

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

This is to advise that the City of Livingston has prepared an Initial Study and Mitigated Negative Declaration for the Project identified below that is scheduled to be considered by the City of Livingston.

PLEASE BE ADVISED that the Planning Commission will consider the Mitigated Negative Declaration (MND) at the Commission's meeting to be held on **March 14, 2023**. The meeting will be held at the City Council Chamber, 1416 C Street, Livingston, CA. The Planning Commission will adopt a Resolution recommending adoption of the MND to the City Council. City Council Consideration of the MND and the proposed project will be scheduled for a separate date upon action taken by the Planning Commission.

Project Name

Greenzone, LLC - Cannabis Business Park

Project Location

The Project site is located approximately 0.4 miles west of Main Street, just north of Bird Street as it turns north to the Police Department Shooting Range in the northern-most part of the City of Livingston, California, which is one of six incorporated cities in Merced County (Figures 2-1 and 2-2). State Route (SR) 99 is approximately one mile west of the site. The Project parcel is identified by the assessor's parcel number (APN) 047-090-004. The site is predominately surrounded by agricultural land. Presently, the site predominantly consists of fallow agricultural land. A canal trends southwest-northeast through the site.

Project Description

The applicant is proposing to subdivide an 18.8-acre parcel into 22 lots ranging from approximately 0.66 acres to 1.46 acres in size, and a dedicated stormwater detention basin (Lot A), see Figure 2-5. The Project would ultimately result in a secured, gated Cannabis Business Park with a future 25-foot-wide internal road being privately owned and maintained. The site is bisected by the Merced Irrigation District (MID) Stoddard Lateral that runs diagonally through the site, which will be undergrounded.

According to Section 5-3-15, Land Use Regulations (Zoning Matrix) from the City's Municipal Code, the following cannabis-related uses could be included within the proposed Cannabis Business Park with approval of a Conditional Use Permit:

- Commercial cannabis cultivation – indoor
- Commercial cannabis cultivation – mixed light (enclosed)
- Commercial cannabis distribution
- Commercial cannabis manufacturing (volatile/nonvolatile)

- Commercial cannabis – microbusiness (no retail; no outdoor cultivation)
- Commercial cannabis nursery – indoor or mixed light/greenhouse
- Commercial cannabis testing

The Project Applicant has filed a Master Conditional Use Permit (MCUP) requesting authorization to allow the above uses, as well as any future cannabis-related permitted use or conditionally permitted use, on the subject site. Although retail cannabis uses are not permitted anywhere within Livingston City Limits at this time, the Applicant is requesting all future permitted cannabis-related uses, including retail, be considered under this MCUP. Although the ultimate intent for the TSM is to construct a Cannabis Business Park, if cannabis-related uses are not forthcoming, then the 22 lots may result in the construction of other non-cannabis industrial uses as permitted in the Zoning Ordinance. Therefore, according to Municipal Code Title 5, Chapter 2, if cannabis-related uses are not established, the following uses could be either a permitted use or a conditionally permitted use within the Limited Industrial (M-1) zone:

- Auto body repair
- Auto storage
- Auto wrecking
- Body art establishment
- Finished goods assembly
- Heavy terminal
- Kennel
- Manufacturing, beverage/bottling plant
- Manufacturing, heavy general
- Manufacturing, light general
- Recycling facility
- Salvage yards
- Smoke shop and/or smoking lounge

The ultimate buildout of the 22 lots and basin lot (Lot A), whether it includes cannabis-related uses or not, would need to be consistent with City's General Plan, Zoning Ordinance, and would need to meet the intent of the M-1 zone district.

Site plan and design review approvals are required for all uses involving new construction, significant exterior alterations to existing structures, or significant site plan alterations in the M-1 zone. Also included with the application is a site plan, floor plan, and elevation depicting typical buildout of the proposed lots. It is the staff's intention to seek the City Council's approval of the sample site plan and to obtain Council's authorization for staff-level approval of future site plans deemed sufficiently consistent with the sample going forward.

