including Yard Debris:

There used to be a Municipal Code provision that prohibited residents from blowing their leaves into the street or onto a neighbor's property. However, staff recently discovered it was deleted during a prior code revision. Recently, the Code Enforcement Officer has received complaints, but has been limited in his ability to respond since the restriction is no longer clearly set forth in the Municipal Code. The City has attempted to discourage this practice because it generates too many leaves for the street sweeper to process. This amendment clarifies the requirement of discharging offensive substances within the public right-of-way or private property. The proposed changes will clarify that yard debris is an offensive substance that cannot be transferred from one private property to another, or into the right-of-way where it can create hazards to users of sidewalks and roads.

The proposed code update is detailed below:

- Amends Section 13.08.010 to add yard debris as an offensive substance, and to clarify that discharge of offensive substances cannot occur in the public right-of-way OR on private property.

- Amends Section 7.51.102 to include Yard Debris as a nuisance under "Weeds, vegetation, and rubbish."

Resolution 2019-271 – Sign Language Outside Chapter 17.55 Signs:

This amendment will remove references to signs within the Municipal Code where they exist outside of Chapter 17.55 (the sign ordinance). The City is currently working on an update to Chapter 17.55 that will be brought before the Planning Commission in early 2020.

The proposed code update is detailed below:

- Repeal Section 17.48.060 regarding real estate signs.
- Repeal Section 17.04.450 "Sign" definition.
- Amend Section 17.16.040 to remove subsection (3) regarding signs on accessory buildings.

ENVIRONMENTAL REVIEW:

The Ordinances are exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there are no possibilities that the Ordinances will have significant effects on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as they are exempt because they consist of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated fences/walls, building heights for hotels, drinking establishments, yard debris and real estate signs pursuant to CEQA Guidelines sections 15307 and 15308.

COST ANALYSIS:

There are no costs associated with this action.

ALTERNATIVES:

The following recommendations are provided for Planning Commission consideration:

1. Adopt the Resolutions recommending the City Council adopt the Ordinances;
2. Direct staff to modify one or more of the Ordinances;
3. Do not recommend the City Council adopt one or more the Ordinances;
4. Request additional information; or
5. Provide staff other direction.

Exhibits:

Exhibit 1: Planning Commission Resolution No. 2019-267
Exhibit 2: Planning Commission Resolution No. 2019-268
Exhibit 3: Planning Commission Resolution No. 2019-269
Exhibit 4: Planning Commission Resolution No. 2019-270
Exhibit 5: Planning Commission Resolution No. 2019-271
Exhibit 6: Draft City Council Ordinances 2020-781 thru 2020-785
Exhibit 7: Zoning Map

Submitted by: For Erik Berg-Johansen
Erik Berg-Johansen, City Planner

Approved by: For Doreen Liberto
Doreen Liberto, AICP, Community Development Director

EXHIBIT 1

RESOLUTION NO. 2019-267

RESOLUTION OF THE CITY OF KING PLANNING COMMISSION RECOMMENDING THE CITY OF KING CITY COUNCIL AMEND CHAPTERS 17.04, 17.12, 17.14, 17.16, 17.18, OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO FENCES, WALLS AND HEDGES

WHEREAS, pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City has seen an increase in code enforcement complaints for fences being built higher than thirty-six (36") in height; and

WHEREAS, on **July 24, 2019**, the Citizen Advisory Code Enforcement Committee recommended that the standards for fence height requirements be amended; and

WHEREAS, current industry standards of prefabricated fence materials are more frequently being built to forty-eight (48") inches in height; and

WHEREAS, a city survey by the Building and Safety Department was conducted in various zones within the city and identified over twenty (20) fences in front yard areas that are forty-eight (48") inches in height; and

WHEREAS, staff researched other nearby cities that have also incorporated a forty-eight (48") inches in height for front yard fencing; and

WHEREAS, amending Title 17 Zoning Chapters 17.04, 17.12, 17.14, 17.16, and 17.18 will provide design standards and allow front yard fences up to thirty-six (36") inches in height outright, with the ability to implement fences up to forty-eight (48") inches in height with a Fence Permit; and

WHEREAS, on December 17, 2019, the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") approve the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Planning Commission finds that this ordinance is necessary for the preservation of the public peace, health and safety; and

WHEREAS, 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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King does hereby ordain as follows:

1. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated fences/walls, pursuant to CEQA Guidelines sections 15307 and 15308.
2. The Planning Commission recommends the City Council adopt Ordinance 2020-781 amending Section Chapter 17 of the King City Municipal Code, as presented in **Exhibit 6.**

This resolution was passed and adopted this **17th day of December, 2019**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____

DAVID NUCK, CHAIRPERSON

ATTEST:

_____

Erica Sonne, Deputy City Clerk

EXHIBIT 2

RESOLUTION NO. 2019-268

RESOLUTION OF THE CITY OF KING PLANNING COMMISSION RECOMMENDING THE CITY OF KING CITY COUNCIL AMEND TITLE 17, CHAPTER 17.26, SECTION 17.26.050 OF THE KING CITY MUNICIPAL CODE ALLOWING FOUR STORIES AND FIFTY (50') FEET FOR HOTELS AND MOTELS IN THE HIGHWAY SERVICE DISTRICT, AMEND CHAPTER 17.48 SECTION 17.48.070 AND CHAPTER 17.04 SECTION 17.04.240 TO CONSOLIDATE HEIGHT EXCEPTIONS AND BUILDING HEIGHT DEFINITION, AND AMEND CHAPTER 17.04, SECTIONS 17.04.260 AND 17.04.350 TO CONSILIDATE HOTEL/MOTEL DEFNITIONS

