

Planning Commission Minutes

February 4, 2020

1. Call to Order

Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:01 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 Attorney Roy Santos by phone, Principal Planner Scott Bruce; Planner Erik Berg-Johansen; Executive Admin. Asst./Deputy City Clerk/ Planning Secretary, Erica Sonne.

4. Public Comments

None

5. Presentations

None

6. Consent Calendar

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

A. Approval of Minutes: January 21, 2020

Action: Motion made by Commissioner Uribe to approve minutes of January 21, 2020. Seconded by Commissioner Saunders. Motion carried 5-0.

7. NON- PUBLIC HEARINGS –

None

8. PUBLIC HEARINGS

- A. Project: City's Zoning Ordinance Pertaining to Commercial Cannabis Activities and Associated CEQA Determination
- Applicant: City of King
- Location: The regulatory ordinances would apply to all zones within the City Limits.
- Consideration: An Ordinance of the City Council of City of King amending Chapter 17.03 of Title 17 of the King City Municipal Code Pertaining to Commercial Cannabis Activity.
- Recommendations: Staff recommends the Planning Commission adopt a Resolution recommending the City Council adopt an Ordinance amending

Chapter 17.03 of Title 17 of the King City Municipal Code pertaining to commercial cannabis activity to allow cannabis storefront dispensaries within the City.

Environmental
Determination:

Pursuant to Cal. Public Resources Code §15061 (3), and in accordance with the California Environmental Quality Act (“CEQA”), the project is covered by the general CEQA rule which states if it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA. Staff believes that selling of the property which will remain open space for agriculture will not have a significant effect on the environment, and therefore the project is not subject to CEQA.

Commissioner Saunders recused himself from the meeting due to a conflict and left council chambers.

Principal Planner Scott Bruce introduced this item with a PowerPoint presentation. He explained the application process and qualifications along with interior and exterior design for dispensaries.

City Attorney Santos added that the applicant would need to submit a design plan that is approved by the City Manager prior to the item coming to Planning Commission.

Principal Planner Bruce also went over the change in the environmental wording on the resolution. “The Planning Commission should recommend the City Council find and determine the proposed amendments to the Commercial Cannabis Ordinance Chapter 17.03 are not a “project” for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA. Any storefront dispensary authorized by the proposed amendments shall undergo CEQA review on a project specific basis, any CEQA determination at this stage would be speculative since no project is currently before the Planning Commission for review.” Principal Planner Bruce stated that each project will be reviewed on a project by project basis.

City Attorney Santos clarified the environmental impact.

Principal Planner Bruce clarified that edibles can only be sold out of a dispensary.

Chair Nuck opened the public hearing.

Bill Lipe stated that there is potential for housing development on the North First Street and he feels the highway sites are better for dispensaries. He believes Broadway Circle has some places for lease currently. Since there are only going to be 2 applicants, he hopes it would not be only one company that would have both and he hopes that it would be a local person that may get one of the sites.

City Attorney explained that legally there cannot be a preference for a local resident, it needs to be an equal basis. With each application the applicant has to disclose ownership so that one business entry from each owner would go to the lottery.

Principal Planner Bruce explained the letters of concern and that they were concerned about children being exposed to cannabis.

Chair Nuck stated that the City tried to keep deliveries out of the City and the State overruled and required it. Will the State require dispensaries in the City? City Attorney state law does not require storefront dispensaries that is left to the City.

Chair Nuck closed the public hearing.

Planning Commissioner Uribe wanted to know if there is a potential for housing later on like the gentlemen mentioned.

Community Development Director stated that there is the potential for farmworker housing across the street.

City Attorney stated that dispensaries across the street would not prevent residential growth. It goes off the basis of lot line.

Planning Commissioner Uribe wanted clarification on items that could be bought at a dispensary could be ordered online and delivered? Planner Bruce stated theoretically.

City Attorney Santos explained that with storefront dispensaries sales tax revenue would 100% would come to King City and online sales tax revenue could go to were it is leaving from.

Planning Commissioner Uribe stated his concern is for the Police Department. He feels that having the dispensaries on the outskirts of the city is asking for trouble because they could be robbed and take off.

City Attorney stated that these zones were selected by City Council.

Planning Commissioner Uribe stated that he would not like to see a dispensary on Broadway. He doesn't feel it is a good fit for King City. He feels people can order and have it delivered or go to Greenfield. He feels that kids will find someone to buy it for them. He doesn't like that people can grow it at home. He thinks it is just as bad as alcohol. He just doesn't think it would be good for King City right now. He is concerned about the image, the children and crime. He is pro-business, but he is concerned about the children having access. Maybe in the future.

Commissioner Uribe made a motion to direct staff to draft a resolution that Planning Commission to recommend the City Council not adopt an Ordinance amending Chapter 17.03 of Title 17 of the King City Municipal Code pertaining to commercial cannabis activity to allow cannabis storefront dispensaries within the City. Commissioner Avalos seconded. Motion carried 4-0.