As noted above, some of these uses listed may require conditional use permits or other discretionary review, subject to the determination of compliance with the development, parking, landscaping, and other standards of the Zoning Ordinance. All future cannabis-related uses will be subject to the City's two-step cannabis permitting process. Due to the

size, complexity, unusual features or other concerns, any project subject to administrative or conditional approval, may be further reviewed under CEQA at the discretion of the Planning Director.

The document and documents referenced in the Initial Study/Mitigated Negative Declaration are available for review at Livingston City Hall located at 1416 C Street, Livingston, CA 95334 and at the Livingston Branch Library located at 1212 Main Street Livingston, CA 95334. In addition, digital versions of the Initial Study and related documents are available at the City's website at:

<https://www.cityoflivingston.org/commdev/page/planning-division>

As mandated by the California Environmental Quality Act (CEQA), the public review period for this document is 30 days (CEQA Section 15073[b]). **The public review period began on January 20, 2023 and ended on February 20, 2023.**

For further information, please contact the Contract City Planner at (209) 394-8041.

Figures

- 2-1. Regional Location Map
- 2-2. Vicinity Map
- 2-5. Proposed Tentative Subdivision Map

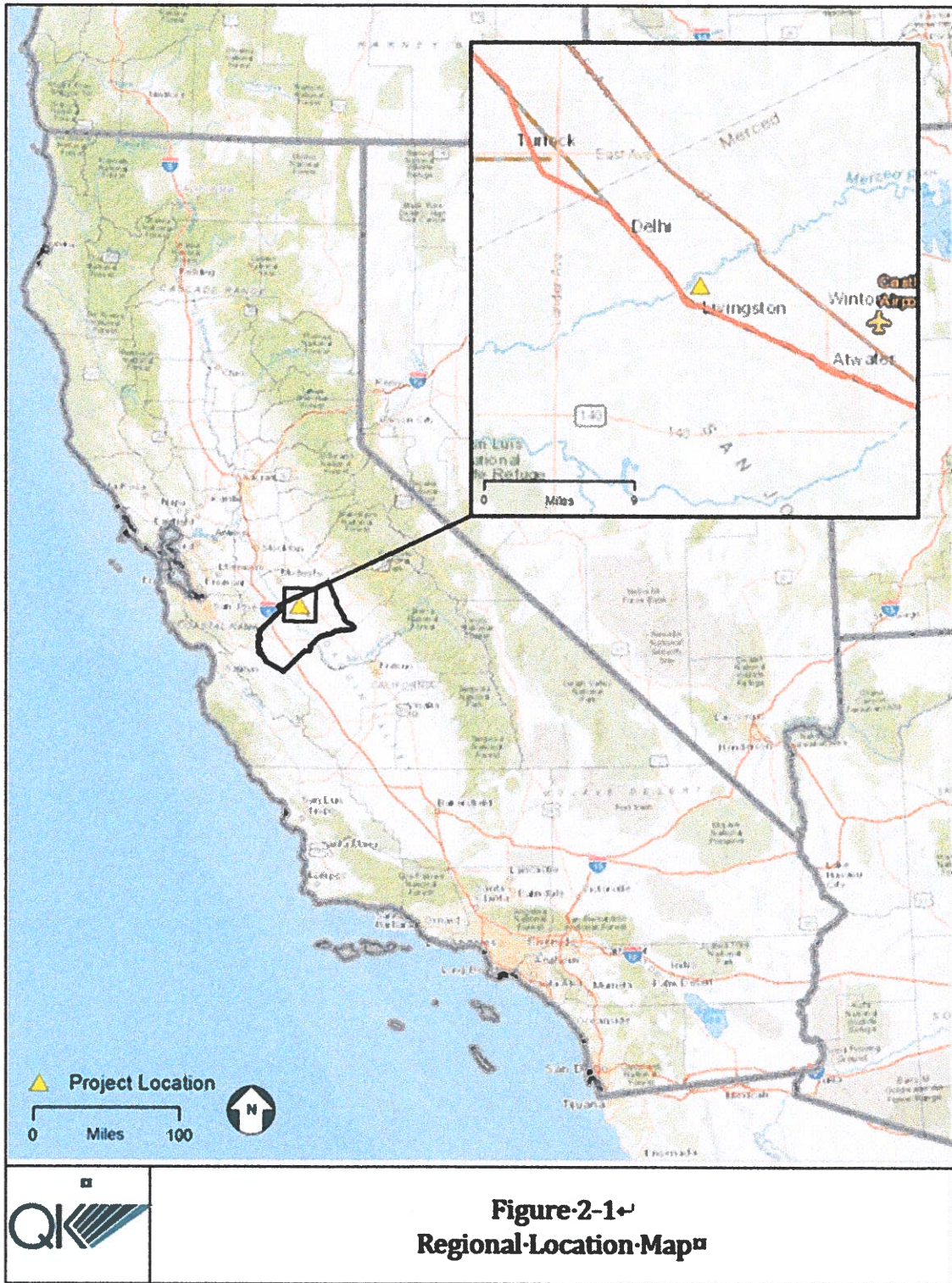
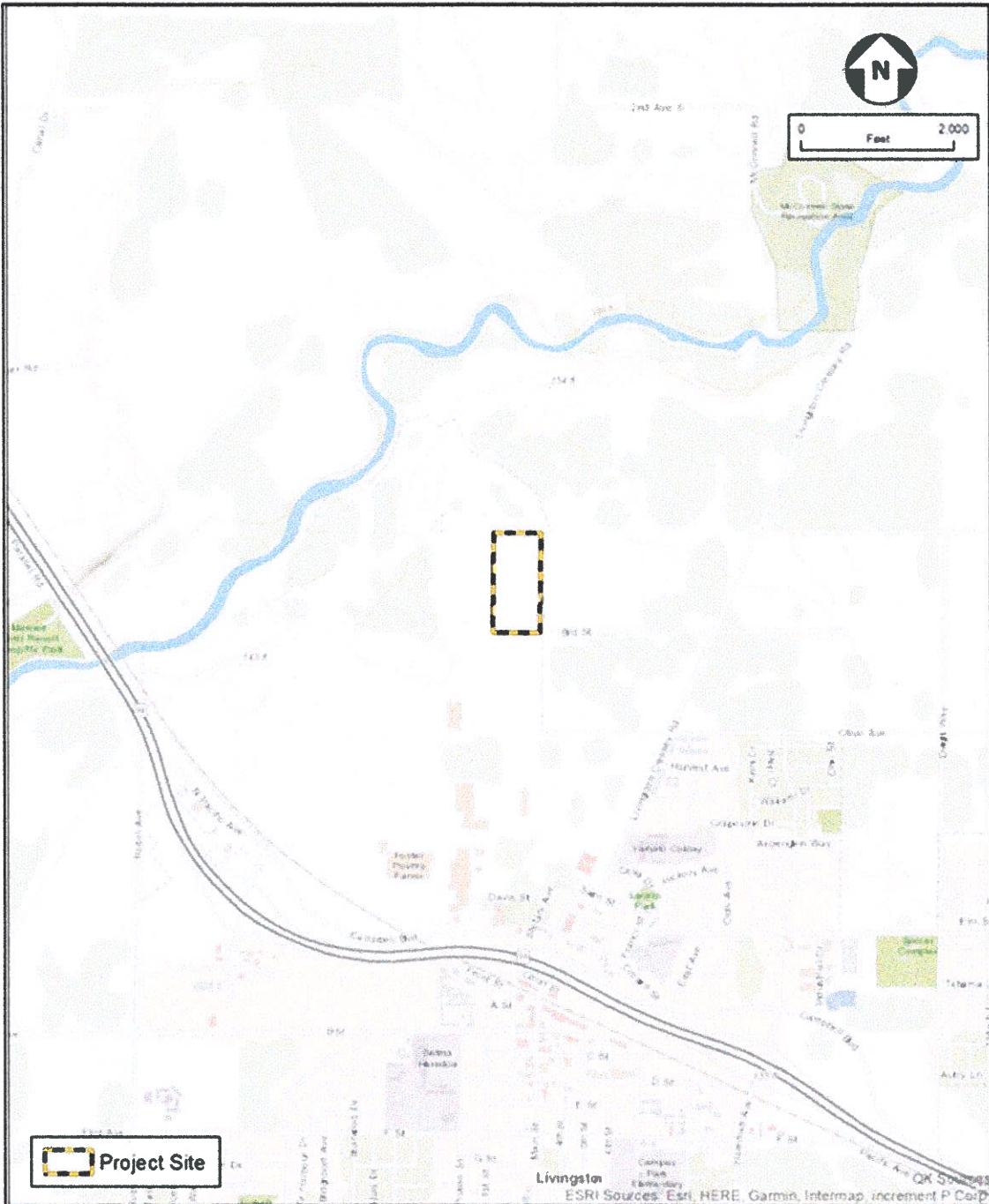