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on December 17, 2019 the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") approve the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Planning Commission finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Council has approved a plan to acquire new fire apparatus to meet the fire needs of buildings up to four (4) stories and the Planning Commission finds that the increased height to four (4) stories and fifty (50') feet for hotels and motels will not hamper fire protection; and

WHEREAS, new hotel developments typically need to be at least three (3) to four (4) stories to be economically viable and to accommodate sufficient parking and modern conveniences favored by travelers; and

WHEREAS, the Planning Commission finds that it is easier and more economical to construct elevators to help ensure compliance with the accessibility provisions of the Building Code; and

WHEREAS, definitions related to hotels, motels and building height in the Municipal Code need to be simplified and made consistent; and

WHEREAS, 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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King does hereby ordain as follows:

1. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of building heights for hotels, pursuant to CEQA Guidelines sections 15307 and 15308.
2. The Planning Commission recommends the City Council adopt Ordinance 2020-782 amending Section Chapter 17 of the King City Municipal Code, as presented in **Exhibit 6.**

This resolution was passed and adopted this **17th day of December, 2019**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____

DAVID NUCK, CHAIRPERSON

ATTEST:

_____

Erica Sonne, Deputy City Clerk

RESOLUTION NO. 2019-269

RESOLUTION OF THE CITY OF KING PLANNING COMMISSION RECOMMENDING THE CITY OF KING CITY COUNCIL AMEND MUNICIPAL CODE TITLE 7, CHAPTER 17.04, AND AMENDING THE HISTORIC CORRIDOR REVITALIZATION PLAN TO ADD DEFINITION FOR "DRINKING ESTABLISHMENT" AND REMOVE REDUNDANT DEFINITIONS

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on December 17, 2019, the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") approve the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Planning Commission finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Planning Commission finds that Night Clubs are not defined in the Municipal Code; and

WHEREAS, the Planning Commission finds it is appropriate to classify Night Clubs and other establishments primarily serving alcohol as "Drinking Establishments"; and

WHEREAS, the Planning Commission finds it is appropriate that private parties (a temporary use) held at businesses shall obtain a Temporary Use Permit; and

WHEREAS, 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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King does hereby ordain as follows:

1. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the

environment by prohibiting environmentally destructive components of drinking establishments, pursuant to CEQA Guidelines sections 15307 and 15308.

2. The Planning Commission recommends the City Council adopt Ordinance 2020-783 amending Section Chapter 17 of the King City Municipal Code, as presented in **Exhibit 6.**

This resolution was passed and adopted this **17th day of December, 2019**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____

DAVID NUCK, CHAIRPERSON

ATTEST:

_____

Erica Sonne, Deputy City Clerk

RESOLUTION NO. 2019-270

RESOLUTION OF THE CITY OF KING PLANNING COMMISSION RECOMMENDING THE CITY OF KING CITY COUNCIL AMEND TITLE 7, CHAPTER 7.51 AND TITLE 13, CHAPTER 13.08, OF THE KING CITY MUNICIPAL CODE TO EXTEND PROHIBITION OF DISCHARGE OF OFFENSIVE SUBSTANCES TO PRIVATE PROPERTY AND TO INCLUDE YARD DEBRIS AS AN OFFENSIVE SUBSTANCE

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on December 17, 2019 the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") approve the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Council finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Council finds that fallen tree leaves and other yard debris create a nuisance when they are moved from one property to another property, and from private property into the public right-of-way; and

WHEREAS, 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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King does hereby ordain as follows:

1. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of yard debris, pursuant to CEQA Guidelines sections 15307 and 15308.
2. The Planning Commission recommends the City Council adopt Ordinance 2020-784 amending Section Chapter 17 of the King City Municipal Code, as presented in **Exhibit 6.**

This resolution was passed and adopted this **17th day of December, 2019**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____

DAVID NUCK, CHAIRPERSON

ATTEST:

_____

Erica Sonne, Deputy City Clerk

RESOLUTION NO. 2019-271

RESOLUTION OF THE CITY OF KING PLANNING COMMISSION RECOMMENDING THE CITY OF KING CITY COUNCIL AMEND SECTIONS 17.48.060, 17.04.450 AND 17.16.040 OF TITLE 17, OF THE KING CITY MUNICIPAL CODE TO REMOVE LANGUAGE RELATED TO SIGNS WHERE IT EXISTS OUTSIDE CHAPTER 17.55 SIGNS

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on December 17, 2019, the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") approve the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Planning Commission finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Planning Commission finds that all code language related to signs should exist in Chapter 17.55 SIGNS; and

WHEREAS, 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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King does hereby ordain as follows:

1. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of sign regulations, pursuant to CEQA Guidelines sections 15307 and 15308.
2. The Planning Commission recommends the City Council adopt Ordinance 2020-785 amending Section Chapter 17 of the King City Municipal Code, as presented in **Exhibit 6.**

This resolution was passed and adopted this **17th day of December, 2019**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____

DAVID NUCK, CHAIRPERSON

ATTEST:

_____

Erica Sonne, Deputy City Clerk

DRAFT (12 DECEMBER 2019)

ORDINANCE NO. 2020-781

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING CHAPTERS 17.04, 17.12, 17.14, 17.16, 17.18 , OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO FENCES, WALLS AND HEDGES

WHEREAS, pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City has seen an increase in code enforcement complaints for fences being built higher than thirty-six (36") in height; and

WHEREAS, on **July 24, 2019**, the Citizen Advisory Code Enforcement Committee recommended that the standards for fence height requirements be amended; and

WHEREAS, current industry standards of prefabricated fence materials are more frequently being built to forty-eight (48") inches in height; and

WHEREAS, a city survey by the Building and Safety Department was conducted in various zones within the city and identified over twenty (20) fences in front yard areas that are forty-eight (48") inches in height; and

WHEREAS, staff researched other nearby cities that have also incorporated a forty-eight (48") inches height for front yard fencing; and

WHEREAS, amending Title 17 Zoning Chapters 17.04, 17.12, 17.14, 17.16, and 17.18 will provide design standards and allow front yard fences up to thirty-six (36") inches in height outright, with the ability to implement fences up to forty-eight (48") inches in height with a Fence Permit; and

WHEREAS, on **December 17, 2019**, the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") [approve/deny] the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Council finds that this ordinance is necessary for the preservation of the public peace, health and safety; and

WHEREAS, 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.