Commissioner Saunders returned to the meeting.

- B. Project: Downtown Addition Specific Plan Amendment and Chestnut Road/Bitterwater Avenue Employee Housing Project
- Applicant: Jerry Rava II, Fresh Foods Inc.
- Location: Downtown Addition Specific Plan Area, generally located east of the intersection of Metz Road and Bitterwater Road along Union Pacific Railroad.
- Consideration: The proposed project consists of rezoning of four (4) parcels, amendments to King City's Downtown Addition Specific Plan ("specific plan"), and construction of a housing development on the Bitterwater/Chestnut Road site (Bitterwater Road at Metz Road). A future farmworker housing project is planned on the Jayne Street site (Jayne Street at Pearl Street) which is being removed from the Specific Plan.

The following zoning amendments would be made: Three parcels (026-301-005, 026-301-006 and 026-301-003) comprising the Jayne Street site would be rezoned from Downtown Addition Specific Plan Neighborhood Center ("**NC**") and Neighborhood General 3 ("**NG-3**") to Multiple Family Residential and Professional Offices ("**R-4**") District and Seasonal Employee Housing Standards/Dual Land Use Designation; and

One parcel (026-301-001) adjacent to the Jayne Street site (currently developed with an auto repair shop) would be rezoned from Downtown Addition Specific Plan Neighborhood Center ("**NC**") to General Commercial District ("**C-2**").

Recommendations: Staff recommends the Planning Commission 1) allow staff to make a presentation. 2) open the public hearing, 3) allow the Applicant to make a presentation, 4) provide comments regarding the project and propose new conditions of approval as recommended in the staff report, and 5) continue the public hearing to February 18, 2020.

Environmental
Determination:

Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15163, it has been determined that a Supplemental EIR ("*S-EIR*"), State Clearinghouse No. 2006041150, tiered from the 2011 Full Downtown Addition Environmental Impact Report ("*F-EIR*"), State Clearinghouse No. 2006041150, is the appropriate environmental document for the proposed Project. The Planning Commission will determine whether to recommend the City Council adopt the Final S-EIR.

Community Development Director Doreen Liberto introduced this item. There was a letter passed out from Smith Monterey that they are in favor of this project.

Planner Erik Berg-Johansen further introduced this item with a Powerpoint. 118 units proposed all but 1 is two bedrooms. One of the changes to the specific plan is to allow 3 stories.

Chair Nuck opened the public hearing.

Claud Hoover further introduced this item with a Powerpoint as well. He appreciates the staff in King City, and they appreciate the relationship between Planning Commission and City Council. Project Vision is to provide workforce housing with an elegant design with twice the required open space. It supports the Downtown Addition and the need to manage project cost is necessary. Mr. Hoover gave a project history.

He showed project site slides. They want to have all sides of the site attractive as possible. All stairways are on the interior. Entrances on Bitterwater and Chestnut streets. He also showed a 3-minute video.

Planning Commissioner Uribe inquired about the number of units and the size. Mr. Hoover stated that 1120 square feet with accommodations for 8 people. Each bedroom being 200 sq. ft. It is to provide housing for Rava workers to begin with. 450 to 900 can be housed. Commissioner Uribe wanted to know about transportation for the employers. Mr. Hoover stated that it will be mixed but buses.

Planning Commissioner Saunders wondered about people getting to Broadway from this housing project. He feels it would be good to have sidewalk by the Meyer building.

There is bike access and fire truck access.

Planning Commissioner Uribe wants to know if there would be more washing machine spaces to exceed requirements. Mr. Hoover stated that he feels that it exceeds now.

Planning Commissioner Uribe wanted to know about colors. Mr. Hoover stated that it has earth tones but lots of different textures. Chair Nuck likes the color scheme and 2 other commissioners agree.

Planning Commissioner Uribe asked about the ladder truck for 3 story buildings. City will be purchasing the ladder truck with contributions from impact fees. The fee will be upfront so the City can purchase it.

It will have security cameras as well.

Bill Lipe, Fresh Foods, Inc., he has been with Fresh Foods, Inc. for the last 4 years and Jerry Rava II has been wanting employee housing since the beginning. He feels the laundry facilities will be plenty of space for what the workers need to do. He hopes they recommend approval.

Chair Nuck is also concerned about the crossing at first street for foot traffic. City Engineer Hurtado explained the closing of one crossing and opening another at Broadway that would be connected to

Chestnut.

Chair Nuck continued the public hearing by a motion from Commissioner Saunders to February 18, 2020. Commissioner Avalos seconded. Motion carried 5-0.

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports-

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned by Chair Nuck at 7:43p.m.



David Nuck
Planning Commission Chairperson
City of King



Erica Sonne
Planning Commission Secretary
City of King