Figure-2-1
Regional Location Map



**Figure-2-2
Vicinity-Map**

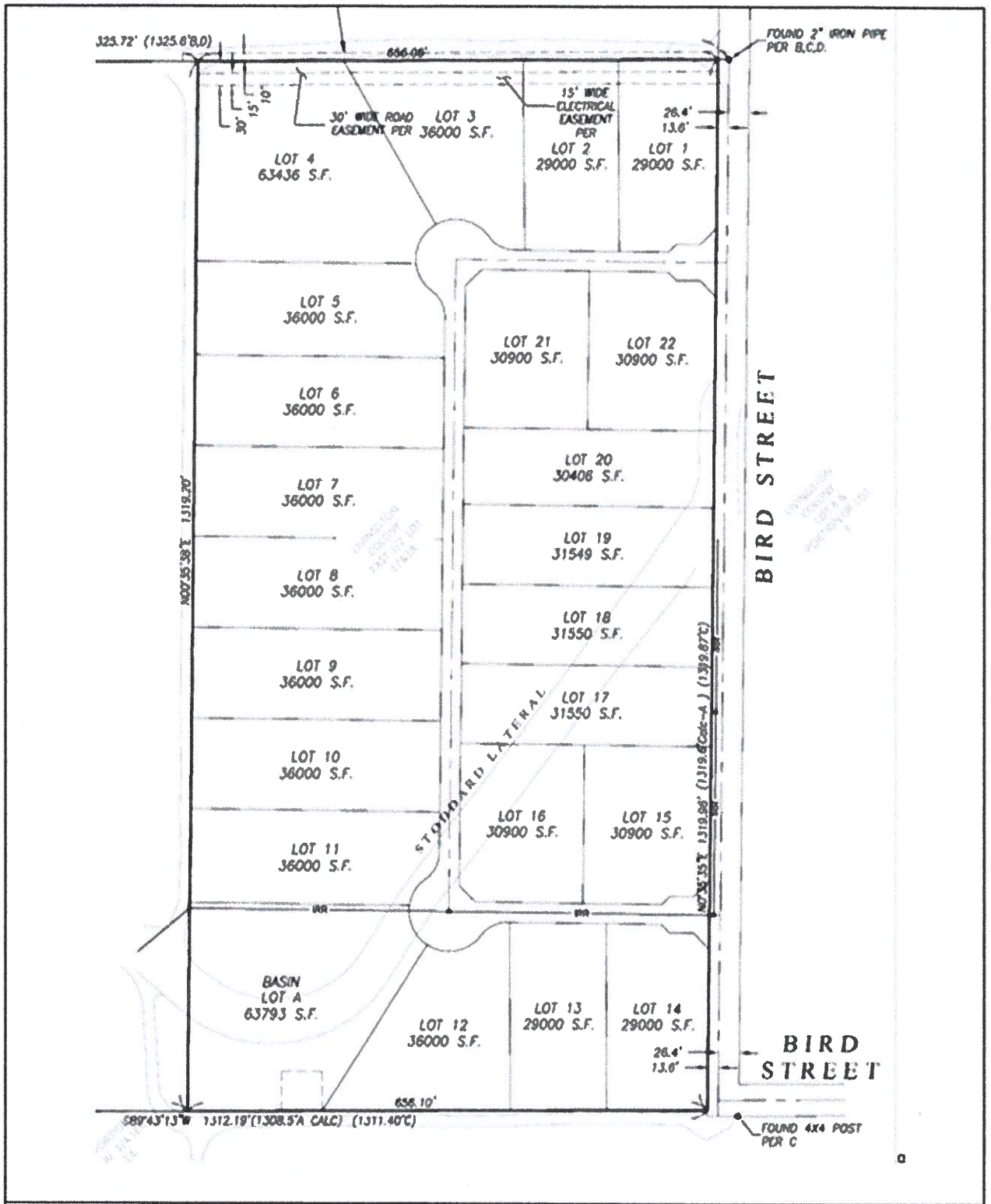


Figure-2-5
Proposed Tentative Subdivision Map

NOTE:

- NO ADDRESS OBSERVED DURING FIELD SURVEY NOR PROVIDED TO SURVEYOR.
- FLOOD ZONE CLASSIFICATION PER FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 0903003002E & INSURANCE RATE MAP (IRM) NUMBER 0903003002E FOR THE SUBDIVISION, CITY OF LIVINGSTON, MERCED COUNTY, CALIFORNIA, DATED SEPTEMBER 28, 2008 (LIES WITHIN ZONE X).
- WATER IS LOCATED APPROXIMATELY 1,300' AWAY AT THE WEST END OF OLIVE AVENUE AND LIVINGSTON CRESSY ROAD. ALL PROPOSED INNER STREETS WILL BE PRIVATE ROADS AND CONC. MEET CITY STANDARDS PER CITY OF LIVINGSTON DEPT. OF PUBLIC WORKS, ST-9 AND EXISTING "BIRD STREET" IS AN "OFFICIAL RECORD" AS PER CITY OF LIVINGSTON DEPT. OF PUBLIC WORKS, DING NO. ST-10.