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

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

SECTION 2. An environmental determination the Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated fences/walls, pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 3. Chapter 17.04, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.04
DEFINITIONS

Section 17.04.210 Fence.
"Fence" means any structural device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar materials.

<u>"Front yard fence" means any structure device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar material located along the front yard property line or within the front yard setback area.</u>

<u>"Atrium or courtyard walls" mean an outdoor area attached to a dwelling, enclosed on all sides by walls and open to the sky.</u>

<u>"Side yard fence" means any structure device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar material located behind the required front yard setback.</u>

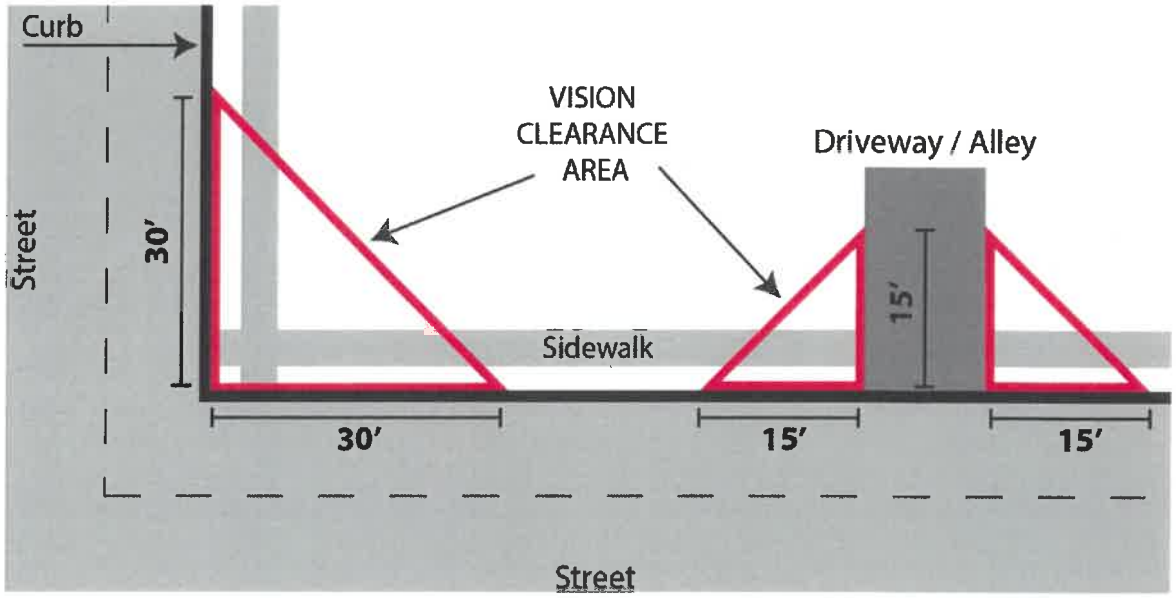
<u>"Street side yard fence" means any structure device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar material located behind the required street side yard setback area.</u>

"Rear yard fence" means any structure device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar material located along the rear yard property line.

"Vision Clearance Area" means a triangular area measured 30 feet from the street corner edge of curb, as shown in Diagram 1; and

A triangular area measured 15 feet from the outer edge of curb on both sides of an alley or residential/commercial driveway, as shown in Diagram 1.

DIAGRAM 1: DRIVEWAY VISION CLEARANCE AREA



"Fence Permit" means a discretionary permit obtained from the Community Development Department, subject to City Engineer review for vision clearance area. Fence Permits may be appealed to the Planning Commission.

SECTION 4. Chapter 17.12, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.12
(R-1 Single Family Residential District)
FENCES – WALLS

Section 17.12.090 Fences-Walls.

~~"Fences and walls are permitted but not required. Such fences and walls shall not exceed seven feet in height, and where the same are located in the required front yard or side yard abutting the street, the same shall not exceed three feet in height."~~

Fence, Wall and Hedge Height Standards:

(1) Located on front or street side property line, within front yard setback, or within street side yard setback:

a. Without Fence Permit: Maximum of three (3') feet in height above the existing elevation of the surface of the ground at such point.

b. With Fence Permit: Maximum of four (4') feet in height above the existing elevation of the surface of the ground at such point.

(2) Located within the Vision Clearance Area:

a. Maximum of three (3') feet in height.

(3) Located within three-feet of a fire hydrant or utility poles located in the right-of-way:

a. Maximum of three (3') feet in height.

(4) Located within a rear or interior side yard:

a. Maximum of seven (7') feet in height.

(5) The minimum spacing for concrete or masonry columns is eight (8') feet on center. The height of concrete or masonry columns between fence panels may extend one (1') foot above the allowable fence height. Columns exceeding three (3') feet in height are prohibited within the Vision Clearance Area.

SECTION 5. Chapter 17.14, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.14
(R-2 Medium Family Residential District)
FENCES – WALLS

Section 17.14.090 Fences—Walls.
~~"Fences and walls are permitted but not required. Such fences and walls shall not exceed seven feet in height, and where the same are located in the required front yard or side yard abutting the street, the same shall not exceed three feet in height.~~
Fence, Wall and Hedge Height Standards:

(1) Located on front or street side property line, within front yard setback, or within street side yard setback:

a. Without Fence Permit: Maximum of three (3') feet in height above the existing elevation of the surface of the ground at such point.
b. With Fence Permit: Maximum of four (4') feet in height above the existing elevation of the surface of the ground at such point.

