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TO: City of Livingston  
FROM: Bonique Emerson, AICP, Precision Civil Engineering  
RE: Operational Narrative and Phasing Request for Phase 1  
DATE: November 8, 2023

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The following memo details the proposed development and phasing approach for the Greenzone Project. The phasing plan has been updated so that it can be used as the complete project description for the proposed project. The purpose of the phasing plan is to phase in conditions of approval in order to allow the developer to move forward with an initial phase of the project to begin generating revenue to make the later improvements economically feasible.

## **Project Description and Proposed Phasing**

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### **Project Name**

Greenzone, LLC – Industrial 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.

### **Surrounding Land Uses**

North and west of the Project site is zoned for Public/Quasi-Public Facility and Limited Industrial while south of the Project site is zoned as General Industrial. The east side of the Project site is on the border of the city limits and the sphere of influence. The surrounding lands predominantly consist of agricultural production to the east, south, and west, and a drainage basin to the north.

### **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). The basin would be privately owned and maintained since the proposed subdivision is private and gated.

The Project would ultimately result in a secured, gated Industrial 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 and will be piped, realigned, and undergrounded.

The Tentative Subdivision Map (TSM) would ultimately consist of the buildout of a Industrial Business Park. Specific future uses on the property have not been determined at this time, but could include what is currently permitted within the City of Livingston Zoning Code for the Limited Industrial (M-1) zone.

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 Industrial 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

Although the ultimate intent for the TSM is to construct an Industrial 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 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, 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 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.

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.

## **Operational Statement for Phase 1**

The Project proposes a 22-lot Cannabis Business Park to be located on an 18.8-acre parcel in the city of Livingston. The 22 lots range in size from approximately 0.66 acres to 1.46 acres. Project components also include a private road, piping and undergrounding of the MID Stoddard Lateral, extension of water lines, and well construction.

The Applicant is requesting to phase development and improvements into 4 phases to offset some of the costs associated with development by allowing a small portion of the Project, herein referred to as Phase 1, to develop, operate, and generate revenue in order to pay for the larger improvements to be required at Phase 2 and beyond. The proposed phasing plan exhibit is shown below as Figure 1.

Phase 1 proposes the development of 7 lots plus a temporary basin if operations warrant on-site drainage facilities. The 7 lots to be developed will each be responsible for securing a cannabis conditional use permit and site plan review approval.

The following identifies the processes:

General:

- Phase 1

- Construct CMU wall along perimeter of Phase 1 in compliance with subsequent cannabis CUP security plans

Public Streets:

- Phase 1
  - Dedicate ROW for Bird Street and PUE prior to final map
  - Construct Bird Street improvements for street frontage from south property line to B Street (1,300 linear feet) prior to issuance of occupancy/commencement of Phase 1 operations.
  - Construct Bird Street improvements from Livingston Cressey Road going to the subject property prior to occupancy (approx. 2,200 linear feet)

Private Streets

- Phase 1
  - Construct interior streets incrementally and as required for Phase 1.

Water Supply:

- Phase 1
  - Use a private water supplier to truck in water for the purposes of supplying water for greenhouse uses only.