- MONUMENT FOUND AS DESCRIBED IN FEET AND DECIMAL FRACTIONS THEREOF: 264.11
M. C. R.
O.R.
(A)
OFFICIAL RECORDS
EXCEPTIONS
CONCRETE
FIRE HYDRANT
GUY ANCHOR
ORIGINAL GROUND
POWER POLE
SANITARY SEWER MANHOLE
SIGN
STORM DRAIN MANHOLE
WATER VALVE
STAND PIPE
GR
EXISTING CONTOUR AND ELEVATION
BOLLARD

LEGEND:

- BOUNDARY LINE
- OVERHEAD ELECTRICAL
- IRRIGATION LINE
- CHAINLINK FENCE
- EXISTING DRAINAGE DIRECTION
- 40' MID CAVAL
- GUARD RAIL



Professional Engineer
E. Zamzami
License No. 17572
State of California

REFERENCES:

- MAP OF "LIVINGSTON COLONY ADDITION #1", VOLUME 3 OF OFFICIAL PLATS AT PAGE 170, M.C.R.
- MAP FOR "WARREN MCCONNELL", VOLUME 2 OF RECORD OF SURVEY'S AT PAGE 9, M.C.R.
- MAP FOR "MERCED IRRIGATION DISTRICT", BCA-0723, M.C.R. PAGE 19, M.C.R.
- MAP FOR "JOSEPH SCHAROLLA", VOLUME 1 OF PARCEL MAPS AT PAGE 19, M.C.R.