(2) Located within the Vision Clearance Area:

a. Maximum of three (3') feet in height.

(3) Located within three-feet of a fire hydrant or utility poles located in the right-of-way:

a. Maximum of three (3') feet in height.

(4) Located within a rear or interior side yard:

a. Maximum of seven (7') feet in height.

(5) The minimum spacing for concrete or masonry columns is eight (8') feet on center. The height of concrete or masonry columns between fence panels may extend one (1') foot above the allowable fence height. Columns exceeding three (3') feet in height are prohibited within the Vision Clearance Area.

SECTION 6. Chapter 17.16, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.16
(R-3 Medium High Family Residential District)
FENCES – WALLS

Section 17.16.090 Fences—Walls.

~~Fences and walls are permitted but not required. Such fences and walls shall not exceed seven feet in height, and where the same are located in the required front yard or side yard abutting the street, the same shall not exceed three feet in height. In developments of ten units or more on interior lots the fence height may be increased to a maximum height of seven feet under the following conditions:~~

(1) ~~The solid portion of the fence cannot exceed three feet in height above grade with the exception of concrete or masonry columns, which may extend up to six feet above grade with a maximum width of thirty inches.~~
(2) ~~The minimum spacing for concrete or masonry columns is eight feet on center.~~
(3) ~~The upper four feet of the fencing supported between the concrete or masonry columns is to be of open construction so as to permit view through the fencing.~~
(4) ~~Architectural review approval required for fences over three feet high in the front yard setback.~~

(5) ~~Fencing over three feet in height not permitted in front or side yard setbacks on corner lots.~~

Fence, Wall and Hedge Height Standards:

(1) Located on front or street side property line, within front yard setback, or within street side yard setback:

a. Without Fence Permit: Maximum of three (3') feet in height above the existing elevation of the surface of the ground at such point.
b. With Fence Permit: Maximum of four (4') feet in height above the existing elevation of the surface of the ground at such point.

(2) Located within the Vision Clearance Area:
a. Maximum of three (3') feet in height.

(3) Located within three-feet of a fire hydrant or utility poles located in the right-of-way:

a. Maximum of three (3') feet in height.

(4) Located within a rear or interior side yard:

a. Maximum of seven (7') feet in height. The solid portion of the fence cannot exceed three (3') feet in height above existing grade with the exception of concrete or masonry columns, which may extend up to six (6') feet above existing grade with a maximum width of thirty (30") inches.

(5) The minimum spacing for concrete or masonry columns is eight (8') feet on center. The height of concrete or masonry columns between fence panels may extend one (1') foot above the allowable fence height. Columns exceeding three (3') feet in height are prohibited within the Vision Clearance Area.

SECTION 7. Chapter 17.18, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.18
(R-4 High Density Residential & Professional Offices District)
FENCES – WALLS

Section 17.18.090 Fences—Walls.
~~"Fences and walls are permitted but not required. Such fences and walls shall not exceed six feet in height, and where the same are located in the required front yard or side yard abutting the street, the same shall not exceed three feet in height."~~

Fence, Wall and Hedge Height Standards:

(1) Located on front or street side property line, within front yard setback, or within street side yard setback:

a. Without Fence Permit: Maximum of three (3') feet in height above the existing elevation of the surface of the ground at such point.

b. With Fence Permit: Maximum of four (4') feet in height above the existing elevation of the surface of the ground at such point.

(2) Located within the Vision Clearance Area:

a. Maximum of three (3') feet in height.

(3) Located within three-feet of a fire hydrant or utility poles located in the right-of-way:

a. Maximum of three (3') feet in height.

(4) Located within a rear or interior side yard:

a. Maximum of seven (7') feet in height. The solid portion of the fence cannot exceed three (3') feet in height above existing grade with the exception of concrete or masonry columns, which may extend up to six (6') feet above existing grade with a maximum width of thirty (30") inches.

(5) The minimum spacing for concrete or masonry columns is eight (8') feet on center. The height of concrete or masonry columns between fence panels may extend one (1') foot above the allowable fence height. Columns exceeding three (3') feet in height are prohibited within the Vision Clearance Area.

SECTION 8. Chapter 17.18, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.48
(Uses – Conditions and Exemptions)
FENCES – WALLS

Section 17.48.100 Fences—Walls.

"Fences, hedges and walls may be erected in any district subject to the following conditions:

~~(a) Fences, hedges and walls shall not exceed six-feet in height from original grade on the lot or within all rear and side property lines on interior lot lines, and on or to the rear of all front yard setback lines.~~

~~(b) No fence, hedge or wall over thirty-six inches in height shall be erected in any required front yard, or in the required side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the side line of an adjoining lot.~~

~~(c) A six-foot fence, hedge or wall may be located not closer than five feet from the side property line on the street side of any corner lot.~~

(d) Fences or structures exceeding six-feet in height to enclose commercial and industrial areas, tennis courts or similar areas, when such fences enclose the rear half of a lot, may be erected subject to the obtaining of a conditional use permit ~~therefor~~.

