



# County of Monterey Planning Commission

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

## Agenda Item No. 7

Legistar File Number: PC 22-106

December 07, 2022

**Introduced:** 11/23/2022

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

### **PLN180109 - BJSP LLC**

Public hearing to consider establishment of commercial cannabis activities consisting of cultivation, nursery, non-volatile manufacturing and self-distribution within approximately 121,690 square feet of existing greenhouses and warehouses.

**Project Location:** 37 McGinnis Road, Royal Oaks, North County Land Use Plan

**Proposed CEQA action:** Consider the North Monterey County Cannabis Facilities Projects Initial Study/Negative Declaration (IS/ND) (State Clearinghouse No. 2020060325, HCD-Planning File No. REF220024), per California Environmental Quality Act (CEQA) Guidelines Section 15074.

### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Consider the North Monterey County Cannabis Facilities Projects Initial Study/Negative Declaration (IS/ND) (State Clearinghouse No. 2020060325, HCD-Planning File No. REF220024), per California Environmental Quality Act (CEQA) Guidelines Section 15074; and
- b. Approve a Coastal Development Permit to allow establishment of commercial cannabis activities consisting of cultivation, nursery, non-volatile manufacturing and self-distribution within approximately 121,690 square feet of existing greenhouses and warehouses.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 14 conditions of approval.

### PROJECT INFORMATION:

**Agent:** Cesar Aguilar

**Property Owner:** BJSP LLC

**APN:** 181-022-005-000

**Parcel Size:** 5 acres

**Zoning:** Agricultural Conservation within the Coastal Zone or "AC(CZ)"

**Plan Area:** North County Land Use Plan

**Flagged and Staked:** N/A

### SUMMARY:

The 5-acre project site consists of one parcel and is currently and has historically been used for agricultural production. Existing structures are comprised of 118,690 square feet of existing greenhouse space, an existing 3,000 square foot warehouse, approximately 3,000 square feet of agricultural support buildings and a 1,520 square foot single-family residence, which is not part of the

proposed project. The property is currently used for nursery, cultivation, processing, extraction, and distribution of cannabis within existing non-residential structures. The parcel is zoned Agricultural Conservation and located within the Coastal Zone.

DISCUSSION:

The site is currently occupied with 126,720 square feet of existing structures comprised of 118,690 square feet of existing greenhouse space, an existing 3,000 square foot warehouse, approximately 3,000 square feet of agricultural support buildings and a 1,520 square foot single-family residence, which is not part of the proposed project. The existing non-residential structures are currently being used for commercial cannabis cultivation, nursery, processing, and distribution. The site is located in the Coastal Zone and is governed by the policies and regulations contained in the North County Land Use Plan (NC LUP), North County Coastal Implementation Plan (CIP, Part 2), and Monterey County Coastal Zoning Ordinance (Title 20, CIP Part 1). Building coverage is limited to 3 percent of the subject property and unlike the inland zoning ordinance, Title 20 does not allow specific provisions for building coverage for greenhouses. The subject has an existing lot coverage of 126,720 square feet (58 percent). The proposed project would pose no increase in lot coverage.

BJSP LLC is requesting a Coastal Development Permit (CDP) and commercial cannabis business permit to allow a cannabis facility with cannabis cultivation (Type 1B, 2B, and/or 3B), nursery (Type 4), processing, manufacturing (Type 6), and self-distribution (Type 11).

The following products will be produced on-site:

- Cannabis Seeds and Clones
- Cannabis Flower
- Cannabis Trim
- Cannabis Extracts
- Cannabis Oils

\*No food processing, food packing or food sales will occur on the site.

An Operations Plan submitted as part of the application describes how the cannabis uses will comply with state and local regulations for commercial cannabis activities. Staff has reviewed the application and determined that the proposal meets all the applicable criteria of the Monterey County Code. The applicant has demonstrated that they can and will comply with State licensing requirements.

Below is a summary of the applicable criteria for commercial cannabis cultivation, processing, and non-volatile manufacturing in Title 20 Section 20.67.050 and 20.67.060, and how the project meets each one:

- **Location of operations within the Farmland zoning districts** - The proposed application involves the use of existing greenhouses and support buildings on-site within an Agricultural Conservation, Coastal Zone or “AC(CZ)” zoning district, which allows indoor, mixed-light, or nursery cannabis cultivation and non-volatile cannabis manufacturing pursuant to Chapter 20.67 with approval of a Coastal Development Permit and Commercial Cannabis Permit (CCBP) by the County.