LEGAL DESCRIPTION:

THE EAST 1/2 OF LOT 17 AND 18 AS SHOWN ON THE MAP ENTITLED "LIVINGSTON COLONY ADDITION 1, 3-09-17, M.C.R."

BASIS OF BEARINGS:

THE BEARING OF N49°35'07"E ALONG THE EAST LINE OF SECTION 23 SHOWN ON (C), IS THE BASIS FOR ALL BEARINGS SHOWN ON THIS MAP. THE COORDINATE SYSTEM IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, NAD 83, ZONE 3, (2010.00), GEODID, DERIVED FROM GPS OBSERVATIONS PROCESSED THROUGH OPUS. THE COORDINATES AND DISTANCES PRESENTED HEREIN ARE GROUND DISTANCES BY THE PROJECT SPECIFIC COMBINATION FACTOR OF 0.999999883.

TENTATIVE PAGE, MAP NO.

GREENZONE SUBDIVISION

THE EAST 1/2 OF LOT 17 AND 18 AS SHOWN ON THE MAP ENTITLED "LIVINGSTON COLONY ADDITION 1, 3-09-17, M.C.R." SECTION 23, T.6S., R.1E., MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF LIVINGSTON, COUNTY OF MERCED, STATE OF CALIFORNIA.

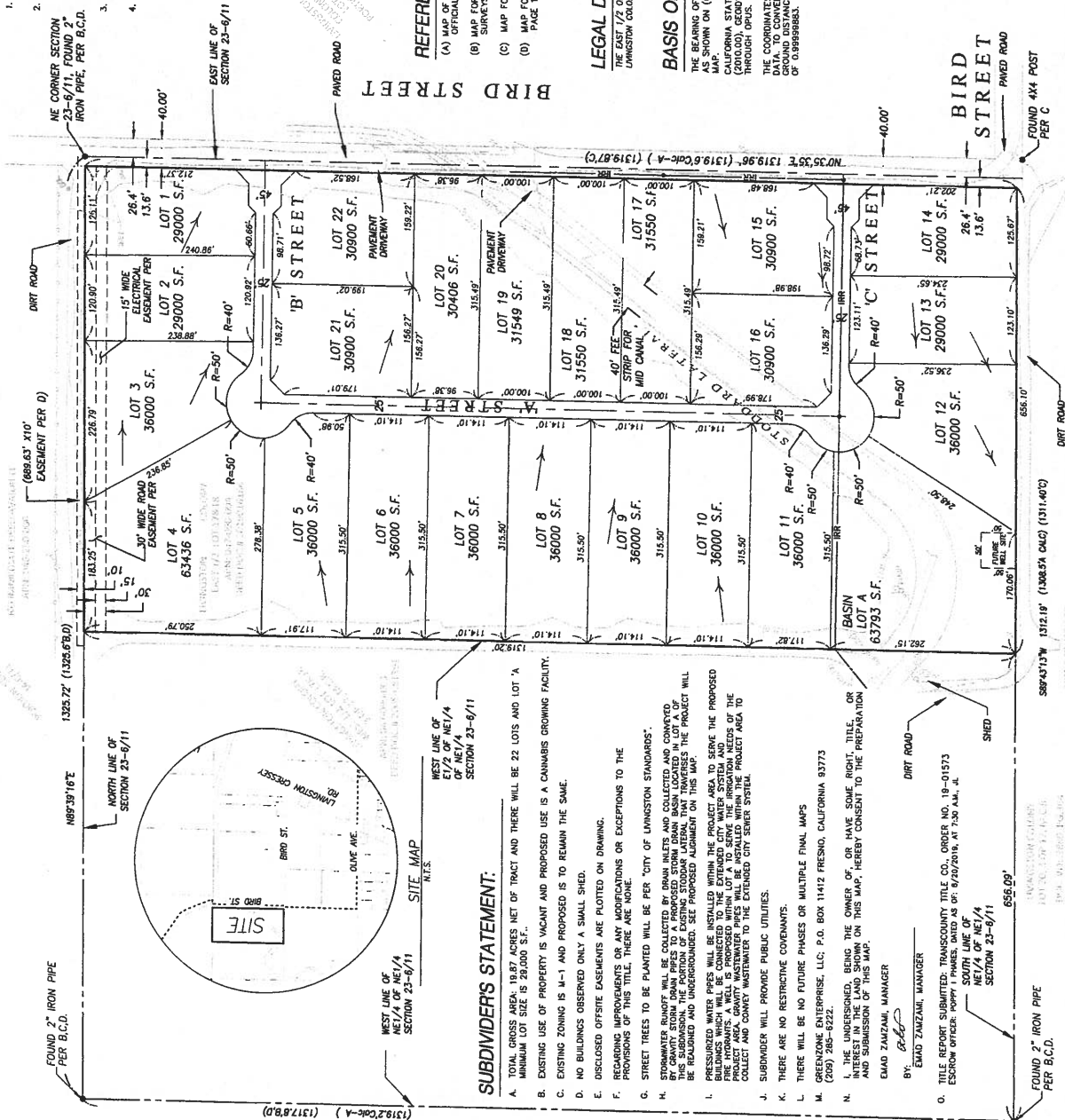
NOVEMBER 2022



FOR GREENZONE ENTERPRISE, LLC
P.O. BOX 11412 FRESNO, CALIFORNIA 93773

NOVEMBER 2022

TEL (509) 725-3006
WWW.GREENZONE.COM



SUBDIVIDER'S STATEMENT:

- TOTAL GROSS AREA: 19.87 ACRES NET OF TRACT AND THERE WILL BE 22 LOTS AND LOT 'A' MINIMUM LOT SIZE IS 29,000 S.F.
- EXISTING USE OF PROPERTY IS W/ANT AND PROPOSED USE IS A CANNABIS GROWING FACILITY.