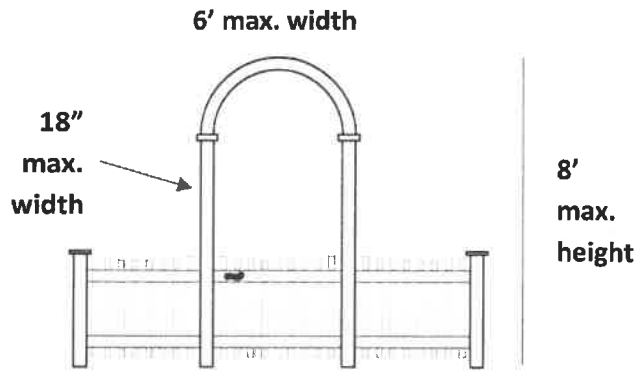
(e) Prohibited Materials. Barbed wire, razor wire, wire mesh, electrified fences, or similar fence shall not be installed within the city, except for permitted uses in heavy commercial or industrial zones. Chain link fences are prohibited within the Historic Downtown Corridor.

(f) Retaining Walls. Where fences, hedges and walls are located on retaining walls, the height of the retaining wall shall be considered as part of the overall height of the fence or wall.

(g) Berms and Mounds. Where fences, hedges and walls are located on a berm or mound, the height of the fence shall include the berm or mound directly beneath the fence and above existing grade in the overall height measurement.

(h) Decorative Entry Feature. A decorative arch, gate, trellis or other entry feature located along a street frontage may exceed the height limit as long as it is outside the Vision Clearance Area. Decorative features shall be limited to a maximum of eight (8') feet in height and six (6') feet in width. No portion of the feature itself shall have a width exceeding eighteen (18") inches. Such features within required setbacks shall not be constructed of heavy materials such as masonry or metal. Only one decorative feature is permitted per street frontage. See Diagram 2.

Diagram 2
Decorative Entry Feature



SECTION 9: EFFECTIVE DATE.
This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the _____ day of _____ 2019, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2019, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

_____
STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

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

ORDINANCE NO. 2020-782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING TITLE 17, CHAPTER 17.26, SECTION 17.26.050 OF THE KING CITY MUNICIPAL CODE ALLOWING FOUR STORIES AND FIFTY (50') FEET FOR HOTELS AND MOTELS IN THE HIGHWAY SERVICE DISTRICT, AMENDING CHAPTER 17.48 SECTION 17.48.070 AND CHAPTER 17.04 SECTION 17.04.240 TO CONSOLIDATE HEIGHT EXCEPTIONS AND BUILDING HEIGHT DEFINITION, AND AMENDING CHAPTER 17.04, SECTIONS 17.04.260 AND 17.04.350 TO CONSILIDATE HOTEL/MOTEL DEFNITIONS

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Council finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Council has approved a plan to acquire new fire apparatus to meet the fire needs of buildings up to four (4) stories and finds that the increased height to four (4) stories and fifty (50') feet for hotels and motels will not hamper fire protection; and

WHEREAS, new hotel developments typically need to be at least three (3) to four (4) stories to be economically viable and to accommodate sufficient parking and modern conveniences favored by travelers; and

WHEREAS, the Council finds that it is easier and more economical to construct elevators to help ensure compliance with the accessibility provisions of the Building Code; and

WHEREAS, definitions related to hotels, motels and building height in the Municipal Code need to be simplified and made consistent; and

WHEREAS, on December 17, 2019 the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") [approve/deny] the proposed ordinance; and

WHEREAS, 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; and

WHEREAS, on January XX, 2019, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

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

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

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that it is consistent with the General Plan and all applicable Specific Plan(s).

SECTION 3. The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of the City of King residents.

SECTION 4. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of building heights for hotels, pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 5. Chapter 17.26, of Title 17 of the King City Municipal Code is hereby amended as follows:

Section 17.26.050 Maximum building height.

~~No building shall be more than two stories, nor more than thirty feet in height. (Ord. 660 § 1, 2006; Ord. 429 § 1, 1980; Ord. 354 § 4.29.5, 1973)~~

With the exception of hotels and motels, no building shall be more than two (2) stories and thirty (30') feet in height. Hotels and motels shall be no more than four (4) stories and fifty (50') feet in height.

SECTION 6. Chapter 17.04, of Title 17 of the King City Municipal Code is hereby amended as follows:

Section 17.04.260 Hotel.

~~"Hotel" means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which are occupied by six or more individuals for compensation paid directly or indirectly. Hotel for the purpose of this title means "motel." (Ord. 354 § 2.2.28, 1973)~~

SECTION 7. Chapter 17.04, of Title 17 of the King City Municipal Code is herby amended as follows:

Section 17.04.350 Motel or hotel.

~~"Motel" or "hotel" means one or a group of two or more detached or semi-detached buildings containing guest rooms, with automobile parking space provided in connection therewith, which building or group of buildings is designed and used primarily for the accommodation of transient automobile travelers; provided, that the guest room or rooms shall not contain any mechanical equipment for the preparation or storage of food or beverages, unless such equipment was incorporated into the approved design of the structure. (Ord. 561 § 2, 1993; Ord. 354 § 2.2.3, 1973)~~

For purposes of determining applicability of Transient Occupancy Tax, any new building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

SECTION 8. Chapter 17.48, of Title 17 of the King City Municipal Code is hereby amended as follows:

Section 17.48.070 Exceptions to Height Limits.

~~**17.48.070 Exceptions to height limits.**~~

~~Where chimneys, silos, cupolas, flag poles, monuments, gas storage holders, radio, television and other towers, water tanks, church steeples and similar structures and mechanical appurtenances are permitted in a district, height limits may be exceeded upon the securing of a use permit in each case. (Ord. 354 § 5.1.6, 1973)~~

SECTION 9. Chapter 17.04, of Title 17 of the King City Municipal Code is hereby amended as follows:

Section 17.04.240 Height of building.

"Height of building" means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof, excluding elevator equipment rooms, ventilating and air conditioning equipment.