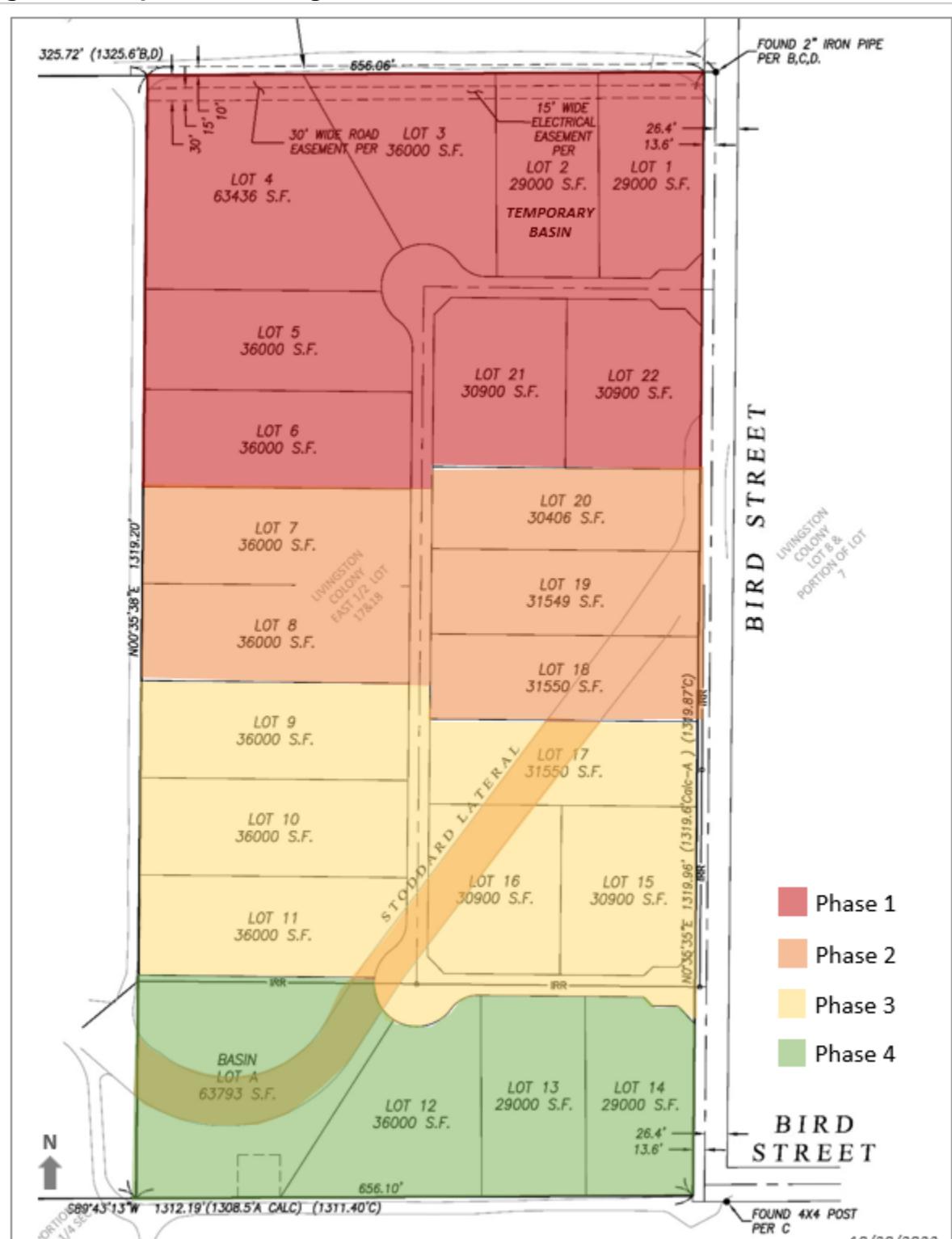
Wastewater discharge:

- Private septic system with portable bathrooms

Pursuant to Chapter 9-6-4 of the Livingston Municipal Code, private wastewater disposal systems are not permitted, except in those cases where the property line is more than 200 feet from a city sewer. The Engineering Comments and Conditions memo dated 2/17/23 require the project to connect to an existing 10-inch sewer main on Main Street (at the Olive Avenue intersection) to serve the project. This point of connection is approximately 3,000 linear feet to the nearest Project site property line at the southeast corner of the property. As a result, the applicant is requesting that a private wastewater disposal system be utilized for Phase 1 of the project as permitted by the Code.

In order to facilitate the requested phasing requirements, and to demonstrate commitment to the project and to the ultimate construction and payment of the required conditions, the Applicant is willing to enter into a development agreement or develop Phase 1 under a temporary use permit. The agreement or temporary use permit will outline the services and improvements required at occupancy for Phase 1, the duration of operation for Phase 1 until the remaining phases and improvements are required to be developed/constructed, and any bonding requirements and responsibilities. The agreement or TUP will also outline the terms of use for the privately maintained septic system and privately contracted temporary water supply. All other conditions of approval will be completed as outlined in the engineering memo dated 2/17/23.

## Figure 1. Proposed Phasing Plan



## Proposed Phasing Plan

## Proposed:

PRECISION  
CIVIL ENGINEERING, INC.