- EXISTING ZONING IS M-1 AND PROPOSED IS TO REMAIN THE SAME.
- NO BUILDINGS OBSERVED ONLY A SMALL SHED.
- DISCLOSED OFFSITE EASEMENTS ARE PLOTTED ON DRAWING.
- REGARDING IMPROVEMENTS OR ANY MODIFICATIONS OR EXCEPTIONS TO THE PROVISIONS OF THIS TITLE, THERE ARE NONE.
- STREET TREES TO BE PLANTED WILL BE PER "CITY OF LIVINGSTON STANDARDS".
- STRAWBERRY RUNOFF WILL BE COLLECTED BY EXISTING STORM DRAIN AND CONVERTED BY GRAVITY STORM DRAIN PIPES TO PROPOSED STORM DRAIN BACKFLOW PREVENTER. THE PORTION OF EXISTING STORM DRAIN LATERAL THAT TRANVERSES THE PROJECT WILL BE REDUCED AND UNDERGROUND. SEE PROPOSED ALIGNMENT ON THIS MAP.
- RESURFACED WATER PIPES WILL BE INSTALLED WITHIN THE PROJECT AREA TO SERVE THE PROPOSED FIRE HYDRANTS. A WELL IS PROPOSED WITHIN LOT 1 TO SERVE THE IRRIGATION NEEDS OF THE PROJECT AND CONVEY WASTEWATER TO THE ENCLOSED CITY SEWER SYSTEM.
- SUBDIVIDER WILL PROVIDE PUBLIC UTILITIES.
- THERE ARE NO RESTRICTIVE COVENANTS.
- THERE WILL BE NO FUTURE PHASES OR MULTIPLE FINAL MAPS.
- GREENZONE ENTERPRISE, LLC, P.O. BOX 11412 FRESNO, CALIFORNIA 93773 (209) 285-8222.
- I, THE UNDERSIGNED, BEING THE OWNER OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN THE LAND SHOWN ON THIS MAP, HEREBY CONSENT TO THE PREPARATION AND SUBMISSION OF THIS MAP.