Where chimneys, silos, cupolas, flag poles, monuments, gas storage holders, radio, televisions and other towers, water tanks, church steeples and similar structures and mechanical appurtenances are permitted in a district, height limits may be exceeded upon the securing of a use permit in each case.

SECTION 10. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing ordinance was introduced by the City Council after waiving the reading, except by Title, at a regular meeting thereof held on the ___ day of ____ 2019, and adopted the ordinance after the second reading at a regular meeting held on the ____day of ____ 2019, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST

_____

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

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

ORDINANCE NO. 2020-783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING MUNICIPAL CODE TITLE 7, CHAPTER 17.04, AND AMENDING THE HISTORIC CORRIDOR REVITALIZATION PLAN TO ADD DEFINITION FOR "DRINKING ESTABLISHMENT" AND REMOVE REDUNDANT DEFINITIONS

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on December 17, 2019, the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") [approve/deny] the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Council finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Council finds that Night Clubs are not defined in the Municipal Code; and

WHEREAS, the Council finds it is appropriate to classify Night Clubs and other establishments primarily serving alcohol as "Drinking Establishments"; and

WHEREAS, the Council finds it is appropriate that private parties (a temporary use) held at businesses shall obtain a Temporary Use Permit; and

WHEREAS, 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; and

WHEREAS, on January XX, 2019, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

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

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

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that it is consistent with the General Plan and all applicable Specific Plan(s).

SECTION 3. The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of the City of King residents.

SECTION 4. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of drinking establishments, pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 5. Chapter 17.04, of Title 17 of the King City Municipal Code is hereby amended to read as follows:

Chapter 17.04
DEFINITIONS

Section 17.04.135 Drinking Establishment.

A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, wine bars, **cocktail lounges, night clubs,** and tasting rooms, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. **May also provide entertainment, examples of which include live music and/or dancing, comedy, etc.** May also include beer brewing as part of a microbrewery ("brew-pub") and other beverage tasting facilities.

Persons under twenty-one (21) years of age are not allowed to enter and remain on the premises.

Section 17.04.395 Private Parties.

Parties or gatherings not open to the public held at commercial properties where alcohol is served and/or entertainment is provided. Individuals or businesses shall acquire a Temporary Use Permit prior to hosting a Private Party. Permitted

hours are between 8AM – 11PM. A commercial property may host up to (4) private parties per calendar year. The host shall obtain any necessary permits or clearances from the State of California Alcohol Beverage Control (ABC) and from the City's Building Department for occupancy load.

SECTION 6. Chapter 17.26, of Title 17 of the King City Municipal Code is hereby amended to read as follows:

Chapter 17.26

HIGHWAY SERVICE DISTRICT

Section 17.26.030 Uses permitted subject to obtaining conditional use permit.

(3) Restaurants including:

(i) With and without entertainment and/or serving alcoholic beverages;
(ii) Fast food restaurants with and without drive-thru windows;
~~(iii) Cocktail lounges.~~

(10) Drinking Establishments;

~~(10)~~ **(11)** Other uses similar to, and no more objectionable than the uses identified above, as determined by the planning commission, pursuant to Municipal Code Section 17.02.050. (Ord. 660 § 1, 2006; Ord. 569 § 6, 1994; Ord. 487 § 2, 1985; Ord. 413 § 1, 1979; Ord. 365 § 3, 1974; Ord. 354 § 4.29.3, 1973)

SECTION 7. Chapter 17.23, of Title 17 of the King City Municipal Code is hereby amended to read as follows:

Chapter 17.23
RETAIL-COMMERCIAL TRANSITION DISTRICT

Section 17.23.030 Uses permitted subject to obtaining permit.

(3) **Drinking Establishments** ~~Cocktail lounges engaged in the service of alcoholic beverages under an on-sale general license or under an on-sale beer and wine license issued by the State Alcoholic Beverage Control Board~~;

SECTION 8. Chapter 17.22, of Title 17 of the King City Municipal Code is hereby amended to read as follows:

Chapter 17.22
RETAIL BUSINESS DISTRICT

Section 17.22.030 Uses permitted subject to obtaining a permit.

(3) **Drinking Establishments** ~~Cocktail lounges engaged in the service of alcoholic beverages under an on-sale general license or under an on-sale beer and wine license issued by the State Alcoholic Beverage Control Board~~;

SECTION 9. Amend Chapter 4, Section 4.10, of the City of King Historic Corridor Revitalization Plan as follows:

B. Definitions
~~**Bar, Tavern, Night Club**~~ **Drinking Establishment:**

~~**Bar, Tavern:**~~ A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, wine bars, **cocktail lounges, night clubs,** and tasting rooms, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. **May also provide entertainment, examples of which include live music and/or dancing, comedy, etc.** May also include beer brewing as part of a microbrewery ("brew-pub") and other beverage tasting facilities.

~~**Night Club:** A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses.~~

SECTION 10. Amend Chapter 4, Table 4.7, of the City of King Historic Corridor Revitalization Plan as follows:

LAND USE TYPE	**ZONE**		
Retail	**FSC**	**VC**	**VB**
Artisan Shop	P	P	P
~~Bar, tavern, night club~~ **Drinking Establishment**	UP	UP	-

SECTION 11. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing ordinance was introduced by the City Council after waiving the reading, except by Title, at a regular meeting thereof held on the ___

day of ____ 2019, and adopted the ordinance after the second reading at a regular meeting held on the ____day of ____ 2019, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST

_____
STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

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

ORDINANCE NO. 2020-784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING TITLE 7, CHAPTER 7.51 AND TITLE 13, CHAPTER 13.08, OF THE KING CITY MUNICIPAL CODE TO EXTEND PROHIBITION OF DISCHARGE OF OFFENSIVE SUBSTANCES TO PRIVATE PROPERTY AND TO INCLUDE YARD DEBRIS AS AN OFFENSIVE SUBSTANCE

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on December 17, 2019 the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") [approve/deny] the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Council finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Council finds that fallen tree leaves and other yard debris create a nuisance when they are moved from one property to another property, and from private property into the public right-of-way; and

WHEREAS, 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; and

WHEREAS, on January XX, 2019, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

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

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

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that it is consistent with the General Plan and all applicable Specific Plan(s).

