



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: PC 23-006, **Version:** 1

PLN160401 - MOSS LANDING COMMERCIAL PARK, LLC

Continued from December 7, 2022 and January 11, 2023 - Public hearing to consider a General Development Plan and after-the-fact approval of existing commercial cannabis activities in 23 structures, the establishment of commercial cannabis activities in 5 existing structures, and the allowance of on-going multi-tenant commercial, industrial, and commercial cannabis use within 34 structures.

Project Location: 11500 Dolan Road, Moss Landing, North County Land Use Plan/Moss Landing Community Plan area (APN: 133-172-013-000)

Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Plan.

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Consider and adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines; and
2. Approve a Combined Development Permit consisting of:
 - a. After-the-fact Coastal Development Permit to allow existing commercial cannabis activities in 23 existing structures to continue and to partially clear Code Enforcement Case Nos. 15CE00050 to allow commercial cannabis activities Building No. 20;
 - b. Coastal Development Permit to allow the establishment of commercial cannabis activities in 5 existing structures; and
 - c. General Development Plan to allow existing multi-tenant commercial, industrial, and commercial cannabis uses to continue in 29 structures, establish commercial cannabis activities in 5 existing structures, and allow ongoing reuse of 6 structures for multi-tenant commercial and industrial use and 28 structures for multi-tenant commercial cannabis activities (cultivation, processing, manufacturing [non-volatile and volatile], and self-distribution); and
3. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval subject to fourteen (14) conditions, including one (1) mitigation measure.

PROJECT INFORMATION:

Property Owner: Moss Landing Commercial Park, LLC

Agent: Paul Moncrief, Moncrief and Hart

APN: 133-172-013-000

Zoning: Heavy Industrial, Coastal Zone [HI (CZ)]

Parcel Size: 183.74 acres

Flagged and Staked: No

SUMMARY:

The subject property is located at the intersection of Dolan Road and Highway 1, in Moss Landing. From the mid-1900s until 2002, the subject property was used by Kaiser Aluminum Refractories and then the National Refractories and Minerals Corporation to produce magnesium oxide, specialties containing magnesium oxide

and refractory brick. In 2003, the parcel was purchased by the Moss Landing Commercial Park, LLC. The project site contains 34 existing industrial and warehouse structures. In 2015, commercial cannabis operations began to occur within 23 of the existing 34 structures without the benefit of a Coastal Development Permit. These existing cannabis operations are currently operating under Department of Cannabis Control provisional licenses. The remaining 11 structures are vacant warehouses (7), used for office space (1), industrial workshops (1), or research and development facilities (2). The proposed project includes legalizing the existing cannabis operations, allowing commercial cannabis activities in 5 vacant buildings, and establishing multi-tenant commercial, industrial, and commercial cannabis activities to occur within the existing structures.

On December 7, 2022, the Planning Commission considered the proposed project. Questions regarding the allowed uses of the underlying zoning district as well as the proposed General Development Plan were raised by Commission members. After public testimony, the Planning Commission motioned to continue the item to January 11, 2023 to allow the applicant to work with HCD-Planning staff to revise and clarify the existing and proposed uses of the General Development Plan (GDP). This hearing was again continued to January 25, 2023 to provide the applicant additional time to provide necessary updates to the GDP.

On January 13, 2023, HCD-Planning staff received an addendum to the previously considered GDP. However, the GDP, as amended, conflicted with requirements of the North County Land Use Plan and Coastal Implementation Plan, as well as the Coastal Zoning Ordinance and was not adequately analyzed in the Initial Study. Staff's concerns were provided to the applicant and on January 17, 2023, the applicant notified County staff they were finalizing a draft GDP which limits the allowed uses to what is existing plus the occupation of the 5 vacant buildings with cannabis activities.

On January 18, 2023, the applicant submitted a revised GDP memorializing the existing uses of the site and allow the currently non-permitted cannabis activities. These uses are intentionally limited, to allow the business park to operate as status quo, except for the additional cannabis activities in the Commercial Park's 5 empty buildings.

Therefore, staff recommends the Planning Commission consider the project presented at the December 7, 2022 hearing along with the finalized GDP attached to the draft resolution (**Exhibit A**). Changes to the draft resolution are limited to updating hearing dates and adding clarifying text relative to the GDP in Finding 1, Evidence "e". For context, the December 7, 2022 staff report cover has been added as **Exhibit H**.

Prepared by: Fionna Jensen, Associate Planner, Ext. 6407

Reviewed by: Anna Quenga, AICP, Principal Planner

Approved by: Craig Spencer, HCD Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

- Conditions of Approval
- General Development Plan dated January 2023
- Project Plans

Exhibit B - Vicinity Map

Exhibit C - North County LUAC minutes for September 7, 2016

Exhibit D - North County LUAC minutes for November 16, 2022

Exhibit E - Final Initial Study/Mitigated Negative Declaration

Exhibit F - CEQA Public Comments

Exhibit G - Ordinance No. 5299

Exhibit H - December 7, 2022 Planning Commission Staff Report Cover

cc: Front Counter Copy; California Coastal Commission; Craig Spencer, HCD Chief of Planning; Anna Quenga, AICP, Principal Planner; Fionna Jensen, Associate Planner; HCD-Engineering Services; Environmental Health Bureau; HCD-Environmental Services; North County Fire Protection District; Moss Landing Commercial Park, LLC, Applicant/Owner; Paul Moncrief, Agent; Kevin Ponce; Department of Cannabis Control; Molly Erickson (Friends, Artists, and Neighbors of Elkhorn Slough); California Department of Fish and Wildlife (Region 4); The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN160401