BY: *E. Zamzami*
EMAD ZAMZAMI, MANAGER
TITLE REPORT SUBMITTED, TRANSCOUNTY TITLE CO. ORDER NO. 10-01573 ESCROW OFFICER: PUMPII P. PUMPII, DATED AS OF: 8/20/2019, AT 7:30 A.M., J.
SOUTH LINE OF NE 1/4 SECTION 23-6/11

FOUND 2" IRON PIPE PER B.C.D.
656.00'

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: GPA 2020-01; MCUP 2020-01; TSM 2020-01 - Greenzone Business Park

Lead Agency: City of Livingston Contact Person: Miguel Galvez
Mailing Address: 1416 C Street Phone: (209) 394-8041
City: Livingston Zip: 95334 County: Merced

Project Location: County: Merced City/Nearest Community: Livingston

Cross Streets: Bird Street, west of Livingston-Cressey Road Zip Code: 95334

Longitude/Latitude (degrees, minutes and seconds): ° ' " N / ° ' " W Total Acres:

Assessor's Parcel No.: 047-090-004 Section: 23 Twp.: 06 Range: 11 Base: MDB&M

Within 2 Miles: State Hwy #: 99 Waterways: Merced River

Airports: None Railways: S.P.R.R. Schools: Yamato Colony Elem

Document Type:

- CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other:
 Mit Neg Dec Other:

Local Action Type:

- General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other:

Development Type:

- Residential: Units Acres
 Office: Sq.ft. Acres Employees
 Commercial: Sq.ft. Acres Employees
 Industrial: Sq.ft. TBD Acres 18.8 Employees TBD
 Educational:
 Recreational:
 Water Facilities: Type MGD
 Transportation: Type
 Mining: Mineral
 Power: Type MW
 Waste Treatment: Type MGD
 Hazardous Waste: Type
 Other:

Project Issues Discussed in Document:

- Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other:

Present Land Use/Zoning/General Plan Designation:

PLU: Fallow Land/ Zoning: Limited Industrial (M-1)/ GPD: Industrial Reserve (IR)

Project Description: (please use a separate page if necessary)

The applicant is proposing to establish a cannabis business park by requesting redesignation of the project site from a General Plan Land Use classification of IR, Industrial Reserve, to LI, Limited Industrial. The applicant also proposes a Master Conditional Use Permit for the establishment of cannabis business establishments on up to 19 of the 20 proposed lots. Actual development on the lots will occur over four phases. The proposed Tentative Subdivision Map proposes to subdivide an 18.8 acre property into 20 lots, ranging in size from 29,000 square feet to 66,214 square feet, with one lot dedicated for a storm water basin, an agricultural well and a City well. The proposed subdivision is proposed to be developed in one phase.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District #10 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB #5 |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region #5 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input checked="" type="checkbox"/> Other: <u>SJVAPCD</u> |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date January 20, 2023 Ending Date February 20, 2023

Lead Agency (Complete if applicable):

Consulting Firm: <u>Precision Civil Engineering</u>	Applicant: <u>Greenzone Enterprises, LLC</u>
Address: <u>1234 O Street</u>	Address: <u>P.O. Box 11412</u>
City/State/Zip: <u>Fresno, CA 93721</u>	City/State/Zip: <u>Fresno, CA 93773</u>
Contact: <u>Kelsey George</u>	Phone: <u>(559) 285-6222</u>
Phone: <u>(559) 449-4500 Ext 118</u>	

Signature of Lead Agency Representative:  mgalvez@livingstoncity.com Date: Jan. 18, 2023

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.