SECTION 3. The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of the City of King residents.

SECTION 4. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of yard debris, pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 5. Chapter 13.08, of Title 13 of the King City Municipal Code is hereby amended to read as follows:

Chapter 13.08
DISCHARGE OF OFFENSIVE SUBSTANCES ~~ON CITY STREETS~~

Section 13.08.010 Unlawful.

It is unlawful to negligently, ~~wilfully~~ **willfully** or maliciously discharge, throw, deposit, permit to pass onto, **sweep, blow** or place where it does pass onto any **private property of other resident**, public street, alley, parkway or sidewalk in the city, any petroleum, acid, coal or oil, tar, aniline, asphalt, bitumen, or residuary product of petroleum, oil, grease, water, rubbish, garbage, debris **(including leaves and other yard debris)**, trash, sweepings, animal or vegetable matter, or any putrid or offensive liquid, substance or matter, or in any other manner cause any interference with or hazard to public travel or damage to **private property or** public property upon said public streets, parkways or sidewalks. (Ord. 221 § 1, 1949)

SECTION 6. Chapter 7.51, of Title 7 of the King City Municipal Code is hereby amended to read as follows:

Section 7.51.102 Weeds, vegetation, and rubbish.

> No person, whether such person is the owner, agent, or person in control of any lot or parcel of land within the city, shall maintain, permit, or allow such premises, or adjoining public way, sidewalk, street and/or alley, to be maintained in any of

the following conditions, which are declared to be a public nuisance. It is the duty of the property owner to destroy or remove all such prohibited materials.

(a) Refuge for Vermin. Dead, decayed, diseased or hazardous trees, weeds, grass, rubbish, refuse, dirt, debris, or any other matter or material which may provide a breeding place or refuge for rodents, insects, or other vermin.

(b) Vegetation Near Chimneys. Dead vegetative growth overhanging a structure or any tree branch or other vegetative growth which extends within ten feet of the outlet of a chimney.

(c) Pollen. Weeds which may produce pollen which is injurious to the health, safety, comfort, or welfare of the residents of the city.

(d) Fire Hazard: Fire Hydrants. Weeds, rubbish, refuse, dirt, debris, or any other matter or material which may become a fire or health hazard, or is within thirty-six inches of a fire hydrant.

(e) Overhanging Vegetation. Vegetative growth overhanging a public street by less than fourteen feet in height or a public sidewalk by less than eight feet in height.

(f) Other Vegetation. Any other vegetation or materials which, because of lack of maintenance, create conditions which may become a fire or health hazard, including weeds which are otherwise subject to abatement by law.

(g) Yard Debris. See Chapter 13, Section 13.08.010.

SECTION 7. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing ordinance was introduced by the City Council after waiving the reading, except by Title, at a regular meeting thereof held on the ___ day of ____ 2019, and adopted the ordinance after the second reading at a regular meeting held on the ____day of ____ 2019, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST

_____
STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

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

ORDINANCE NO. 2020-785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING SECTIONS 17.48.060, 17.04.450 AND 17.16.040 OF TITLE 17, OF THE KING CITY MUNICIPAL CODE TO REMOVE LANGUAGE RELATED TO SIGNS WHERE IT EXISTS OUTSIDE CHAPTER 17.55 SIGNS

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on December 17, 2019, the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council ("Council") [approve/deny] the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, the Council finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the Council finds that all code language related to signs should exist in Chapter 17.55 SIGNS; and

WHEREAS, 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; and

WHEREAS, on January XX, 2019, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

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

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

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that it is consistent with the General Plan and all applicable Specific Plan(s).

SECTION 3. The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of the City of King residents.

SECTION 4. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") as it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3), as well as it is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of sign regulations, pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 5. Chapter 17.48, of Title 17 of the King City Municipal Code is hereby amended as follows:

Section 17.48.060 Real estate signs permitted when.

~~Signs for the advertising of the sale of a subdivision may be displayed on the site of the subdivision, upon the securing of a use permit for the erection of such signs. (Ord. 354 § 5.1.5, 1973)~~

SECTION 6. Chapter 17.04, of Title 17 of the King City Municipal Code is hereby amended as follows:

Section 17.04.450 Sign.

~~"Sign" means any advertising display or structure. (Ord. 354 § 2.2.45, 1973)~~

SECTION 7. Chapter 17.16, of Title 17 of the King City Municipal Code is hereby amended as follows:

Section 17.16.040 Accessory buildings and uses permitted.

The following shall be permitted:

(1) Accessory buildings, only if constructed simultaneously with or subsequent to the main building on the same lot;

(2) Accessory uses which are normally incidental to uses permitted. This is not to be construed as permitting any commercial use;

~~(3) One sign, not over four square feet in area, when attached to the main building on the lot and when appurtenant to an allowed use; provided, that the sign shall contain only the name, or name and street number, of the project (e.g., "Peppertree Apartments") and shall not advertise any product or service. (Ord. 425 § 2(a), 1980; Ord. 354 § 4.24.4, 1973)~~

SECTION 8. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing ordinance was introduced by the City Council after waiving the reading, except by Title, at a regular meeting thereof held on the ___ day of ____ 2019, and adopted the ordinance after the second reading at a regular meeting held on the ____day of ____ 2019, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST

_____
STEVEN ADAMS, City Clerk

CITY OF KING

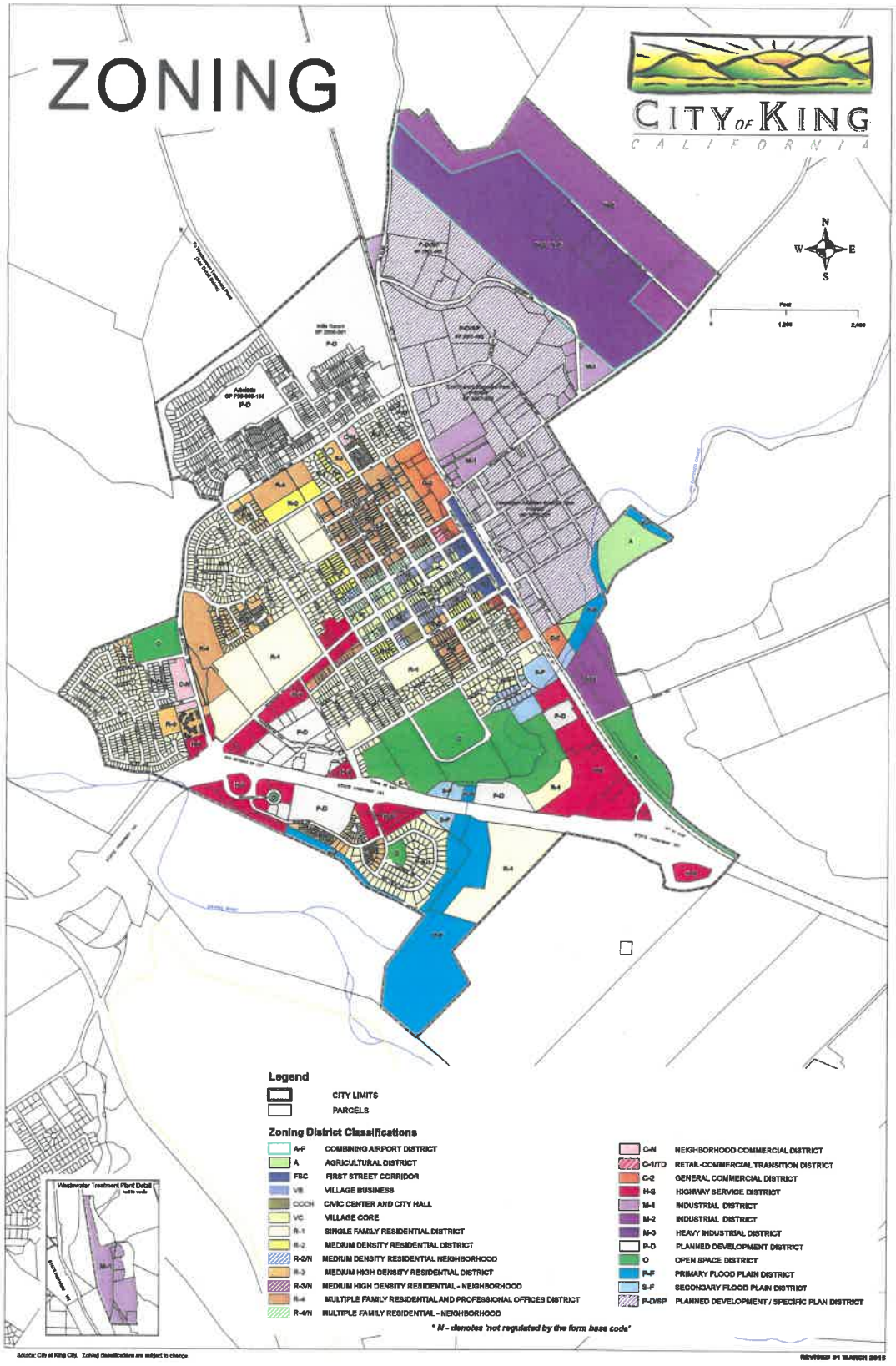
By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

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

EXHIBIT 7


ZONING
CITY OF KING
CALIFORNIA
N
W
E
S
Feet
1,200
2,400
Legend
CITY LIMITS
PARCELS
Zoning District Classifications
A-P COMBINING AIRPORT DISTRICT
A AGRICULTURAL DISTRICT
FSC FIRST STREET CORRIDOR
VB VILLAGE BUSINESS
CCCH CIVIC CENTER AND CITY HALL
VC VILLAGE CORE
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
R-2/N MEDIUM DENSITY RESIDENTIAL NEIGHBORHOOD
R-3 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT
R-3/N MEDIUM HIGH DENSITY RESIDENTIAL - NEIGHBORHOOD
R-4 MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES DISTRICT
R-4/N MULTIPLE FAMILY RESIDENTIAL - NEIGHBORHOOD
C-N NEIGHBORHOOD COMMERCIAL DISTRICT
C-1/TD RETAIL-COMMERCIAL TRANSITION DISTRICT
C-2 GENERAL COMMERCIAL DISTRICT
H-S HIGHWAY SERVICE DISTRICT
M-1 INDUSTRIAL DISTRICT
M-2 INDUSTRIAL DISTRICT
M-3 HEAVY INDUSTRIAL DISTRICT
P-D PLANNED DEVELOPMENT DISTRICT
O OPEN SPACE DISTRICT
P-F PRIMARY FLOOD PLAIN DISTRICT
S-F SECONDARY FLOOD PLAIN DISTRICT
P-D/SP PLANNED DEVELOPMENT / SPECIFIC PLAN DISTRICT
* N - denotes 'not regulated by the form base code'
Wastewater Treatment Plant Detail
not to scale
Source: City of King City. Zoning classifications are subject to change.
REVISED 31 MARCH 2015