- **Cannabis cultivation within a greenhouse or industrial building legally established prior to January 1, 2016** - The site has historically been used for agricultural production with the existing greenhouses. The project proposes cannabis cultivation within legally permitted, existing greenhouses totaling approximately 118,690 square feet. No expansion of the existing greenhouses is proposed.
- **Location more than 600 feet from a school, public park, or drug recovery facility** - There are no schools, parks, or drug recovery facilities in the vicinity. The subject site will be located at located at 37 McGinnis Road, Royal Oaks. The closest public park is Royal Oaks Park, located approximately 2.13 miles southeast of the project site. The closest school is Hall District Elementary School, located approximately 1.22 miles northwest of the project site. The closest addiction treatment and recovery facility is Teen Challenge Monterey Bay, located approximately 3.51 miles northwest of the project site.
- **Track and trace program** - The Operations Plan outlines a track and trace system as part of the quality assurance review and packaging and labeling consistent with MCC Section 20.67.050.B.5.
- **Improvements for security to prevent theft and trespass** - A Security Plan has been submitted for the project as required by the Monterey County Code Section 7.90.100 and California Medical & Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). The site will include 24-hour security from a contracted security service, restricted interior access, security lighting, fencing, video surveillance at strategic locations throughout the facility, integrated alarm systems, and emergency response plans. The security plan has been reviewed by the HCD-Planning.
- **Installation of water conservation measures** - In accordance with MCC Section 20.67.050.B.8, water conservation measures will be taken where possible, including the use of micro-irrigation and a pulse watering schedule would reduce water use by 30 percent compared to traditional water use methods. The project is designed to retain all runoff water on-site complying with Monterey County flood and stormwater control policies.
- **On-site renewable energy** - Although renewable energy was encouraged for this project, it is not required. The subject property has already replaced old, inefficient heaters with new, energy-efficient heaters, and 200-watt incandescent lights with 35-watt LED lighting. Additionally, state of the art, energy efficient Schaefer fans have been installed for air movement.
- **Operating Standards** - The project adheres to all required operating standards including unique identifiers, quality assurance, track and trace programs, pesticide and fertilizer storage, odor prevention, record keeping, and waste management policies in compliance with County requirements and State law. An Environmental Plan submitted as part of the application describes how the cannabis uses will comply with state and local regulations for commercial

cannabis cultivation. (Note: These items are also required to be addressed as part of the required Commercial Cannabis Business Permit pursuant to MCC Chapter 7.90.)

CEQA

The North Monterey County Cannabis Facilities Projects Initial Study/Negative Declaration (IS/ND) (State Clearinghouse No. 2020060325, HCD-Planning File No. REF220024), was adopted by the Board of Supervisors on October 4, 2022, covering 7 cannabis sites on 5 properties in the North Monterey County coastal area (**Exhibit B**). The subject project was included in the 5 properties analyzed as part of the adopted IS/ND. Circumstances have not changed since that ND was adopted and no further review is required.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- HCD-Planning
- North County Fire Protection District
- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau
- California Coastal Commission
- Agricultural Commissioner's Office

AGRICULTURAL ADVISORY COMMITTEE (AAC) REVIEW:

The project was referred to the Agricultural Advisory Committee on May 26, 2022. The committee voted to recommend approval of the project as proposed with a vote of 6-0, with five members absent. See **Exhibit D**.

LAND USE ADVISORY COMMITTEE (LUAC) REVIEW: The project was referred to North County Land Use Advisory Committee (LUAC) on September 5, 2018. The committee unanimously recommended approval of the project as proposed by a vote of 6-0 with 3 members absent. See **Exhibit C**.

- Prepared by: Kayla Nelson, Associate Planner, ext. 6408
- Reviewed by: Anna Quenga, AICP, Principal Planner
- Approved by: Craig Spencer, HCD Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution, Including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans and Elevations

Exhibit B - North Monterey County Cannabis Facilities Projects Initial Study/Negative Declaration

Exhibit C - North County LUAC Minutes (September 5, 2018)

Exhibit D - Agricultural Advisory Committee Minutes (May 26, 2022)

Exhibit E - Vicinity Map

cc: Front Counter Copy; Monterey County Regional Fire Department; HCD-Engineering Services; California Coastal Commission; HCD-Environmental Services; Environmental Health Bureau; Kayla Nelson, Associate Planner; Craig Spencer, HCD Chief of Planning; Cesar Aguilar and 12/12 Genetics, LLC, Agent; Cesar Aguilar and 12/12 Genetics, LLC, Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Planning File No. PLN180109